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BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Agenda for the First Session of the Bombay Legislative Council held at the Town Hall, Bombay, on Monday, the 20th February 1928, at 2 p.m.

I. OATH OR AFFIRMATION OF ALLEGIANCE TO THE CROWN.

II. NOMINATION OF FOUR CHAIRMEN BY THE PRESIDENT.

III. QUESTIONS AND ANSWERS.

IV. INTRODUCTION OF BUDGET FOR THE YEAR 1928-29.

V. GENERAL DISCUSSION OF THE BUDGET.

VI. DEMANDS FOR GRANTS AND MOTIONS TO REDUCE OR OMIT GRANTS.

VII. DEMANDS FOR SUPPLEMENTARY GRANTS.

VIII. GOVERNMENT BILLS:

(1) Bill No. XXI of 1927 (A Bill to amend the law relating to the University of Bombay)—*Continuation of the consideration of the Bill, clause by clause.*

Notice of Amendments* has been received from the Honourable Dewan Bahadur Harilal Desaibhai Desai, LL.B., M.L.C.

(2) Bill No. XXXII of 1927 (A Bill further to amend the Bombay Public Conveyances Act, 1920)—*Second Reading.*

(3) Bill No. XIV of 1927 (A Bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay) —*Motion for reference to a Select Committee.*

(4) †Bill No. XVIII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888)—*First Reading.*

(5) †Bill No. I of 1928 (A Bill further to amend the Bombay Abkari Act, 1878)—*First Reading.*

(6) ‡Bill No. II of 1928 [A Bill further to amend the Indian Stamp (Bombay Amendment) Act, 1922]—*First Reading.*

(7) ‡Bill No. III of 1928 [A Bill to amend the Court-fees (Bombay Amendment) Act, 1926]—*First Reading.*

(8) ‡Bill No. IV of 1928 (A Bill to provide for the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans)—*First Reading.*

(9) A Bill further to amend the Bombay Local Boards Act, 1923— Motion for leave to introduce the Bill—The Honourable Sir Ghulam Hussain Hidayatallah, Kt.

IX. MOTION TO APPOINT A FINANCE COMMITTEE AND ELECTION OF NON-OFFICIAL MEMBERS:

By the Honourable Sir Chunilal Mehta, K.C.S.I. :—

"That this House proceed to elect 12 members to sit with 4 members nominated by Government upon a Finance Committee together

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* Printed as appendix to this agenda.

† Government do not intend to proceed with this Bill.

‡ *Note.*—Intimation has been received that Government intend to take the 1st, 2nd and 3rd Readings of Bills Nos. II, III and IV of 1928 at this session.

with the Members of the Executive Council and the Ministers, and that the period of the service of this Finance Committee conclude with the conclusion of the next budget meeting of the Legislative Council."

X. GOVERNMENT RESOLUTION :

Resolution by the Honourable Mr. J. L. Rieu, C.S.I., I.C.S. :—

"This Council recommends to the Governor in Council to accept the guarantee required by the Railway Board against loss in working of the proposed railway lines in Sind known as the Sind Left Bank Feeder Railways, the guarantee being Rs. 4 lakhs a year for the first five years after opening of the lines for traffic and thereafter the actual loss in working subject to the maximum of Rs. 2 lakhs a year, these amounts being repaid to this Government with interest should the lines subsequently prove remunerative."

XI. STATUTORY MOTIONS.

Under Standing Order VIII-A of the Standing Orders of the Bombay Legislative Council, notice has been received of the amendments* to the Revised Sukkur Municipal Election Rules finally sanctioned by Government Resolution in the General Department No. 6996 dated the 14th October 1927, which are laid on the Council Table—

(*i*) From Mr. B. G. Pahalajani, M.L.C.

(*ii*) From Mr. Jairamdas Doulatram, M.L.C.

XII. PRIVATE BILLS :

(1) Bill No. XXIV of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading*—Mr. L. M. Deshpande, M.L.C.

(2) Bill No. XXVIII of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading*—Mr. H. V. Pataskar, M.L.C.

(3) Bill No. XXXVI of 1927 (A Bill to amend the Bombay Pleaders' Act, 1920)—*First Reading*—Mr. N. B. Chandrachud, M.L.C.

(4) Bill No. XXXVII of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading*—Mr. J. C. Swaminarayan, M.L.C.

(5) Bill No. XXXVIII of 1927 (A Bill further to amend the City of Bombay Police Act, 1902)—*First Reading*—Mr. J. C. Swaminarayan, M.L.C.

(6) Maternity Benefit Bill—Motion for leave to introduce the Bill Mr. R. S. Asavale, M.L.C.

(7) A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Mr. J. C. Swaminarayan M.L.C.

* Printed as appendix to this agenda.

(8) A Bill further to amend the Bombay Hereditary Offices Acts, 1874, 1886 and 1923—Motion for leave to introduce the Bill—Rao Bahadur R. R. Kale, M.L.C.

(9) A Bill further to amend the Bombay Local Boards Act, 1923—Motion for leave to introduce—Mr. A. D. Sheth, M.L.C.

(10) A Bill to restrict the unlimited right of adoption of Hindu Widows in the Presidency of Bombay—Motion for leave to introduce the Bill—Mr. B. V. Jadhav, M.L.C.

(11) A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Rao Bahadur R. R. Kale, M.L.C.

(12) A Bill to amend the City of Bombay Municipal Act, 1888—Motion for leave to introduce the Bill—Mr. S. K. Bole, M.L.C.

(13) A Bill to provide for the Registration of Marriages among the Hindus—Motion for leave to introduce the Bill—Mr. B. V. Jadhav, M.L.C.

(14) A Bill to amend the Bombay Pleaders' Act, 1920—Motion for leave to introduce the Bill—Mr. H. V. Pataskar, M.L.C.

(15) A Bill further to amend the Bombay Hereditary Offices Act, 1874—Motion for leave to introduce the Bill—Dr. B. R. Ambedkar, M.L.C.

(16) A Bill further to amend the Bombay Hereditary Offices Act, 1874—Motion for leave to introduce the Bill—Rao Saheb D. R. Patil, M.L.C.

(17) A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Sardar G. N. Mujumdar, M.L.C.,

XIII. MOTIONS TO AMEND STANDING ORDERS :

Motion* No. I of 1928—By Mr. S. K. Bole, M.L.C.

Motions* Nos. II, III and IV—By Rao Bahadur S. T. Kambli, M.L.C.

XIV. MOTION UNDER STANDING ORDER XII, 6, TO PRESENT AN ADDRESS TO HIS EXCELLENCY THE GOVERNOR :

Under Standing Order XII, 6, of the Bombay Legislative Council Standing Orders, notice has been received of the following motion from Mr. S. K. Bole, M.L.C. :—

" That the following humble address be presented to His Excellency under Standing Order XII, 6 :

May it please Your Excellency,

We, the members of the Bombay Legislative Council, respectfully pray that Your Excellency may be pleased to so exercise the right vested in Your Excellency under Rule 6 of the Bombay Legislative Council Rules of allotting different days for the disposal of different classes of business as to enable the non-official business to be taken up between

* Printed as appendix to this agenda.

days assigned to Government business and not to allot all the days for non-official business after the completion of Government business."

XV. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.*

Resolution † by Mr. V. N. Jog, M.L.C.

1. " This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with non-official members of this Council before it is submitted to the Government of India for sanction."

Resolutions by Dr. P. G. Solanki, M.L.C.

1. " This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to enquire into the educational, social, moral and economic condition of the Depressed Classes in the Presidency and to recommend measures for their uplift and betterment in all directions and for removal of their disabilities."

2. " This Council recommends to Government that scholarships and free studentships should be provided exclusively for the depressed classes consisting of the following castes only :—

Bhamthi, Dhairs, Chambhars, Khalpas, Garodas, Vankars, Meghwals (in Gujarat and Kathiawad) and Mahars, Holyas, Chambhars, Mangs, Bhangis and Mang-Garudis (in Deccan and Karnatic)."

3. " This Council recommends to Government that the depressed classes, restricting the nomenclature to those classes among the Hindus which are treated as untouchables by the Hindu society, should be classified separately from the touchable Backward Hindus for purposes of favourable treatment in admission to Government services."

4. " This Council recommends to Government that they should forthwith stop all grants to those primary and secondary schools under Government, municipal and district local boards' control and other Government aided institutions which deliberately refuse admission and deny equal treatment with other classes to boys and girls of the depressed classes on the plea of customs and religion."

5. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

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* Resolutions are arranged according to the order of priority determined by ballot.
† Adjourned at the last session.

Resolutions by Mr. M. G. Bhosle, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. " This Council recommends to Government that immediate provision be made to carry out the resolution of the Council regarding the salaries of primary teachers, which was passed by the Honourable House on 5th August 1926 without a division."

3. " This Council, while thanking Government for what they have done to carry out the recommendations of the Forest Grievances Inquiry Committee by their Resolution No. 7324/24, Revenue Department, dated 19th July 1927, recommends to Government to give immediate effect to all the recommendations unanimously made by non-official members on the Committee in their majority report, especially the recommendations about the reduction of grazing and other fees."

4. " This Council recommends to Government to introduce a Bill to prevent Saldars from committing breaches of their agreements of service."

Resolutions by Mr. B. V. Jadhav, M.L.C.

1. " This Council recommends to Government to take into consideration the great public service done by Mr. K. F. Nariman, M.L.C., in exposing the misdeeds of the Development Department and to sanction a substantial amount to be paid to him to enable him to meet the heavy costs he had to incur in defending himself."

2. " This Council recommends to Government to give up their right to teak, sandal and blackwood trees growing in private lands to the owners in such districts in which the right has still been retained by Government."

3. " This Council recommends to Government to appoint a committee to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to propose legislation for their removal."

Resolutions by Mr. R. S. Asavale, M.L.C.

1. " This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of Labour thereon to investigate and report upon the best way of improving the condition of the textile workers in the Bombay Presidency with special reference to the system of recruitments, hours of work, system of leave, wages, housing, insurance and maternity benefit."

2. " This Council recommends to the Governor in Council to compel by legislation those local authorities which have upto now failed to prepare and submit schemes for the purpose of introducing free and compulsory primary education in their respective districts, to do so."

3. " This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

Resolution by Sir Vasantrao A. Dabholkar, Kt., M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. H. A. Lalji, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. H. J. Amin, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Dr. B. R. Ambedkar, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. J. R. Patel, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Mr. M. D. Karki, M.L.C.

1. " This Council recommends to Government to recommend to the Government of India to form the Karnatak into an independent province on a linguistic basis with an executive and legislative council."

2. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

3. "This Council, while approving the orders of Government in their Revenue Department Resolution No. 7324-24, dated 19th July 1927, on the recommendations contained in the report of the non-official members of the Forest Grievances Enquiry Committee of 1925 with regard to some of the main and distressing forest grievances of the ryots of the Presidency, strongly recommends to them that such of the recommendations of the non-officials which are not given effect to, be forthwith given effect to."

4. "This Council recommends to Government that the rate of existing assessment on land in the talukas of Sirsi, Siddapur and Yellapur, the revisional settlement of which has been completed by Mr. Collins, should on no account be raised but should be reduced."

5. "This Council recommends to Government that a bridge or a high level causeway be constructed on the Badagani river at the Badagani ferry in the Honavar taluka in the district of Kanara."

6. "This Council recommends to Government that a bridge or a high level causeway be built across the Venkatapur river at the Venkatapur ferry in the Bhatkal petha of the Kanara district."

7. "This Council recommends to Government that an experienced officer belonging to the Bombay Karnatak be appointed forthwith to study the financial, geographical and other questions involved for forming the British Karnatak into a separate province on a linguistic basis and to make a report thereon to them."

Resolution by Mr. S. P. Ligade, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Rao Saheb R. V. Vandekar, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. Allahbaksh walad *Khan Saheb Haji Mahomed Umar, M.L.C.*

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a comp'ete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. G. A. D. Wasif, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. B. G. Pahalajani, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Khan Saheb A. M. Mansuri, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. "This Council recommends to Government that English classes should be attached to at least one Urdu primary school in each district for the present, just as they are attached to Gujarati primary schools."

3. "This Council recommends to Government that provision be made for the teaching of Arabic as a second language in Government high schools."

4. "This Council recommends to Government that the percentage of minimum admission of Muslims to the Government Middle Schools and Government High Schools and the various Government Colleges be increased by 5 per cent."

5. "This Council recommends to Government to establish chairs for Urdu and Arabic in the Gujarat College, Ahmedabad."

6. "This Council recommends to Government to be pleased to allow the past services of all the employees in the Educational Department

who resigned their services and joined non-co-operating institutions to be taken into account for the purpose of time scale increments in their pay and their pensions, without making any exception in individual cases."

7. "This Council places on record its high appreciation of the services rendered by the Honourable Sir C. V. Mehta, K.C.S.I., as Leader of the House, and the Honourable Sir Cowasji Jehangir as General Member."

Resolution by Mr. Dawoodkhan Shalebhoy, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Mr. S. K. Bole, M.L.C.

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government to reduce the rents of the Development chawls at Worlee and at DeLisle Road respectively to Rs. 3 and 6 per month for tenants of the working classes."

3. "This Council recommends to Government to introduce legislation for the registration and licensing of money-lenders on the lines of the Money-lenders Bill recently passed in the Punjab Legislative Council so as to protect the interests of the agricultural and working classes in matters of fabricated accounts and usurious rate of interest."

4. "This Council recommends to Government to move the Government of India to undertake legislation at an early date to put a stop to the practice of dedicating women to Hindu temples and gods."

5. "This Council recommends to Government to undertake legislation to put a stop to brothels."

6. "This Council recommends to Government to apply the superior service pension rules to pensions to be given to peons and menial servants in Government service."

7. "This Council recommends to Government to transfer the work of the Rent Controller to the Bombay Small Causes Court."

Resolutions by Mr. S. C. Joshi, M.L.C.

1. "This Council recommends to the Governor in Council to appoint a committee consisting of official and non-official members of this Council and representatives of labour to enquire into and suggest ways and means of improving the general condition of labour of every kind, by organising

welfare funds for the purpose of providing sickness, health, maternity, old age, unemployment and other kindred benefits, on the same lines as they exist in Great Britain and other civilized countries."

2. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best ways and means of improving the condition of textile workers in the Bombay Presidency, with special reference to the system of recruitment, their hours of work, system of leave, housing and maternity benefit."

3. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

4. "This Council recommends to Government the desirability of exploring the possibilities of starting in consultation with the Director of Industries and the Registrar of Co-operative Societies spinning and weaving factories on co-operative lines on a small scale at centres of cotton producing districts in the presidency, with a view to providing employment to agriculturists and others, specially handloom weavers who have been displaced from their hereditary occupation, so that the agricultural population may not be divorced from the land to the detriment of agriculture in the province."

5. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. Lalji Naranji, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. G. I. Patel, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. "This Council recommends to Government to appoint a committee consisting of the following gentlemen to examine the expenditure incurred in the different departments including the services, Provincial

and Subordinate, and to make recommendations for abolishing such of the posts as they deem fit and for curtailing the scale of pay, allowances and other kinds of emoluments wherever necessary :—

(1) Sir Visvesvaraya, K.C.I.E., D.Sc., M.I.C.E.
(2) Sir Purshotamdas Thakurdas, Kt., M.L.A.
(3) H. B. Shivdasani, Esq., M.A., M.L.C.
(4) Hooseinbhoy A. Lalljee, Esq., M.L.C.
(5) Rao Saheb Dadubhai P. Desai, M.L.C.
(6) B. G. Pahalajani, Esq., B.A., LL.B., M.L.C.
(7) N. D. Metha, Esq., B.A. (as Secretary)."

3. "This Council recommends to Government to appoint a committee consisting of the following gentlemen to scrutinise, examine and investigate the details of all estimates, orders, purchases, payments, output of machine work and all other works and establishments of the Sukkur Barrage Scheme and to submit a report within three months along with their recommendations in regard to the future operations, modifications or curtailments of programme from the financial, economical and other points of view :—

(1) Sir Visvesvaraya, K.C.I.E., D.Sc., M.I.C.E.
(2) Sir Purshotamdas Thakordas, Kt., M.L.A.
(3) Lalji Naranji, Esq., M.L.C.
(4) Hooseinbhoy A. Lalljee, Esq. M.L.C.
(5) The Honourable Sir Cowasji Jehangir (General Member)."

4. "This Council recommends to Government that within two months of the close of every session they would be pleased to announce what action they have taken or propose to take on each of the decisions of the Council arrived at during that session."

5. "This Council recommends to Government that the manner in which replies are sometimes given to questions put to Government by honourable members of the House should be made more satisfactory."

Resolution by Dr. M. D. Gilder, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Mr. W. S. Mukadam, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to enquire into the grievances and the present condition of the aboriginal tribes in this presidency and to suggest means of their uplift and amelioration."

3. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to enquire into the various grievances and sources of discontent among the tenantry of talukdars and inamdars of Gujarat and to suggest measures for redressing them."

4. "This Council recommends to Government that no enhanced assessment of land revenue should be levied in those talukas of Gujarat for which enchanced rates have been proposed by the settlement officers during the last five years."

5. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to inquire into the grievances of artisans and agriculturists in this presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practices."

6. "This Council recommends to Government that revenue commissionerships should be abolished as early as possible."

7. "This Council recommends to Government that a committee with a non-official majority be appointed to consider and report on the condition of the cottage industries and measures to be adopted to encourage them."

8. "This Council recommends to Government that magisterial powers should not be given to talukdars and inamdars in their own villages and in villages in which their lands are situated."

9. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to make inquiries regarding the Devasthan Dharamada properties and the use to which they are put and to suggest means and measures to make the occupants and possessors use the property in the interests of the Devasthan for which it is assigned."

10. "This Council recommends to Government to appoint a committee of officials and non-officials with a non-official majority and with some outside experts to enquire and report about the possibilities of creating and developing industries from the forest produce of this presidency."

11. "This Council recommends to the Governor in Council to move the Government of India to exempt all the members of the Bombay Legislative Council from the operation of the Indian Arms Act."

12. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the economic condition of the agriculturists of Gujarat and to suggest measures to release them from tyranny of money-lenders."

13. "This Council recommends to Government that a special officer should be immediately appointed to make a full economic and industrial survey of the district of Panch Mahals in Gujarat and to report to Government the lines on which attempts should be made to develop the resources of the district, by fostering agriculture, cottage industry or other subsidiary occupations, with a special reference to the possibilities of introducing new and more valuable crops and constructing water-works, large or small, to make cultivation of such crops possible and profitable."

14. "This Council recommends to Government that the conditions imposed on Mr. V. D. Savarkar before his release from prison should be removed forthwith."

15. "This Council recommends to the Governor in Council that with a view to encourage cottage industry and Swadeshism uniforms supplied to Government servants be made of Indian hand-spun and hand-woven cloth."

16. "This Council recommends to Government that looking to the importance of Gujarat from an industrial, commercial and agricultural point of view early steps should be taken to provide a good net-work of roads in all the districts of Gujarat."

17. "This Council recommends to Government that a committee of officials and non-officials with a majority of non-official members be appointed to consider the difficulties experienced by local authorities in the working of the Primary Education Act of 1923 and the rules framed thereunder and to suggest remedies for their removal by amending the Act and the rules where necessary."

18. "This Council recommends to Government to move the Government of India to exempt all the Rajputs from taking a license for carrying swords."

Resolutions by Mr. B. R. Nanal, M.L.C.

1. "This Council recommends to Government that the revision settlements introduced into the districts of Ratnagiri and Kolaba in contravention of the resolutions passed by this Council in 1924 and 1927 be withdrawn and the increased assessment, fines and notice fees recovered in pursuance thereof be refunded to the landholders concerned."

2. "This Council recommends to Government that a special officer should immediately be placed on duty to make, in view of the peculiar physical features and other circumstances of the district of Ratnagiri, a full and exhaustive economic and industrial survey of that district and to report to Government the lines on which attempts should be made to develop the resources of the district by fosterir g agriculture, horticulture, cottage industries or other subsidiary occupations, with special reference to the possibilities of introducing new and more valuable crops and constructing water works, large or small, to make cultivation of such crops possible and profitable."

Resolution by Rao Saheb D. R. Patil, M.L.C.

1. "This Council recommends to Government to appoint, at the earliest possible date, a committee consisting of the Members of this Council, representative of the various interests, for the purpose of drafting a detailed scheme to be submitted for the consideration of the Statutory Commission, in such a way as to bring Provincial Autonomy within the region of practicability in the light of the past experience of the working of the Reforms Act."

Resolutions by Mr. H. I. Jitekar, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. "This Council recommends to the Governor in Council that in accordance with the assurance given by the Revenue Member during his visit to the place in November 1926 and re-affirmed by him in the Bombay Sessions of the Legislative Council in 1927, immediate steps be taken to construct a Pier at Mora Bunder at Uran in Panvel taluka for the convenience of the public and salt merchants."

3. "This Council recommends to Government to take steps for the introduction of legislation for the registration and licensing of money-lenders with a view to restrict the exorbitant rates of interest prevailing in the Presidency and to free the poor and labouring classes from their heavy and life-long indebtedness."

4. "This Council recommends to Government to appoint at an early date a committee consisting of officials and non-officials to enquire into the condition of cottage industries in this Presidency and to suggest measures for their development."

Resolution by Rao Bahadur S. N. Angadi, M.L.C.

1. "This Council recommends to Government to make an enquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Rao Saheb D. P. Desai, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. D. A. Janvekar, M.L.C.

1. " This Council recommends to Government to organise the Public Health Department by the appointment of Health Officers and properly trained staff in every district and major municipality, and to make a beginning in this direction by provincialising the Health Officers already employed by local bodies."

Resolution by Mr. Frank Oliveira, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Mr. N. A. Bechar, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. " This Council recommends to the Governor in Council to convey to His Excellency the Viceroy and His Majesty's Government the Council's entire lack of confidence in the Parliamentary Commission appointed under section 84-A of the Government of India Act, affirming the Council's adherence to the national demand of September 1925, and expressing the Council's resolve not to vote for or serve on the Select Committee of the House which may be set up to assist the Commission."

Resolution by Mr. A. D. Sheth, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Mr. N. R. Gunjal, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils. "

2. " This Council recommends to Government that cow-slaughter should be totally forbidden by law in this Presidency from 1st April 1928."

3. " This Council recommends to Government that all liquor shops, country as well as foreign, should be closed and discontinued from 1st April 1928."

4. " This Council recommends to Government that early orders be issued to reduce the water rate leviable under the provisions of the Bombay Irrigation Act of 1879 to a maximum of rupees twenty per acre of sugarcane in the whole Bombay Presidency."

5. " This Council recommends to the Governor in Council that patils should be given an annual income from Government of at least Rs. 300 either in cash or in land or partly in cash and partly in land to enable them to keep up their status."

6. " This Council recommends to the Governor in Council that orders be passed to restore the kulkarni watan system as it existed before the commutation of kulkarni watans."

7. " This Council recommends to the Governor in Council that to improve the condition of agriculturists Government should remit permanently the land assessment to be paid by an agriculturist in any village if it be below rupees eight a year."

8. " This Council recommends to the Governor in Council that the photo-copying system introduced recently in the Registration Department of this Presidency be abolished forthwith and the old system restored. "

9. " This Council recommends to Government that a committee, with a non-official majority, be appointed to inquire into the grievances of the agriculturists in the Presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practices."

10. " This Council recommends to Government to reduce to one-half the minimum rates of house taxation prescribed in Government notification No. 55A, dated 7th May 1922 regarding village panchayats with a view to increasing the number of ' Panchayats ' in the Presidency and popularising them and to substitute for the words ' capital value ' occurring in the said resolution the words ' market value '."

11. " This Council recommends to Government that they should be pleased to issue directions to all heads of departments to reply directly to members of this Council if they ask for information of public interest."

12. " This Council recommends to Government that encouragement be given to the spread of commercial education in this Presidency by making a provision of Rs. 100,000 (one hundred thousand) exclusive of the expenditure at present being incurred on the Sydenham College of Commerce and Economics, Bombay, in the budget from this year for giving grants-in-aid and other kind of help to private and Government institutions carrying on the work of imparting commercial education."

13. " This Council recommends to Government that district boards and municipal boards be urged to issue orders for the use of indigenous medicines in place of foreign ones in charitable dispensaries under them."

Resolutions by Mr. S. A. Sardesai, M.L.C.

1. " This Council recommends to Government that the Health Officers already employed by local bodies be provincialized with a view to reorganising the Public Health Department by appointing in every district and major municipality Health Officers and a properly trained staff."

2. " This Council places on record its high sense of appreciation of the able and invaluable services rendered to this Presidency in general and to this Council in particular by the Honourable Sir Chunilal Mehta, Kt., in the capacity of both Revenue and Finance Member of Government and of Leader of this honourable House."

3. " This Council places on record its grateful acknowledgment of the valuable services rendered to this Presidency by the Honourable Sir Cowasji Jehangir, Kt., as General Member of Government."

4. " This Council recommends to Government not to recognise the adoption by a Watandar holding a Sanad under the Gordon settlement of a person who is not a member of the Watan family without the unanimous consent of all the sharers of the Watan and the consequent consent of Government."

5. " This Council recommends to Government to investigate the following four irrigation schemes so as to relieve a large portion of the famine-stricken district of Bijapur, namely :—

(1) Herkal scheme (on the Ghataprabha river near Bagalkot).

(2) Shivayogamandir scheme (near Badami on the Malaprabha river).

(3) Ramtal scheme (near Kamatgi causeway on the Malaprabha river).

(4) Aiholi scheme (on the Malaprabha river)."

6. " This Council recommends to Government that the provision relating to the Record of Rights should not be made applicable to Inam villages and lands throughout the whole of Bombay Presidency."

7. " This Council recommends to Government to open an Industrial and Technical school at Bijapur immediately."

8. " This Council recommends to Government to open an Agricultural school at a suitable place in Bijapur district immediately."

9. " This Council recommends to Government to abolish all tolls levied under Bombay Act III of 1875."

10. " This Council recommends to Government to recommend to the Government of India to exempt all members and past members of the Bombay Legislative Council from the operations of the Arms Act."

11. " This Council recommends to Government to move the Government of India to exempt all Inamdars and Jahgirdars either possessing

at least one entire Inam village or paying Rs. 250 as either Judi or land assessment from the operations of the Indian Arms Act, 1874."

12. "This Council recommends to Government to recommend to the Government of India to create a separate Electorate of Inamdars and Sardars of the Karnatak Districts with a right to return at least one elected member to this Council."

13. "This Council recommends to Government to establish at least one combined Ayurvedic and Unani medical college for the Bombay Presidency at some suitable centre like the one in Madras."

14. "This Council recommends to Government to move the Government of India to create a new Province of Karnatak Districts from the Kannada-speaking parts of the Bombay and Madras Presidencies and Coorg."

15. "This Council recommends to Government that it may be pleased to take necessary steps to have at least two non-Muhammadan representatives in the Bombay Legislative Council from Bijapur District."

16. "This Council recommends to Government that steps be taken to have at least two fast trains running on the Gadag-Hotgi section of the M. & S. M. Railway."

17. "This Council recommends to Government to appoint a committee to enquire into and report on the possibilities of opening Karwar as a harbour."

18. "This Council recommends to Government to recommend to the Government of India to connect Karwar port with Hubli by a railway line."

19. "This Council recommends to Government to appoint a committee with a three-fourths non-official majority to consider and report on the present rules regarding the suspensions and remissions of Land Revenue and to suggest what changes it is desirable to make in them."

20. "This Council recommends to Government that for the better conduct of criminal and revenue administration of this Presidency, revenue officers should exercise no powers under laws relating to crimes."

Resolutions by Khan Saheb Abdul Latif Haji Hajrat Khan, M.L.C.

1. "This Council recommends to Government that they may be pleased to open an Anglo-Urdu school at Sholapur immediately."

2. "This Council recommends to the Governor in Council that the water from the Ekruk Tank at Sholapur should be given immediately to the agriculturists as far as 26 miles of the present perennial canal for the kharif and rabi crops."

3. "This Council recommends to the Governor in Council that the Indian Police staff at Sholapur should be increased."

Resolutions by Rao Bahadur R. R. Kale, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council to communicate to the Government of India and His Majesty's

Government the opinion of this Council that it has no confidence in the Simon Commission constituted as it is solely of members of the British Parliament and that it shall have nothing to do with it so long as representatives of the Legislative Bodies in India are denied equal status and place on such Commission."

2. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. Shaikh Abdul Aziz Abdul Latif, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. V. A. Surve, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Mr. Syed Munawar, M.L.C.

1. "This Council recommends to the Governor in Council to represent to the Government of India that the system of recruitment of seamen at the port of Bombay through licensed brokers be discontinued, and that the work of recruitment should be undertaken by the Government itself, as is recommended by the Clow Committee appointed by the Government of India in 1922."

2. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best ways and means of improving the condition of textile workers in the Bombay Presidency, with special reference to the system of recruitment, their hours of work, system of leave, housing and maternity benefit."

3. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community (one of the principal Mussalman sects) from the operation of the Wakf Act should now be withdrawn in view of the fact that the Moslem charitable institutions have come to fulfil the requirements of the Wakf Act."

4. " This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the legitimate grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

5. " This Council recommends to Government the desirability of exploring the possibilities of starting in consultation with the Director of Industries and the Registrar of Co-operative Societies spinning and weaving factories on co-operative lines on a small scale at centres of cotton producing districts in the presidency, with a view to providing employment to agriculturists and others, specially handloom weavers who have been displaced from their hereditary occupation, so that the agricultural population may not be divorced from the land to the detriment of agriculture in the province."

6. " This Council recommends to Government to represent to the Government of India the desirability of abolishing at an early date the water tax levied on places of worship in the cantonment areas of India."

7. " This Council recommends to Government that a committee be appointed at an early date to inquire into the problem of the growing unemployment in the presidency, and in Bombay city in particular, and to suggest ways and means for meeting the said problem."

8. " This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

9. " This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

10. " This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the presidency, it is necessary to maintain a separate department for labour as before, and that the said department be separated from the Directorate of Information."

11. " This Council recommends to Government that a commission may be appointed at an early date to enquire into the administration of jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reform on the lines pursued in the West and America."

12. " This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

13. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils. "

14. " This Council recommends to Government to take steps for the introduction of legislation for the registration and licensing of money-lenders with a view to restrict the exorbitant rates of interest prevailing in the Presidency and to free the poor and labouring classes from their heavy and life-long indebtedness."

15. " This Council recommends to Government to appoint at an early date a committee consisting of officials and non-officials to enquire into the condition of cottage industries in the Presidency and to suggest measures for their development."

16. " This Council recommends to Government to appoint a committee of officials and non-officials at an early date for the purpose of suggesting practical steps for the prevention of professional beggary in the Presidency in general and in Bombay city in particular."

Resolutions by Mr. J. C. Swaminarayan, M.L.C.

1. " This Council recommends to Government to cancel Government Resolution No. 9226, dated 13th July 1927, sanctioning an abnormal increase of 29 per cent. in the assessment of the Viramgaum Taluka of the Ahmedabad District and to give the cultivators the benefit of the new principles of revision settlements which are to be put on a statutory basis by the amendment of the Bombay Land Revenue Code, 1879."

2. " This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

3. " This Council recommends to Government that magisterial powers should not be given to talukdars or inamdars in their villages."

4. " This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in the Ahmedabad and Viramgam riots of 1919 and to release them forthwith."

5. " This Council recommends to Government that the refreshment room foreign liquor license granted to Messrs. E. R. Fanibanda and Sons of Ahmedabad be immediately cancelled."

6. " This Council recommends to Government that the "off " foreign liquor license of Messrs. E. R. Fanibanda & Sons of Ahmedabad cancelled from the 1st April 1927, but temporarily revived for six months, shall be closed permanently as soon as the temporary period of extension expires."

7. " This Council recommends to Government that in view of the fact that there are more foreign liquor licenses than country liquor licenses in Ahmedabad, no further foreign liquor license be granted in future and the policy of reducing the number of foreign liquor licenses be gradually adopted."

8. " This Council recommends to Government to recommend to the Government of India to amend Rule 5 of Part II of Schedule V of

the Bombay Electoral Rules so as to declare the hiring, employment, borrowing or use of private conveyances for the purposes of election as a corrupt practice."

9. "This Council recommends to Government that the fees for the several kinds of forest produce, including grazing fees, which have been recently increased be brought to their original level."

10. "This Council recommends to Govenment that the present, practice of indiscriminate slaughter of cattle be discontinued and that rules be at once framed and enforced throughout the province for stopping the slaughter of—

(*a*) animals which are pregnant or in milk;
(*b*) all cows;
(*c*) breeding bulls, draught and plough bulls and bullocks;
(*d*) all animals (other than sheep or goats) which are under the age of nine years;

and that the existing laws on the subject be so amended as to give effect to this resolution."

11. "This Council recommends to Government to take all necessary steps for the development of the Ayurvedic and Unani systems of medicine."

12. "This Council recommends to Government that an Ayurvedic and Unani College be established at a convenient place in the Presidency."

13. "This Council recommends to Government not to enforce, in any of the talukas of this Presidency, enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last eleven years."

14. "This Council recommends to Government that the liquor shop at Saraspur, a suburb of Ahmedabad, which is situated in front of the well of the suburb, be forthwith removed from its present location."

15. "This Council recommends to Government to amend the orders passed in Government Memorandum No. 2939-N., dated 27th March 1924, Public Works Department, and exempt local board officials and servants from paying tolls on provincial roads, in the same way as Government servants have been exempted from paying tolls on local fund roads."

16. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

17. "This Council recommends to Government that an independent committee of enquiry consisting of non-officials be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme."

18. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

19. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

20. "This Council recommends to Government not to maintain a separate department of the Information Bureau and to dissolve the said department at an early date."

21. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency so that a fair proportion of the said revenue should be allotted by the Government of India to this Presidency."

22. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the Presidency it is necessary to maintain a separate Department of Labour as before and that the said Department be separated from the Department of the Information Bureau."

23. "This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reform on the lines pursued in the West and in America."

24. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for solving the said problem.

25. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

26. "This Council recommends to Government to appoint a Retrenchment Committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the Presidency."

27. "This Council recommends to Government that in order to enable the cultivators to sell their produce without undue haste and to secure proper price for it the dates of revenue payments in the various talukas of the presidency be shifted forward by one month."

28. "This Council recommends to Government that in order to enable the labouring population to exercise the right of franchise, the day of general elections be declared a public holiday for labourers working in all the factories regulated by the Factory Act."

29. "This Council recommends to Government that a Committee of non-official and official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each

48. " This Council recommends to Government to recommend to the Government of India to impose control over the importation of vegetable and other oils which are being used to adulterate pure ghee and butter in the Presidency of Bombay."

49. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. K. M. Munshi, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Dr. M. K. Dixit, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. H. B. Shivdasani, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. F. J. Ginwalla, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Moulvi Rafiuddin Ahmad, M.L.C.

1. " This Council recommends to His Excellency the Governor in Council that the prisoners who are at present undergoing their sentences in connection with the case known as the ' Malegaon Riot Case of 1921 ' be all released and the unexpired portion of their sentences be remitted."

2. " This Council recommends to Government to give effect to the resolution passed by this Council in its October session of 1925 for the establishment of an Anglo-Urdu middle school for girls at Poona in pursuance of the promise given by the then Minister of Education on behalf of Government. "

Resolutions by Mr. R. G. Pradhan, M.L.C.

1. " This Council recommends to Government not to submit for consideration and adoption by this Council any resolution for the election or appointment of a Committee of this Council for the purpose of co-operating with, or, in any way, assisting, the Parliamentary Commission on Reforms, popularly called the Simon Commission, or, in any other manner or form, to ask this Council to elect or appoint such a committee for such a purpose, unless and until, the Chairman of the Commission makes an announcement that the Commission is empowered or authorised or entitled or is in a position to negotiate with an Indian Delegation composed in the manner noted below or in a similar manner, *viz.* :—

(1) Six members to be elected jointly by the Executives of the Indian National Congress, the All-India Muslim League, the Liberal Federation, and the Non-Brahmin Party,

(2) Four members to be elected by the non-official members of the Indian Legislature in a joint session,

(3) Two members to represent the Depressed Classes,

(4) One member to represent the Anglo-Indians,

(5) One member to represent the Domiciled European Community,

and to submit to Parliament a report embodying the terms of agreement between the Commission and the Delegation, as regards the main principles or provisions of the Indian Constitution to be established hereafter, as soon as the necessary legislative action is taken."

2. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils. "

Resolution by Mr. N. B. Chandrachud, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Sardar G. N. Mujumdar, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Mr. Haji Mir Mahomed Baloch, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials be appointed to inquire into and to report upon the soundness or otherwise of the Sukkur Barrage Scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme."

3. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

4. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

5. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

6. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency and allot a fair proportion of the said revenue to this Presidency."

7. "This Council recommends to Government that a Commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."

8. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the Presidency it is necessary to maintain a separate department for labour as before and that the department be separated from the Department of the Information Bureau."

9. "This Council recommends to Government that a committee with non-official majority may be appointed at an early date to inquire

into the problem of unemployment in the Presidency and in Karachi and Bombay in particular and to suggest ways and means for meeting the said problem."

10. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

11. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the presidency."

12. "This Council recommends to Government that they be pleased to direct that the suspension ordered in the case of the proposed re-erection of buildings on certain plots in the Depôt Lines within the limits of the Karachi Cantonment be withdrawn."

13. "This Council recommends to the Governor in Council to make a strong representation to the Railway Board to take in hand the work of construction of the Karachi-Bombay broad guage railway immediately by making provision of a sufficient amount in the next year's budget."

14. "This Council recommends to the Governor in Council to direct that immediate steps be taken to increase the hospital accommodation in Karachi."

15. "This Council recommends to Government to introduce legislation for the registration and licensing of moneylenders on the lines of the Moneylenders Bill recently passed in the Punjab Legislative Council so as to protect the interests of the agricultural and working classes in matters of fabricated accounts and usurious rate of interest."

16. "This Council recommends to Government that within two months of the close of every session they would be pleased to announce what action they have taken or propose to take on each of the decisions of the Council arrived at during that session."

17. "This Council recommends to Government that the manner in which replies are sometimes given to questions put to Government by honourable members of the House should be made more satisfactory."

Resolutions by Mr. H. V. Pataskar, M.L.C.

1. "This Council expresses its strong resentment against the constitution of the Indian Statutory Commission appointed by the British Parliament and more particularly against the deliberate exclusion of Indians as members of this Commission and recommends to Government that they should communicate this expression of resentment to the Government of India and the British Parliament."

2. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other

vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

3. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah Community (one of the principal Musalman Communities) from the operation of the Wakf Act should now be withdrawn in view of the fact that the Muslim Community has expressed general satisfaction at the working of a large number of Moslem Charitable Institutions to whom the Wakf Act has been made applicable."

4. "This Council recommends to Government that in making appointments of honorary magistrates in the mofussil, the Session Judge of the District in which such an appointment is to be made should be consulted and that in no case should a person without sufficient educational qualifications and knowledge of law be appointed."

5. "This Council recommends to Government to take early steps to stop all gambling on the Race Courses in this Presidency."

6. "This Council recommends to Government to introduce early legislation for recasting or repealing the Dekkhan Agriculturists' Relief Act which has become unnecessary and unsuited to the present times."

7. "This Council recommends to Government to make a substantial increase in the remuneration paid to Police patils as the remuneration paid to them at present is most inadequate."

8. "This Council recommends to Government to appoint a committee consisting of officials and no-officials to inquire into and report on the present state of primary education in the Presidency with special reference to the working of the Primary Education Act."

9. "This Council recommends to Government to reduce the rates of grazing fees in Forest areas."

10. "This Council recommends to Government to effect a complete separation of Judicial and Executive functions."

11. "This Council recommends to Government to construct a bridge or at least a causeway over the Girna river on the Chalisgaon-Dhulia road."

12. "This Council recommends to Government to make early provision for improving the Outram Ghat road in East Khandesh district."

13. "This Council recommends to Government that immediate provision be made to meet the resolution of this Council regarding the salaries of primary school teachers passed by this honourable House on 5th August 1926."

Resolution by Mr. J. B. Desai, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other

vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Rao Bahadur B. R. Naik, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. "This Council recommends to Government that the revised Land Revenue Assessment in the Chorasi and Bardoli talukas of the Surat district, sanctioned by Government, shall not be given effect to."

3. "This Council recommends to Government in view of the bad state of roads and in view of the nature of the soil in the Surat district and the fact that the financial circumstances of the District Board of Surat do not permit of the maintenance of the roads in good condition, Government should give a special grant of Rupees one lac in addition to the grants the Board has been at present receiving, at least during each of the next ten years for the purpose of construction of new roads and improvement of the existing roads."

4. "This Council recommends to Government that an amount of Rs. 3,66,400 which represents the difference between the receipts from Himayat assessment on tanks in the Surat district for the ten years 1913-14 to 1922-23, *viz.*, Rs. 4,37,166, and the amount spent on the repair of these tanks in the same period, *viz.*, Rs. 70,766, be spent in the next three years on the special repair of the tanks in the Surat district."

5. "This Council recommends to Government that uncompleted portions of the Provincial roads lying within the limits of the Surat district be completed within one year by metalling them and constructing bridges and causeways wherever necessary."

6. "This Council recommends to Government that in future the amounts spent in any year on the repair of the tanks in a district should not be less than the amount realised as Himayat (Water-Rate) assessment from the tanks of that district in that year."

7. "This Council recommends to Government that a Committee of officials and non-officials (with a majority of non-official members) be appointed to consider the difficulties experienced by Local authorities in the working of the Primary Education Act of 1923 and the rules framed thereunder and to suggest remedies for their removal by amending the Act and the rules where necessary."

8. "This Council recommends to Government that a Committee of non-official and official members of this Council be appointed to make

definite proposals regarding the distribution of road grants to each District on an equitable basis and to discontinue the present method of making these grants."

9. "This Council recommends to Government to appoint a Committee of official and non-official members to consider the possibility of creating posts of lady Doctors at suitable centres."

10. "This Council recommends that in view of the fact that the recent destructive floods have caused extensive damage to the soil in some parts of Ahmedabad, Broach, Kaira and Panch Mahals Districts rendering the soil unfit for cultivation for several years and that the expenses for improvement cannot be afforded by the cultivators, it is essentially necessary :—

(*a*) to estimate the total acreage of soil rendered agriculturally unproductive and hence valueless and to devise measures through the Government for improvement and reclamation,

(*b*) to carry out scientific and economic survey of the ruined soils of the devastated talukas,

(*c*) to appoint immediately a special agricultural officer of high accomplishments to accomplish this survey in the interests of the economic life of the cultivators and Government Revenues, and

(*d*) to order the Revenue Officers to regard ruined soil as uncultivable waste and free it from all assessment charges until reclaimed."

11. "This Council recommends to the Governor in Council and acting with Ministers that, in view of the increasing unemployment and poverty of the middle and rural classes of the Presidency, he will be pleased, with the help of a Committee of experts and in the light of the reports of the Industrial Commission of 1916-1918, the Bengal Government Unemployment Report, the External Capital Committee's Report and the Sir Visvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil."

12. "This Council recommends to Government that such owners and cultivators whose land has been rendered totally unfit for tillage and who have thus been deprived of their principal source of livelihood by the recent floods should be given unoccupied cultivable land free of cost at nominal annual rent only, to provide them with means for their livelihood."

13. "This Council recommends to Government that in view of the fact that at the time of unforeseen calamities the Local Government Officers are helpless in the absence of any definite guidance to adopt necessary measures of Relief, Government should draft a short code of emergency instructions for the guidance of its subordinate officers of all departments in the Districts and Talukas and of the Local Boards authorising them to take immediate measures for saving life and property and for help to the distressed people, the Rules under the code being made by a small Committee, appointed by Government, in consultation with Local Officers, Local Boards and Public Bodies."

14. "This Council recommends to Government that the work of the Revision Settlement of the Chikhali Taluka of the Surat District should be suspended till the principles of Revision Settlements are put on a statutory basis by the amendment of the Bombay Land Revenue Code."

15. "This Council recommends to Government that the work of the Revision Settlement of the Olpad Taluka of the Surat District should be suspended till the principles of Revision Settlement are put on a statutory basis by the amendment of the Bombay Land Revenue Code."

16. "This Council expresses its disapproval of the action of the Government in introducing Revision Settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March and in particular invites the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag Taluka of the Kolaba District and to the discontent caused by the coercive measures adopted by them to recover the same, and recommends to Government that the said increased assessment, fine and notice fees realised be refunded to the respective landholders."

Resolution by Mr. M. S. Khuhro, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolutions by Mr. L. M. Deshpande, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. "This Council recommends to Government to allocate all sums of revenues realised in excess under major heads of Budget V, VI, VII, VIII, IX and IXA after 1921-22 for votable expenditure under the various heads relating to transferred subjects."

3. "This Council recommends to Government that the boundary marks put up should be of earthen mounds as has been the practice so long instead of stones as is being done now."

Resolutions by Mr. Jairamdas Doulat[illegible] M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a

complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

2. " This Council recommends to the Governor in Council to issue orders prohibiting the grant of any unoccupied agricultural land, on payment or otherwise, to any person who already holds not less than 5,000 acres of agricultural land."

3. " This Council recommends to the Governor in Council that representations should be made to the Government of India urging upon it the extreme desirability of the early removal of the troops stationed in Hyderabad to some site on the Ganja hills with a view to hand over the present site to the local municipality to reduce congestion in the city and that the Government of Bombay should contribute a share of the cost of acquiring the area now in the hands of the military authorities."

4. " This Council recommends to the Governor in Council that steps should be taken to arrange a joint conference of experienced officials and non-officials belonging to Sind, Gujarat, Marwar, Kathiawar and Cutch to consider and report on the measures necessary to prevent the system of traffic in girls who are brought from the last mentioned four tracts for the purpose of sale in Sind."

5. " This Council recommends to the Governor in Council to take immediate steps to enforce total prohibition as an experimental measure in selected districts in the province of Bombay."

6. " This Council recommends to the Governor in Council to represent to the Government of India the urgent necessity, in the interests of both Government and the public, of increasing the postal and telegraphic facilities in Sind and opening of telegraph offices in all taluka headquarters and other important towns and post offices in all important villages in each district in Sind."

7. " This Council recommends to the Governor in Council that Government should so reorganise their inspecting agency for the purpose of supervision over primary and secondary schools as to provide for all existing deputy and assistant deputy educational inspectors who have not been taken up by district local boards as administrative officers and to see that the Government inspecting officers are of higher grade and pay than the administrative officers of district local boards whose work they will supervise."

8. " This Council recommends to the Governor in Council to take steps for the adoption of Hindi as a compulsory subject in the curriculum of primary and secondary schools in the province."

9. " This Council recommends to the Governor in Council that orders should be issued to all departments that just as the percentages fixed for Indians in the I.C.S. and other services relate only to fresh recruitment and the rights to promotion and appointment to selection posts of European members who are already in those services are not affected

thereby, any percentages fixed by Government as regards the appointment of members of backward communities should only relate to new appointments and should not be allowed adversely to affect the prospects of those already in service."

10. "This Council recommends to the Governor in Council that the policy of supersession and promotion in the public services merely on communal considerations should be immediately abandoned in the interests of the efficiency and contentment of such services."

11. "This Council recommends to the Governor in Council to take early measures to improve the existing arrangements for the drainage of canal and flood water in Sind."

12. "This Council recommends to the Governor in Council that with a view to reduce the strain on pupils and to ensure quicker progress in studies orders should be issued by Government that while Hindi and Urdu may be taught as secondary languages the medium of instruction shall only be the prevailing vernacular of the division."

13. "This Council recommends to the Governor in Council that all public buildings or other property which have hereafter to be insured against fire, accident or other contingency should be insured with Indian Insurance Companies."

Resolution by Rao Bahadur S. T. Kambli, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. N. E. Navle, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. J. Addyman, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. Rajmal Lakhichand, M.L.C.

1. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other

vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Mr. B. T. Desai, M.L.C.

1. " This Council is of opinion that the Statutory Commission which has been announced is unacceptable to the people of India, as it most flagrantly denies the right of the Indian people to participate on equal terms in framing the future constitution of the country and therefore recommends to the Governor in Council and to the Honourable Ministers and to the members of this Council to have nothing to do with that Commission at any stage or in any form."

Resolution by Mr. A. M. Atawane, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by the Thakore of Kerwada, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

Resolution by Major W. Ellis Jones, M.L.C.

1. " This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

XVI. PAPERS PRESENTED TO THE COUNCIL.*

(1) Opinions on Bill No. XIV of 1927 (A Bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay).

(2) Finance Department Note No. 5620-A, dated the 28th November 1927, regarding the construction of a steamer or boat pier at the port of Ratnagiri.

* Kept in the Secretary's office.

(3) Finance Department Note No. 3823-F, dated the 23rd January 1928, regarding subventions to Universities for the training of Indian Civil Service probationers.

(4) Resolutions of Government in the General Department and the Election Rules of certain Municipalities as noted below (Placed on the Council Table with reference to section 221 of the Bombay City Municipalities Act, 1925) :—

1. The Revised Dhulia Municipal Election Rules, 1927.
2. The Revised Election Rules of the Amalner Municipality.
3. The Election Rules of the Surat Municipality, 1927.
4. The Election Rules of the Nasik Municipal Borough.
5. Resolution of Government in the General Department No. 5462, dated the 14th October 1927, regarding amendment of Toll and Terminal Tax schedules of the Larkana Municipality.
6. Resolution of Government in the General Department No. 988, dated the 25th October 1927, regarding Election Rules of the Gadag-Betgeri Municipality.
7. The Election Rules of the Municipal Borough, Bijapur, 1927.
8. The Election Rules of the City Municipality, Thana, 1927.
9. Resolution of Government in the Revenue Department No. L.C.—1348, dated the 14th November 1927, regarding the Report of the Fallow Rules Committee.
10. Resolution of Government in the General Department No. 6996, dated the 14th October 1927, regarding the Election Rules of the Sukkur Municipality.
11. The Election Rules of the Nadiad Municipality.
12. Resolution of Government in the General Department No. 2428, dated the 14th November 1927, regarding the amendment of certain rules of the Belgaum Municipality.
13. Resolution of Government in the General Department No. 7022, dated the 16th November 1927, regarding the Rules of the Dhulia Municipality in connection with the Standing Committee under Act XVIII of 1925.
14. Resolution of Government in the General Department No. 2194, dated the 16th November 1927, regarding Rules of the Nasik Municipality in connection with the Standing Committee under Act XVIII of 1925.
15. The Election Rules of the Gadag-Betgeri Municipality.
16. The Election Rules of the Dharwar Municipality.
17. Resolution of Government in the General Department No. 1754, dated the 21st November 1927 regarding the amendment of octroi rules of the Poona City Municipality.

18. Resolution of Government in the General Department No. 7011, dated the 24th November 1927, regarding the amendments of leave rules of the Sholapur Municipality.

19. Resolution of Government in the General Department No. 6957, dated the 28th November 1927, regarding Election Rules of the Shikarpur Municipality.

20. Resolution of Government in the General Department No. 1788, dated 1st December 1927, regarding the amendments of Provident Fund Rules of the Bhusawal Municipality.

21. Resolution of Government in the General Department No. 7030, dated the 28th November 1927, regarding the Election Rules of the Larkana Municipality.

22. Resolution of Government in the General Department No. 152, dated the 5th December 1927, regarding Re-organization of Local Self-Government, Salsette.

23. Resolution of Government in the General Department No. 6053, dated the 3rd December 1927, regarding the increase of Wheel Tax on hand-carts by the Poona City Municipality.

24. The Poona City Municipal Election Rules.

25. No. 7054, dated the 5th January 1928, regarding Election Rules of the Hyderabad Municipality.

26. No. 4021, dated the 14th December 1927, regarding Levy of Toll by the Bijapur Municipality on carts laden with goods in transit.

27. No. 1754, dated the 6th January 1928, regarding amendment of octroi rule 3 (2) of the Poona City Municipality.

28. No. 5449, dated the 19th December 1927, regarding amendment of rule 320 (37) of the Ahmedabad Municipality.

29. No. 172, dated the 29th December 1927, regarding exemption by the Poona City Municipality of hand-spun and hand-woven khadi from octroi duty.

30. The Election Rules of the Hubli Municipality.

31. No. 7113, dated the 17th January 1928, regarding the rule in connection with the Standing Committee of the Lonavla Municipality framed under the Bombay City Municipalities Act, 1925.

32. No. 4756, dated the 6th January 1928, regarding amendment of Election Rules of the Nasik Municipality.

33. The Election Rules of the Sukkur Municipality.

34. No. 5975, dated the 3rd January 1928, regarding the amendment of the Rules of the Hyderabad Municipality.

35. No. 5180, dated the 21st January 1928, regarding the amendment to the Terminal Tax Schedule of the Ahmedabad Municipality.

36. No. 1820, dated the 28th January 1928, regarding amendment of the water rate Rules of the Ahmednagar Municipality.

(5) Finance Department Note No. 5831-A, dated the 3rd February 1928, regarding the provision of footpaths and reconstruction of abutments for Shedi Bridge at Dakor in the Kaira and Panch Mahals Division.

(6) Finance Department Note No. 5873, dated the 4th February 1928, regarding resurfacing mile No. 18 and portions of miles Nos. 26 and 27 of Surul-Mahableshwar Road.

(7) Finance Department Note No. 5880-B, dated the 7th February 1928, regarding Primary and Secondary Education Committee.

(8) Finance Department Note No. 5893, dated the 10th February 1928, regarding the Committee on Physical Training in Primary and Secondary schools.

(9) Finance Department Note No. 5879 D, dated the 10th February 1928, regarding Nasik Road Central Prison.

(10) Finance Department Note No. 5908, dated the 14th February 1928,regarding improvements to the Nara Supply Channel (*viz.*, excavating cuts Nos. 9 and 10).

(11) Finance Department Note No. 5898-A, dated the 15th February 1928, regarding formation of New Irrigation Development and Research Circle.

(12) Proceedings of the meetings of the Finance Committee for January 1928.

G. S. RAJADHYAKSHA,
Acting Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 20th February 1928.

APPENDIX TO THE AGENDA

AMENDMENTS TO BILLS

Bill No. XXI of 1927 (A Bill to amend the law relating to the University of Bombay) as amended by the Select Committee

Notice has been received of the following amendments from the Honourable Dewan Bahadur Harilal Desaibhai Desai, LL.B., M.L.C. :—

In Bill No XXI of 1927 (A Bill to amend the law relating to the University of Bombay) as amended by the Select Committee,—

(1) For clause 5, the following clause shall be substituted, namely :—

"5. (*1*) The Chancellor shall have the right to make an inspection, or to cause an inspection to be made by such person or persons, as he may direct, of the University, of any institutions associated with the University and of any work conducted or done by the University, and to make an enquiry or to cause an enquiry to be made in like manner in respect of any matter connected with the University. The Chancellor shall in every case give notice to the Senate of his intention to make an inspection or enquiry or to cause an inspection or enquiry to be made, and the Senate shall be entitled to be represented thereat.

Visitor.

(2) The Chancellor may, by order in writing, annul any proceeding of the University or of any authority thereof which in his opinion is not in conformity with this Act and the Statutes, Ordinances and Regulations :

Provided that, before making any such order, he shall call upon the Senate to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same."

5 & 6 Geo V, c. 61. (2) In the preamble for the words "of the Government of India Act has," the words "and the previous sanction of the Governor required by section 80C of the Government of India Act have" shall be substituted.

G. S. RAJADHYAKSHA,

Bombay,
13th February 1928.

Acting Secretary to the Legislative Council of the Governor of Bombay.

STATUTORY MOTIONS

Under Standing Order VIII-A of the Standing Orders of the Bombay Legislative Council, notices have been received of the following amendments to the Revised Sukkur Municipal Election Rules finally sanctioned by Government Resolution in the General Department No. 6996, dated the 14th October 1927, which are laid on the Council Table :—

"This Council resolves that the 'Revised Sukkur Municipai Election Rules' finally sanctioned by Government Resolution in the General Department No. 6996, dated 14th October 1927, which are laid on the Council Table, be modified as follows :—

Rule	Amendments proposed	Name of the mover
Rule 3 ..	In Rule 3, change "24" into "26" and "7" into "5".	Mr. Jairamdas Doulatram.
Do. ..	In Rule 3, change "24" into "25" and "7" into "6".	Mr. B. G. Pahalajani.
Rule 10 ..	After Rule 10, insert the original rule proposed by the Municipality, number it as "11", changing subsequent numbers—it being. "If any person qualified to be entered in the said list in virtue of the provisions of Rule 8 is also personally qualified to be entered in the said list, his name shall be separately entered therein".	Mr. B. G. Pahalajani.
Rule 11 ..	In Rule "11 (4)" change "Municipality" into "Chief officer of the Muncipality". In Rule "11 (5), (6)" change "Judge" into "Magistrate", wherever it occurs.	Mr. B G. Pahalajani.
Rule 12 ..	In Rule "12 (1)" change "Judge" into "Magistrate".	Mr. B. G. Pahalajani.
Rule 19 ..	In Rule 19— (*a*) After the word "date" in the first line, add "and time". (*b*) After the words "Nomination papers", add the words :— "The officer appointed under Rule 16, shall hold a scrutiny of the nomination papers". (*c*) Change "Returning officer" into "officer appointed under Rule 16".	Mr. B. G. Pahalajani.
Rule 22 ..	Change "Returning officer" into "officer appointed under Rule 16". Delete clause (5) of Rule 22.	B. G. Pahalajani.

Rule	Amendments proposed	Name of the mover
Rule 39 ..	In Rule 39, omit the words :— "or the polling officer acting under his general or special directions ".	Mr. B. G. Pahalajani.
Rule 40 ..	In Rule 40, omit the words :— "or the polling officer acting under his general or special directions ".	Mr. B. G. Pahalajani.
Appendix A ..	In Appendix A—	
	(*a*) Change " 5 " opposite " IV..... Bagh Hayatali Shah and Miani ", into " 6 ".	Mr. B. G. Pahalajani.
	(*b*) Add, after " Miani ", " Lloyd Barrage Area ".	
	(*c*) Omit " and " before " Miani " and substitute " , ".	
	(*d*) Change " 5 " opposite to Bagh Haiyatalishah and Miani into " 6 "	Mr. Jairamdas Doulatram.
	(*e*) Change " 3 " opposite to old Sukkur into " 4 ".	Mr. Jairamdas Doulatram.
	(*f*) Change " Total..24 " into " total ..26 ".	Mr. Jairamdas Doulatram.
	(*g*) Change " Total..24 " into " total ..25 ".	Mr. B. G. Pahalajani.
	(*h*) At the end, add :— " In addition to the Lloyd Barrage area, which shall form part of Ward No. IV ".	Mr. B. G. Pahalajani.

MOTION TO AMEND STANDING ORDERS

MOTION No. I OF 1928

Under Standing Order IX (1) of the Standing Orders of the Bombay Legislative Council, notice of the following amendment has been received from Mr. S. K. Bole, M.L.C. :

" In Standing Order VI (1), after the word ' given ' add the words ' before the day appointed for the session of the Council.'

(2) In Standing Order X (1) (*a*) between the words ' notice ' and ' and ' insert the words ' before the date appointed for the session of the Council ' and delete sub-clause (*d*). "

G. S. RAJADHYAKSHA,
Acting Secretary to the Legislative Council
of the Governor of Bombay.

MOTIONS TO AMEND STANDING ORDERS

Under Standing Order IX (1) of the Standing Orders of the Bombay Legislative Council, notices of the following amendments have been received from Rao Bahadur S. T. Kambli, M.L.C.

MOTION No. II OF 1928

Chapter VI, rule 6.—After the word " determine " add the following to rule 6 of Chapter VI of the Standing Orders of the Bombay Legislative Council, *viz.* :—

" Questions and Answers thereto shall be available to the members at least one hour before the question hour begins on the day when such questions and answers are put down for putting and giving respectively."

MOTION No. III OF 1928

Chapter VIII, rule 15.—Omit the words " without discussion " occurring at the end of the rule 15 of Chapter VIII of the Standing Orders, and substitute therefor the following words, *viz.*, " by leave of the Council."

MOTION No. IV OF 1928

Chapter X, rule 9 (2).—Omit the word " motion " occurring in clause 2 of rule 9 of Chapter X of the Standing Orders and substitute therefor the word " request."

G. S. RAJADHYAKSHA,
Acting Secretary to the Legislative Council
of the Governor of Bombay.

Monday, the 20th February 1928

The Council met at the Town Hall, Bombay, on Monday the 20th February 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BELL, Mr. R. D.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.

KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALJI NARANJI, Mr.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. G. I.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SWAMINARAYAN, Mr. J. C.
SYED MUNAWAR, Mr.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
WASIF, Mr. G. A. D.
WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Swearing in of new members.

Mr. J. P. Brander, Mr. D. R. H. Browne, Mr. C. S. C. Harrison, Mr. H. L. Painter and Mr. R. D. Bell then made the prescribed oath of allegiance to His Majesty the King-Emperor, and took their seats in the Council.

The Honourable the PRESIDENT: Order, order. I have now to nominate four Chairmen for this session and I do so by nominating the following honourable members to serve as chairmen for the current session:

1. Mr. J. B. Petit.
2. Mr. G. R. Winterbotham.

3. Mr. Noor Mahomed,
4. Dr. B. R. Ambedkar.

I have next to announce the list of Acts which His Excellency the Governor-General has given his assent to since the close of the last session. They are as follows :

(1) An Act to amend certain enactments and to repeal certain other enactmets.

(2) An Act further to amend the Bombay Local Boards Act, 1923.

(3) An Act further to amend the Bombay District Police Act, 1890.

(4) An Act further to amend the Bombay City Municipalities Act, 1925.

(5) An Act further to amend the Bombay Children Act, 1924.

(6) An Act further to amend the Bombay Port Trust Act, 1879.

(7) An Act to amend the Bombay Primary Education Act, 1923.

(8) An Act to amend the Mahul Creek (Extinguishment of Rights) Act, 1922.

(9) An Act to provide for the establishment and the better regulation of Cotton markets in the Bombay Presidency.

As the House is aware His Excellency is going to address the Council at 2-30. I propose that the House will adjourn till His Excellency arrives and after his address, I propose that the House should adjourn for tea in order that office may have an opportunity to put the central table in, and to make other arrangements. According to my proposal, therefore, we adjourn for tea till 3-30, and then I propose, if honourable members are agreeable, to take up the Question List for half an hour and to carry it on till 4, when the Honourable the Finance Member will introduce the Budget. The House will, therefore, now adjourn till 2-30.

His Excellency the Governor was met by the President on his arrival. A procession of chobdars, His Excellency's staff, the President of the Council (the Honourable Mr. A. M. K. Dehlavi) and His Excellency the Governor passed slowly up the Hall to the dais at 2-30 p.m.

His Excellency's staff stood in a semi-circle at the back of the dais behind the two chairs, His Excellency the Governor being on the right and the Honourable the President on the left.

The Honourable the PRESIDENT : Order, order. His Excellency will be pleased to address the House.

HIS EXCELLENCY'S SPEECH

Rising to address the Council, His Excellency said :

GENTLEMEN,

For the fifth time during my period of office as Governor of Bombay, I welcome you at the opening of the Budget Session of the Legislative Council.

The year through which we have passed since I last addressed you has been, in many ways, an important one for the Presidency, but I think I am justified in saying, and that honourable members will agree

with me, that the most important event, dealing with occurrences outside our own domestic concerns, has been the visit to Karachi and Bombay of Their Majesties the King and Queen of Afghanistan. India was the first country outside the boundaries of his own State that His Majesty visited, and it must be a matter of keen gratification to all in the Presidency that we had the honour of being the first to welcome His Majesty on the start of his long and important foreign tour. It is also a matter of great pleasure to realise that His Majesty expressed himself so much gratified by the warmth of his reception, and by the arrangements in general which were made for Their Majesties and their party, both in Karachi and Bombay.

As usual, the main business before Council at this session of the year is the consideration of the Budget. I do not desire, in any way, to anticipate the Budget speech to be delivered by my honourable colleague the Finance Member, but there are one or two general observations I would wish to make.

It is a matter of great regret that the agricultural season of the past year turned out even worse than we had expected, and in consequence, the collections of land revenue were smaller than we have had for many years. The opening balance of the current year was therefore considerably less than we anticipated when I last addressed you. Part of the deficiency has indeed been recouped in the present year owing to very favourable rains ; but this increase in the land revenue has been discounted by the continued fall in the revenue from excise and stamps. The long continued depression in trade has caused my Government much anxiety, and we welcome the signs that are at last appearing of a renewal of activity in world trade, and look forward with renewed hope that we are at last about to pass out of the slough of depression in which we have so long struggled. The current year has been marked by a calamity heavier than has befallen this Presidency for many years, namely, the floods in Gujarat and Sind, due to excessive rains and tempestuous weather.

Apart from the unforeseen expenditure occasioned by this calamity, the totals of revenue and expenditure, for which we provided in the Budget, have departed little from the estimates. Our general financial position, therefore, remains much the same as last year, except that our savings in the Famine Insurance Fund and in our ordinary balances have been seriously depleted ; but we trust that the major portion of the loss will, in due course, be recouped by repayment of the loans advanced for reconstruction, particulars of which will be given you by the Finance Member. It is, however, idle to pretend that our financial position is satisfactory. We have indeed, by the exercise of rigorous economy and retrenchment, managed to balance our revenue and expenditure, both in the current year and in the estimates of the next year, on the assumption that the Government of India will again be able to remit the provincial contribution. But the Budget which has been placed before you shows, if we disregard mere changes in accounting, that our total revenue has slightly fallen, while our expenditure, which, as in any normally healthy organism must be expected to grow a little year by

year, has also been curtailed below the figure of the current year; and many new demands, which the departments have rightly regarded as of the utmost urgency, have perforce been omitted.

There are definite obligations to which we are committed: for example, I may refer to those under the Primary Education Act, and the additional recurring charges which will fall on the provincial revenue under the Hospital Scheme which bears my name, to meet which some expansion in our revenue is absolutely essential. In these circumstances I can only repeat what has been said so often in the past—that, unless there is a revision of the Provincial Settlement in favour of the industrial provinces, I can see little hope of the continued progress to which this province is entitled. There is nothing more disheartening than having, year after year, to exclude or to curtail necessary expenditure on services so essential to the educational, health, and economic progress of the Presidency, and I sincerely trust that the day is not far distant when a fairer share of the revenues raised within our borders will be at our disposal, to enable us to provide money where it is so badly needed. In the meanwhile, it is incumbent on us to do what we can with the resources at our disposal. Bills will be placed before you for the continuation of the Stamp duties and Court Fees which are at present in force; and the Budget has been framed on the assumption, which I earnestly hope the Council will endorse, that these Bills will be passed. The loss in revenue if the Bills are thrown out will be very considerable, and would force upon us the necessity for making further inroads into the provision for essential services.

With reference to the calamity in Gujarat and in Sind of which I have made mention, this was caused, as honourable members are aware, by torrential rains falling at the end of July in north Gujarat, and in the southern portions of the Hyderabad and Thar Parkar Districts of Sind, and floods of an unprecedented character overwhelmed the country. It was difficult at the outset to ascertain the extent of the damage done owing to the breakdown of communications, but I am glad to have this opportunity of acknowledging that the officers of Government, of all ranks, lost no time in grasping the situation, and in doing all that they could to relieve the immediate distress; and I further take this opportunity of thanking all non-official gentlemen and organisations that contributed to this charitable work. I do not propose to enter into any detail about the remedial measures which Government have taken for the rehabilitation of the affected areas, but honourable members will remember the debate on the subject which took place at the second Poona session, when the proposals of Government were laid before the House. I desire to take this opportunity of acknowledging the fact that our proposals were welcomed as being conceived in a generous spirit, and were accepted with practical unanimity.

In connection with our schemes for relief, a bill will be laid before you to give Government powers, similar to those under the Land Revenue Code, to recover loans for the reconstruction of houses in the areas affected from persons not holding agricultural land. I am confident that the

Council, being, as it is, the guardian of the public revenues, will assist Government to pass this bill into law during the present session, particularly as the absence of such a provision must necessarily make it more difficult for Government to give such loans so quickly or so freely.

I now come to the departments of Government which are included in the portfolios of my honouable colleagues, the Ministers. I regret that, owing to the continuance of the financial stringency which has prevailed throughout my tenure of office, less expansion has been possible in these departments than I could have wished. I can only repeat to you the advice which I gave you last year when I addressed the members of this Council, namely, that progress in these departments is impossible without funds, and that the provision of adequate resources to build up and expand their work can only be obtained by taxation, which this Council alone has the power to impose, and by a re-adjustment of our financial position with the Central Government. I think, however, that any impartial critic who reviews what has been done in the past two or three years to promote the public welfare in the Presidency, and what is proposed to be done during the coming year, will admit that, in spite of the grave financial difficulties with which my Government have had to contend, steady progress has been, and still is being made. Government have, since the passing of the Primary Education Act in 1923, made an additional allotment of nearly 24 lakhs of rupees a year for primary education in the Presidency. It has also been found possible during the current year to sanction 16 schemes of expansion under the Primary Education Act of which four schemes are on a compulsory basis. Owing to lack of funds it has not been possible to sanction all the schemes submitted so far by the Local Authorities, but if this House passes the extra provision of Rs. 5,47,000 made in the coming year's budget for schemes under this Act, we may hope to see still further development of primary education among the masses, the urgent need for which is so generally admitted.

Two committees have recently been appointed to consider the revision of standards in secondary and primary schools, and the provision of increased facilities for physical training in these institutions, and in Colleges. I trust that their recommendations will be found to be generally acceptable, and will lead to improvements in the curricula of these institutions, and the adoption of the best forms of physical training—a subject in which I personally am very greatly interested.

I am glad to find that the special needs of the depressed classes have not been forgotton, and that the Budget contains a provision for a grant-in-aid to a scheme for hostels which has been put forward by two of the honourable members of this council.

In the Medical Department you will see that steady progress is being made in developing and expanding the Hospitals and the Medical Schools in the Presidency. With the aid of the Hospital Fund, it has been possible to undertake schemes for the development of the J. J. group of hospitals in Bombay which will bring them up to the standard of modern requirements, and I am grateful to the members of this Council for the manner in which they have co-operated with the Committee of

the Fund in the past in providing their share of the funds, and trust that they will continue to do the same till the schemes reach completion. I should like to add that, while efforts are being made to improve the hospitals and medical schools in Bombay, the medical needs of the mofussil have not been forgotten, as will be seen from the provisions made in the Budget for the various medical institutions in the Presidency. My only regret is that, owing to the paucity of funds available, it has not been possible to do more in a field where the scope for expansion is almost limitless.

In spite of the small provision made for the Industries Department in the current year's Budget, it is satisfactory to find that provision is being made for special enquiries into the hand-weaving and tanning industries, with a view to discover the best means of assisting these two important village industries in the Presidency, which are of particular benefit toward the employment of the depressed classes. I am confident that the members of this Council will welcome the steps which are being taken to re-organise this Department, which has been more or less in a state of abeyance during the last two years. In accordance with the recommendations of the Industries Committee which sat last year, provision is also being made in the Budget for the appointment of a whole-time Director, and for a Deputy Director as soon as the need for the latter appointment arises. It is true that, owing to lack of funds, the provision for this Department remains at too low a figure to enable it to function as actively as is desirable, but it is clear that the new Director will require time to look around and take stock of things before he can make definite recommendations to Government on the directions in which development should be undertaken.

In accordance with the decision of the Legislative Council, taken at the Budget session in February-March 1927, the Back Bay Reclamation Scheme has now been definitely restricted to the completion of Blocks 1, 2, 7 and 8, and the linking of Blocks Nos. 2 and 7 with a road and a promenade along the foreshore. During the course of the current year the work of filling Block No. 1 at the northern end with wet filling has progressed satisfactorily, and the operation of dredging into this Block is expected to be finished before the end of this season. After examining the figures of output up-to-date during the current year, and considering the nature of the material obtained, the Advisory Committee has recommended that dredging operations should be continued next year for the purpose of filling Block No. 2.

At the southern end of the Reclamation, all works has been concentrated on completing the murum topping of Block No. 8. A portion of this Block measuring over one lakh of square yards, which the Military authorities desired to take over in advance of the rest of the Block for the purpose of a recreation Ground, was handed over to them at the end of November 1927, and the cost, amounting to nearly 21 lakhs, has been adjusted by a reduction of the loan borrowed from the Government of India in 1922-23. An endeavour is being made to speed up the murum topping of the remainder of the Block, so that it may be completed as soon as possible.

Referring briefly to the Irrigation work in the Presidency proper and Sind, honourable members will be glad to know that the Lloyd Dam at Bhatgar, which forms a storage lakh of 24,000 million cubic feet capacity for the Nira Right and Left Bank Canals is practically completed. Good progress has been made on the Right Bank Canal Works, and irrigation has already commenced in the upper reaches.

In the south, a scheme to utilise the waters of the Markandeya River in the Gokak Taluka of the Belgaum District is under investigation; and in Gujarat survey work in connection with the proposed storage reservoirs on the Panam and Watrak rivers and the weir across the Meshwa, to which I referred last year, is making satisfactory progress.

Work on the Lloyd Barrage and Canals Scheme is being pushed forward vigorously. The actual construction of the Regulators for the canal heads, which form the flanks of the Barrage proper, was commenced in the autumn of 1926, and the first season's programme of permanent works on the river was carried out with complete success. Since then, much headway has been made, and the cofferdams for this season's work on the Barrage itself on both banks of the river have been completed and masonry work commenced inside. Excellent progress has also been made with excavation of the main canals and branches, and with embanking the Eastern Nara, the quantity of earthwork done to the end of December 1927 being 103 crores cubic feet, or a little less than one-fourth of the total quantity contemplated in the scheme. The construction of masonry works on the canals system has commenced, and the general progress of the work in all its branches is most satisfactory. If equally good progress can be maintained, it is hoped to commence irrigation in the new canals in 1931.

A resolution was passed by this House last year approving of the acquisition of the Sailors' Home and the plans for the New Council Hall, and recommending that the construction of the Hall should be proceeded with subject to a limit of expenditure of Rs. 8,30,000. The work has been started, and it is hoped that the Council will have its own Hall for the next Budget session.

The question of road development, the need for which has been felt by Government and the public for some time past, has now become a matter of great interest all over India. Honourable Members are doubtless aware that the Government of India have appointed a Road Development Committee which has now finished its work of examining witnesses, and we await with interest its recommendations. It is hoped that India will, in the near future, make much progress towards securing a good net work of roads suited to modern traffic requirements.

Aviation is a branch of science in which vast and rapid strides are now being made, and this Presidency may congratulate itself on having in Karachi the first city in India to be equipped with facilities for modern commercial aviation. Besides the very large R. A. F. aerodrome at that place, a modern airship base with all up-to-date facilities is being provided. The early provision of a somewhat similar base close to

Bombay is under the consideration of the authorities who deal with Civil Aviation.

Honourable Members will naturally expect me to say something about the Statutory Commission, and I think it only right that I should do so. Within the course of this year, the honourable members of this House will have opportunities of discussing the question arising out of the part which the Legislative Council of Bombay will be asked to play in the work of the Commission. I notice resolutions already before Council, and I want honourable members to realise at once that, while it would have been possible for me to disallow such resolutions under the Legislative Council Rules, I certainly do not propose to do so, as I welcome the fullest discussion on a matter of such import to the future of India in general, and of this Presidency in particular.

In the first place let me say that I appreciate the sincerity of those, many of whom have rendered and are still rendering great public services to India, and whose opinions must carry much weight, who have publicly declared their opinion that the Commission is unwelcome because no Indian is a member of it. I notice that the question is often asked by them and others, whether there are no Indians fit to sit on such a Commission, so vital to the interests of India. That, I venture to say, is a question which cannot be seriously addressed to anyone with any knowledge of India or of the work of Indian politicians and statesmen who have already shown their worth in so many spheres of public life and political activity. I would suggest that any such idea in considering the personnel of the Commission should at once be put on one side, and that the real point to be considered is the appointment of the Commission from a strictly constitutional point of view.

At the moment it is a fact that this great Empire of India is governed by, and in the name of, His Majesty the King Emperor of India, which means that the Secretary of State, responsible to the British Parliament, controls all concerns relating to the government of this country. The Act of 1919, in its first clauses, very clearly states this fact. As this is so, it is obvious that any alteration in the existing system of government here can be made only by Act of Parliament, and, to enable any such alteration to be made, the British Parliament must have advice given to it as to what changes are desirable in order to advance India a further step on the road to responsible self-government, with the ultimate aim of that complete self-government which is enjoyed by other of the partners in this great commonwealth of nations we know as the British Empire. Is it, therefore, entirely unreasonable, as suggested by some, that the Houses of Lords and Commons should appoint a body representative of themselves to undertake such a task ? I fully realise the difficulties under which such a body would work, and the well founded criticism which would have found expression, if, at the same time, it had not been decided to associate representatives of Indian political thought with it. That, however, has been done, in the committees to be elected, if the representatives of the people in India so desire, by the Central and Provincial Legislatures. I have heard one criticism to which, at this point, I should

like to refer, namely, that the report of such Committees will not be, like the report of the Statutory Commission, presented direct to the House of Parliament. I do not understand why any criticism should be directed against the Commission on these grounds, for it is obvious that any Commission or Committee, whether appointed by a Corporation, an Association, or a Legislative Body, would ordinarily report, in the first place, to that body which brought it into being. In the case of the report of a Legislature in India, it would be transmitted in the ordinary constitutional manner through the ordinary channels to the Secretary of State and so to Parliament in England; and it has been decided that such a report shall receive equal consideration before the Joint Committee to be set up by the Houses of Parliament with the report and the recommendations of the Statutory Commission; and, moreover, that—and this is, to my mind, most important—Parliament shall express no opinion on the report of the Statutory Commission until the Joint Committee has had an opportunity of considering both reports, both from the body set up by itself, and that elected by the Indian Legislature.

These are the facts as I see them, and, after studying very carefully the procedure proposed by Sir John Simon to be followed with regard to the close association of the Committees set up by the Indian Legislatures with the Statutory Commission, I feel sure that the proposals offer the foundations of an understanding on terms which could be acceptable to both sides; and I therefore would urge those friends of mine who are of opinion that the Commission should be boycotted to reconsider the position which they have taken up, in the best interests of the country for which they have done so much, and for which they can do so much more.

I pass now to another aspect of this question, and you will allow me to say something on this, as I can speak with some experience of Parliament. If I admit that India and the aspirations of India are misunderstood, and are not fully realised by British politicians, I ask myself how much more will they be misunderstood if the representatives of all three political parties in Britain, appointed with the full approval of the respective leaders and following of those parties, are handicapped in their work by a decision on the part of responsible politicians in India to have nothing to do with the work for which they have been appointed? I cannot help feeling that there will be, among the British elected representatives of all parties, a feeling of keen and not unnatural disappointment—and of the effect of that feeling I confess myself anxious indeed with regard to the political advance of this country. At the risk of being personal in anything I may say, I hope you will believe that I am one who sees for India a great future under the control of Indians with such assistance as India may desire from, and which will be willingly given by, Europeans who have done so much to set her on the path of self-government. I am anxious, above all things, that the clock of progress shall not be set back—that there shall be no unnecessary obstacle placed in the way to impede that progress; but I confess that, to my mind, any such action as is contemplated by a boycott may retard the fulfilment of the natural aspirations of those with whom I am in close sympathy, and towards whose patriotic ambitions I have endeavoured, in my time out here, to

give what encouragement lay in my power. With my knowledge of Parliament, I am fully assured myself that no sort of affront was intended to Indian sentiment, such as is suggested, and I can only express the sincere hope that it is not too late for some mutual understanding to be arrived at, which must of course be in consonance with the Constitution under which we act now, whereby the representatives of the British Parliament and the representatives of Indian political opinion can give each of their best to recommending such proposals as will have the result of evolving a Constitution satisfactory to both, and one which will advance the happiness and prosperity of the millions who live in this land.

Gentlemen, I now leave you to the discharge of your important duties. When proroguing the second session of the Legislative Council in August 1926, I claimed—and I think with justification—that considerable progress had been made in the Presidency during the life of that Council due in a large degree to the work of honourable members themselves, who had, by fair criticism, assisted Government in its financial and its statutory proposals. The work of this Council, now about a year old, encourages me to believe that the high record held by the Legislative Council of Bombay among all other such Councils in India, will not only be maintained, but strengthened and that all members will consider, in the future as they have done in the past, the proposals of Government not with any idea of destructive opposition, but with every desire to give constructive assistance to my honourable colleagues, both members and Ministers, who have but one aim—an aim which I feel sure is shared by you all—namely, to do all that is possible, even under circumstances of great financial difficulty, for the true interests of the people of the Presidency. (Applause).

After the conclusion of His Excellency's address a procession was formed, and His Excellency left the Hall in State.

The Honourable the PRESIDENT: Order, order. The House will now adjoin for tea and meet at 4 p.m.

The Honourable the PRESIDENT: Order, order. Before we proceed to the next business of the day I think it is but right that we should express our deepest regret at the sad demise of an eminent leader of this presidency, I mean Mr. Harchandrai Vishindas of Karachi. He was an old member of this House and was my personal friend, as he was of several honourable members of this House. His career was marked by eminence and great activities. I am sure the House would wish me to convey the sympathy of this Honourable House to the bereaved family.

The Honourable Sir CHUNILAL MEHTA: Sir, on behalf of this side of the House I associate myself with the sentiments expressed by you. I knew Mr. Harchandrai Vishindas as an old member in the pre-reformed Council; and I found him always devoted to his duty just as he died in the performance of his duty.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I beg to associate myself with the sentiments expressed by you and the Honourable the Leader of the House. He was one of us and we know him as one of the most experienced leader. Sind has sustained a great loss in his death.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, as the oldest member of this House and as one who belonged to the first Council after the Minto-Morley reforms to which Mr. Harchandrai Vishindas was first returned, I heartily associate myself with the sentiments expressed by you, Sir, and by the Honourable Leader of the House.

Mr. B. V. JADHAV (Satara District): Sir, on behalf of the non-Brahmin party I fully agree with the sentiments expressed in this House. I have not had the honour and pleasure of knowing Mr. Harchandrai personally, but I have been watching the services he had been rendering to the country. His death is a great loss to the country.

Rao Bahadur R. R. KALE (Satara District): On behalf of the Liberal Party I associate myself with the sentiments expressed in this House.

The Honourable the PRESIDENT: Order, order. Questions.

POLICE OFFICERS IN CENTRAL DIVISION: TRANSFERS AND POSTINGS

MOULVI RAFIUDDIN AHMAD (Central Division): Will the Honourable the Home Member be pleased to give in a tabular form the following information:—

(*a*) the names of Police Inspectors and Sub-Inspectors, Brahmins, Non-Brahmins and Muhammadans at the headquarters and in the talukas of the Central Division;

(*b*) whether there are any rules with regard to the minimum period of residence of these officers at any particular place before they can claim their transfer;

(*c*) by whom the transfers are made;

(*d*) whether it is a fact that there are some places in which all the police officers above the rank of Havildar belong to one community only? If so, whether he proposes to take any action in the matter?

The Honourable Mr. J. E. B. HOTSON: (*a*) The names and postings of the Inspectors of Police are to be found in the Quarterly Civil List. As regards Sub-Inspectors, the following table gives a summary of the information desired by the Honourable Member. The details for which he asks in the question would cover several pages of print, and would not, as far as can be seen, be of any general interest.

District	Brahmins	Non-Brahmins	Muhammadans
Ahmednagar	6	11	5
Nasik	10	16	9
East Khandesh	9	11	10
West Khandesh	9	8	3
Poona	5	25	3
Satara	7	13	9
Sholapur	7	7	5

(*b*) General rules on the subject of transfers will be found in Rule 72 on pages 31 and 32 of the Police Manual. No officer can "claim" a transfer.

(*c*) Transfers are made of :

(*i*) Inspectors by the Inspector General of Police,

(*ii*) Sub-Inspectors from one Police Station to another in the same District by the District Superintendent of Police,

(*iii*) Sub-Inspectors from one District to another in the Range by the Deputy Inspector General of Police, and

(*iv*) Sub-Inspectors from a District in one Range to a District in the other Range by the Inspector General of Police.

(*d*) Communal differences have not arisen among the Police and any person who attempted to lay stress on communal questions within the force would be doing a grave disservice to the country. Ordinarily, in the Police as in all other Departments of Government, endeavours are made to secure a suitable mixture of several castes and creeds in every office ; if by chance all the superior officers in one Police Station belong at any time to the same caste, the occurrence is casual and temporary only.

Mr. S. K. BOLE : With regard to part (*a*) of the answer may I know whether the figures are in proportion to the population of the community ?

The Honourable Mr. J. E. B. HOTSON : Not in exact proportion.

MOULVI RAFIUDDIN AHMAD : If not the names, may I know whether the Honourable the Home Member will be in a position to give the number of inspectors ?

The Honourable Mr. J. E. B. HOTSON : Both are to be found in the Civil List to which any member can refer.

SUKKUR BARRAGE : CONCESSIONS UNDER FALLOW RULES

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(*a*) what concessions under the Fallow Rules are at present given to the occupants of lands in the areas commanded by the Sukkur Barrage Irrigation Scheme ;

(*b*) whether it is a fact that they are subject to the same concessions as the rest of Sind. If the reply be in the negative, what are the concessions given in these Barrage areas at present ;

(*c*) whether these concessions will be continued after the Barrage schemes come into operation ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) Under the Fallow Rules, assessment on an occupied survey number is leviable only for the years in which such number is cultivated wholly or in part, subject to the following two conditions :—

(*i*) if a number is not cultivated but its occupant makes a profit out of it by the sale of fish, grass, fodder, timber, fuel, etc., a part or the whole of the assessment according to the circumstances of the particular case is leviable ;

(*ii*) if a number has not paid one full assessment for four consecutive years, either because it was not cultivated or because full assessment was not levied under condition (*i*), it is liable to assessment in the fifth year even if it is not cultivated in that year.

The enforcement of condition No. (*ii*) has been suspended with effect from the year 1924-25 in the Barrage area and in the case of such lands in the non-Barrage area as are dependent on canals on which a restriction on the grant of land has been imposed on account of the deficiency of water.

(*c*) This question will not arise for some years, and Government can express no opinion on it at the present time.

PROVINCIAL SERVICE : AGRICULTURAL DEPARTMENT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state the names of persons holding or acting in the provincial service in the Agricultural Department with their qualifications and length of service in that Department ?

The Honourable Mr. G. B. PRADHAN: A statement containing the information desired by the Honourable Member is placed on the table.

SUKKUR BARRAGE COMMITTEE REPORT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether the non-official committee appointed by them to inquire into the Sukkur Barrage works have submitted their report to them ;

(*b*) if so, whether they will be pleased to place a copy of the report on the table ;

(*c*) the terms of reference on which the committee was appointed ;

(*d*) whether it is a fact that they were not given full opportunity to investigate the whole question of the Barrage ?

The Honourable Sir COWASJI JEHANGIR: (*a*) The honourable member presumably refers to the visit of inspection to the Lloyd Barrage and Canals Construction works by ten non-official members of this House. A report from one of these members has been received by Government.

(*b*) A copy of the report referred to is placed on the table.

(*c*) The members were invited to obtain first-hand information as to the general progress and cost of the works and to forward to Government any remarks they might have to offer.

(*d*) It is not a fact.

"BEACH VIEW"
CADELL ROAD, MAHIM,
Bombay, September 30th, 1927.

The Chief Secretary to Government,
Public Works Department,
POONA.

Dear Sir,

Sukkur Barrage

Not only is an apology necessary for the long delay in submitting a Report as a member of the Committee appointed by Government in April last to inspect the Sukkur Barrage, but I also feel it necessary that some explanation for this long delay should be conveyed to you.

2. Shortly after my return from Sukkur the impressions I formed, as a result of the visit, were published in the "Times of India." As a result of this publication I was publicly criticised by another member of the Committee for having expressed any opinion as to the success or otherwise of the Barrage Scheme until all the figures, which had been called for by members of the Committee, were available. Previous to this criticism I had received all the figures which, to my knowledge, had been called for and I doubt if any member of the Committee has received any figures since.

3. In view of the fact that it was generally expressed during the visit that a collective Report should be submitted, I waited until the July session at Poona to give me an opportunity of approaching members on this matter. I then mentioned the question of a collective Report to most members of that Committee, but nothing further was done in the matter. Not having heard anything since, and being fully desirous of giving each member ample time to consider the suggestions I placed before them in Poona, and also to avoid any feeling that I might be attempting, to score over them by submitting, an individual Report, I have waited until now.

4. Regarding my visit to the Barrage I might say, in the first place, that misunderstandings which had been created and misconceptions raised, during Council debates, by members who, I now feel inclined to say, are not conversant with the facts or who, if conversant with them do not employ their knowledge to the best advantage—had fixed themselves to a certain extent in my mind, and I fully expected, as a result of the inspection, to be in a position to point out some serious defect in the scheme, or the management or the organisation in connection with same.

5. The tour commenced on Friday, April 22nd, with the inspection of Right Bank Wharf and Right Bank Regulators. Here it required nothing more than ordinary observation to note the difficulties which have had to be overcome, and the constant fight day and night against the enemy, the river Indus, until every pile is driven home and the huge mass of masonry completed. I came to the conclusion that the constructional work there was in very capable hands indeed and there was nothing whatever which suggested, to my mind, criticism so far as this portion of the work was concerned. On the other hand, after being down in that Cofferdam for fully two hours, nothing but praise and encouragement should be given to those, from the highest to the lowest, whose duty it was to work almost day and night to complete the construction before the river rose to the dangerous level.

6. Next the Committee members inspected the Power House and, though I am not an engineer, I certainly felt the Electric Plant was no more than necessary for the success of the huge scheme and for the comfort of those who have to live and work through the trying climate of Sukkur.

7. A visit was then paid to the Quarries on the Right Bank, the Lime Kilns and the Store Room. In connection with the Quarries and the Lime Kilns I was most impressed with the efficiency with which the material necessary for constructional work was being produced.

8. The following day took us across the river to the Left Bank, when the Regulators and Stone Dressing Plant were inspected, also the Mechanical Workshop and Store Room. Here again my impressions were that everything undertaken was by most efficient and up-to-date methods. A visit to the Quarries on this side of the river impressed me even more fully when I saw the economical manner in which those huge blocks of stone were being obtained, and conveyed on the Barrage railway to the Stone Dressing Shop. In connection with the Stores held I felt that those responsible for the supply of stores were carrying a minimum stock.

9. A tour of inspection of the townships buildings, from the officers' bungalows to quarters for menials, and a visit to the Hospital, well staffed and provided with up-to-date medical appliances necessary to deal with accidents of the most serious nature, prompts me to congratulate Government in providing adequate accommodation for the workers, and every facility for the sick, and also to congratulate the Public Works Department for a well laid out township at such a small cost.

10. Two days were devoted to the inspection of several of the main Canals, and those great Excavators at work, cutting a way through the desert land to the necessary depth and width required to carry the water of the Indus and its fertilising silt for distribution over 5½ million acres.

11. There is no doubt about it in the least, remarkable progress has been made and which reflects great credit on those engineers in charge of the work, and especially in view of the fact that men require months of training to control those Excavators efficiently.

I was indeed very favourably impressed and the questions put to officers concerned elicited answers which satisfied me every engineer engaged in this great undertaking knew his job.

12. An inspection of the Dredgers and the work they were doing satisfied me that whatever these Dredgers had cost they were doing the work most essential to the complete and successful construction of Wharves and Regulators. I do not hesitate to say that was it not for the work the Dredgers were carrying out the engineering difficulties would have been so far increased as to seriously jeopardize the successful construction of the Wharves and Regulators.

13. Previous to my visit to Sukkur I had often heard alarming rumours and disquieting statements, both in the Legislative Council and from the man in the street I have heard it said that an enormous amount of money has been sunk which will never be recovered and also that when the Barrage is erected and in use the river will be driven to change its course and the Barrage will thereafter remain simply a monument of Government's folly. I have heard these statements repeatedly in Bombay. I heard them in Karachi on my way to Sukkur and I heard similar statements even in Sukkur. It is no doubt true that the great Barrage scheme, to bring it to a successful issue, requires an enormous amount of money, but from my observations I am prepared to state at once that no scheme could have been better thought out in every detail than the Sukkur Barrage has been and that no money has been sunk which is not absolutely essential to the successful completion of the Barrage.

14. Every step in the direction of expenditure certainly appeared to me to have only been taken after full and complete consideration of every detail, and to be working so near the Project Estimates reflects, in my opinion, the greatest credit on the Chief Engineer and his officers.

15. The organisation established is, I say without hesitation, marvellous.

16. Yes ! an enormous amount of money has been sunk, but on what ? A very necessary Power House, miles of railway with the necessary rolling stock, dredgers, up-to-date quarrying and Stone Dressing Plant, Mechanical Workshops, Lime Kilns, Excavators, and a township which at least gives ordinary home comforts to those whose duty it is to live and work in one of the most trying summer climates in the world.

17. I am firmly of the opinion that when the Barrage is completed and water flows along those Canals, and when 5½ million acres of now semi-desert and desert land are irrigated, the Barrage scheme will prove to be one of the greatest, if not the greatest asset, not only to Sind alone but to the entire Presidency of Bombay and, in fact, to India generally.

18. In conclusion I would like to place on record my appreciation and thanks to those Public Works Department officers with whom I came in contact during the tour of inspection, for their extreme courtesy and their very willing assistance rendered.

Yours faithfully,
(Signed) J. ADDYMAN.

Rao Saheb D. P. DESAI : Has any report been received by Government ?

The Honourable Sir COWASJI JEHANGIR : A report from one of the members has been received by Government.

Mr. G. I. PATEL : Were the members asked to report individually or on behalf of all of them ?

The Honourable Sir COWASJI JEHANGIR : That was left to honourable members themselves as to what they should do.

MOULVI RAFIUDDIN AHMAD : May I know whether the Honourable the General Member enquired of the other members for a report ?

The Honourable Sir COWASJI JEHANGIR : I enquired verbally from nearly all the members whether they were ready to send in their remarks.

Rao Saheb D. P. DESAI: Will the honourable member for Sukkur state whether they have made any remarks.

Mr. B. G. PAHALAJANI: It was not an investigation committee, but it was only an inspection committee.

Mr. G. I. PATEL: Who settled the procedure for the working of this committee? Was there a chairman?

The Honourable Sir COWASJI JEHANGIR: It was entirely left to the members to decide their procedure.

Mr. J. C. SWAMINARAYAN: Was it a pleasure trip committee?

The Honourable Sir COWASJI JEHANGIR: The honourable members of the committee have done their duty to the best of their ability. They have not, except one honourable member, sent in their remarks. I hope Government will receive their remarks.

Rao Saheb D. P. DESAI: Will the honourable member for Sukkur state whether the committee has reached any conclusion.

SUKKUR BARRAGE OFFICERS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state giving the names and length of service of the officers—

(*a*) how many officers, temporary and permanent, who are residents of the Presidency proper are engaged on the Sukkur Barrage Project;

(*b*) how many of them were from the Bombay Development Department;

(*c*) how many of them were from the other parts of the Presidency;

(*d*) how many of them possess University qualifications?

The Honourable Sir COWASJI JEHANGIR: The information is being collected.

SUKKUR BARRAGE: ASSISTANT EXECUTIVE ENGINEERS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) how many permanent Assistant Engineers and Executive Engineers are employed on the Sukkur Barrage Project;

(*b*) the length of service of each in the Irrigation or Public Works Department and his qualifications?

The Honourable Sir COWASJI JEHANGIR: The information is being collected.

I may remind the honourable House that these answers were printed some time ago.

Mr. G. I. PATEL: And still the information is being collected. It is nearly six months.

The Honourable Sir COWASJI JEHANGIR: The information most probably has been collected and will be given in a separate list which will follow.

SUKKUR BARRAGE: EXECUTIVE ENGINEERS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) the names of the officers serving as Executive Engineers on the Sukkur Barrage who have only passed from the Sub-Overseers School at Karachi (D. J. School) or Poona. Please state the length of the services of each of them in the Public Works Department of the Presidency;

(*b*) whether it is a fact that about five Executive Engineers possess no University qualifications but only diplomas of the above schools? Please state their names with the length of their service.

The Honourable Sir COWASJI JEHANGIR: (*a*) The required information is given in the printed statement.

(*b*) Yes, four Executive Engineers possess only diplomas of the D. J. Sind College.

The statement referred to in (*a*) above furnishes the information required by the Honourable Member.

Statement showing names of officers serving as Executive Engineers on the Lloyd Barrage and Canals Construction who have only passed from the Sub-Overseers School at Karachi (D. J. College) or Poona.

Name of officer	Length of service in the Bombay Public Works Department	
	Years	Months
Rao Bahadur J. T. Shahani	28	6
Mr. H. P. Chablani	25	7
Mr. K. G. Advani	22	8
Rao Bahadur R. T. Thadani	38	6

ENGINEERS IN TRANSFERRED DEPARTMENTS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) when the control and recruitment of the transferred half of the Public Works Department will be handed over to the Minister as in the case of Madras, Punjab and other Provinces;

(*b*) whether it is a fact that the Government of India have sent several reminders to the Local Government to do so;

(*c*) If the reply to (*b*) be in the affirmative, the reasons for not transferring the control and recruitment to the Minister?

The Honourable Sir GHULAM HUSAIN HIDAYATALLAH: (*a*) The Minister has control over the transferred half; but the question of

separation of the Roads and Buildings Branch from the Irrigation Branch is under consideration. The cadres have not been separated in Madras.

(*b*) One reminder has been received.

(*c*) In view of the reply to (*a*) above, this does not arise.

SUKKUR BARRAGE LANDS : RECRUITMENT OF AGRICULTURISTS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) from where the future agriculturists under the barrage lands will be recruited ;

(*b*) whether they will be recruited from the thickly populated districts of Ratnagiri and Kolaba and from Gujarat ?

The Honourable Mr. J. L. RIEU : Government have not yet come to any conclusions on the question whether special measures will be required for providing agricultural labour for the Barrage area.

SUKKUR BARRAGE : COST OF PLANT AND MACHINERY

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) the cost of the plant and machinery ordered out for the Sukkur Barrage Scheme but still lying idle ;

(*b*) whether it is a fact that plant and machinery of the value of fifty lacs of rupees are still lying idle ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Rs. 42,721. The plant and machinery consist of 2 sets of stone crushers and hoppers and owing to change of arrangements this plant could not be used immediately.

(*b*) No—*vide* reply to (*a*) above.

Mr. G. I. PATEL : Is there any possibility of that plant being made use of now ?

The Honourable Sir COWASJI JEHANGIR : Yes.

Mr. G. I. PATEL : When ? After several months or in the immediate future ?

The Honourable Sir COWASJI JEHANGIR : It will possibly be used this season.

CAMBRIDGE LOCAL EXAMINATIONS

Rao Saheb D. P. DESAI (Kaira District): Will the Minister for Education be pleased to state—

(*a*) whether the management of the Cambridge Local Examinations is under his control or is a " reserved subject " in this presidency ;

(*b*) if it is "transferred," what reasons led him to debar Indian students from high schools in this presidency from appearing at the Cambridge Local Examinations;

(*c*) if it is "reserved," will he be pleased to state whether he had protested against this ban on Indian students?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) The management of Cambridge Local Examinations is a "reserved" subject.

(*b*) The question does not arise.

(*c*) No; the circumstances have been explained fully in my reply to another question of the Honourable Member on the subject printed at pages 1488-1489 of Part XVIII of Volume XX of the Bombay Legislative Council Debates.

GRANT MEDICAL COLLEGE: ASSOCIATE PROFESSORSHIPS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether it is a fact that Associate Professorships were created in the Grant Medical College simply as an emergency measure;

(*b*) if the answer be in the affirmative, the nature of the emergency?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No.

(*b*) The question does not arise.

ASSISTANT SURGEONS: COMPENSATORY ALLOWANCE

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether it is a fact that male Assistant Surgeons receive compensatory local allowance, while women Assistant Surgeons do not;

(*b*) if the answer be in the affirmative, the reason for making this difference?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) Such of the male Assistant Surgeons, now called Bombay Medical Service Officers, as are posted at the places where compensatory local allowance is admissible, receive it. No women Assistant Surgeons receive such allowance, as their appointments are at places for which no compensatory local allowance is sanctioned.

RECLAIMED LAND PURCHASED BY THE GOVERNMENT OF INDIA

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether the Government of India have paid in full the price of reclaimed land purchased by them; if so, the amount paid and the price per yard;

(*b*) the cost per yard to the Local Government of the lands purchased by the Government of India?

The Honourable Sir COWASJI JEHANGIR: (*a*) This part of the question has been answered already.

(*b*) About Rs. 15 per square yard.

SYDENHAM COLLEGE OF COMMERCE: ADMISSIONS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) how many students are at present receiving instruction at the Sydenham College of Commerce;

(*b*) how many students from the various colleges of this Presidency had applied to be admitted to that college during June last and how many of them were taken up;

(*c*) how many of those that were admitted in June last (1927) were from the Punjab, United Provinces, Bengal, Central Provinces and Madras and how many from each of these provinces were refused admission;

(*d*) the maximum number of students that are annually admitted to that College?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) 263.

(*b*) About 108 new students from the various colleges in this Presidency appeared for the written test (admission examination) for admission into the I. Com. (1st year) class this year, out of whom 80 were admitted into that class.

(*c*) The sub-joined statement gives the information required.

	Number of students admitted	Number of students refused admission
Punjab	4	....
United Provinces	2	....
Bengal	1	....
Central Provinces	*Nil*	1
Madras	9	....

(*d*) About 100.

ENGINEERING SERVICE: RECRUITMENT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether it is a fact that the Lee Commission recommended that the recruitment for the Indian Engineering Service should be as under:—

(*i*) forty per cent. to be recruited by the Secretary of State;

(*ii*) ten per cent. Indians with European qualifications to be recruited by the Secretary of State;

(*iii*) thirty per cent. to be recruited directly from the Indian Universities; and

(*iv*) twenty per cent. to be recruited from the Provincial services;

(*b*) if the reply be in the affirmative, whether steps have been taken to give effect to the above arrangements;

(*c*) if no steps have been taken, what is the procedure obtaining in the P. W. D. for recruitment to the superior offices of that Department;

(*d*) the percentage of recruitment of each of the four classes mentioned in (*a*) after the Lee Commission's report was made?

The Honourable Sir COWASJI JEHANGIR: (*a*) Not exactly. For provinces where the Irrigation and Roads and Buildings Branches are not separated, the Lee Commission recommended the following rates of recruitment:—

(*i*) Forty per cent. Europeans to be appointed by the Secretary of State in England.

(*ii*) Ten per cent. Indians to be appointed by the Secretary of State in England.

(*iii*) Fifty per cent. Indians to be appointed in India (inclusive of promotions, if any, from the Bombay Service of Engineers).

(*b*) This Government contemplate the complete separation of the two Branches; hence the above recommendation does not apply to the case of the Indian Service of Engineers in this Presidency. The matter is still under the consideration of Government.

(*c*) One or two appointments are made by the Secretary of State in England and one appointment every year (with a second one every third year) is being made jointly from the Engineering Colleges at Poona and Karachi. In addition to these, one appointment is also made every alternate year by promotion from the Bombay Service of Engineers.

(*d*) Since the Lee Commission made its report the following are the numbers appointed in each of the classes mentioned in part (*a*) of the question:—

	1924-25	1925-26	1926-27
(*i*)	2	2	1
(*ii*)	None	None	None
(*iii*)	2	1	1
(*iv*)	None	1	None

DISTRICT COURT, BROACH: SHERISTEDAR

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state whether it is a fact that Mr. N. J. Tamane, Sheristedar of the District and Sessions Court of Broach, is being given repeated extensions?

The Honourable Mr. J. E. B. HOTSON: The District Judges have the power to give extensions to members of their establishments up to the age of 60 years. This is not a matter in which Government ordinarily interfere with the discretion of their officers.

JUDICIAL DEPARTMENT, BROACH AND PANCH MAHALS, NAZIRS

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) whether it is a fact that there is not a single Muslim Nazir in the Judicial Department of the Broach and Panch Mahals Districts;

(*b*) whether it is a fact that there is not a single Muslim Section Writer in the Office of the District Court of Broach;

(*c*) whether it is a fact that there are only four or five Muslim Section Writers in the Sub-Courts of the Broach and Panch Mahals Districts:

(*d*) the number of section writers or fee karkuns in the Sub and District Courts of the said Districts;

(*e*) whether it is a fact that in the District and Sub-Courts of Broach and Panch Mahals there are only twelve and half per cent. Muslim karkuns instead of 50 per cent.?

The Honourable Mr. J. E. B. HOTSON: (*a*) No.

(*b*) Yes.

(*c*) There are five.

(*d*) 28.

(*e*) The proportion is about 13 per cent. The honourable member is mistaken if he supposes that Government have issued orders directing that 50 per cent. of all appointments should go to Muslims in Gujarat. The orders which he appears to have in mind include all the classes described as backward in their scope.

POSTAL WORK IN NORTHERN DIVISION

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state whether it is a fact that postal work is not entrusted to the munshis in the Northern Division except Broach?

The Honourable Mr. J. L. RIEU: No. One munshi is at present employed as extra departmental branch postmaster at Tadkeshwar in the Surat District.

ELLIS BRIDGE AND DHOLKA STATIONS: PASSENGER SHEDS

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) whether they are aware of the fact that there is not sufficient accommodation for passengers in the shed both at Ellis Bridge and Dholka stations;

(*b*) whether they are aware of the fact that the passengers suffer a great deal of hardship and inconvenience owing to the want of sufficient accommodation at these two stations;

(*c*) what steps they propose to take in the matter in order to relieve the inconvenience and hardship mentioned in (*b*)?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) and (*c*) The existing sheds at Ellis Bridge and Dholka stations provide accommodation 1,040 and 640 square feet in area respectively. Government are informed that it is now proposed to extend them so as to provide sufficient accommodation for passengers, and that the work will be carried out in the near future.

Mr. G. I. PATEL: May I know why work has not been proceeded with in spite of a similar reply made during the last year?

The Honourable Mr. J. L. RIEU: I do not know. I require notice of that question.

Mr. G. I. PATEL: I would refer the Honourable Member to a question asked and a reply given last year in this Council. It was stated then that the work was under contemplation. Then same reply is being given now.

The Honourable Mr. J. L. RIEU: I do not understand what question the honourable member is now asking.

Mr. G. I. PATEL: The same question that has now been answered by the honourable member.

(No reply).

PROMOTION OF PRIMARY TEACHERS

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) how many primary teachers have been promoted to the selection grade from amongst (1) third year, (2) second year and (3) first year teachers in the Ahmedabad, Kaira, Panch Mahals, Broach and Surat districts;

(*b*) how many of them are Gujarati teachers and Munshis respectively in each district;

(*c*) whether it is a fact that in the five districts mentioned above out of hundred and sixty teachers promoted to the selection grade there are only six Munshis who are promoted to that grade?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) The accompanying statement gives the information required.

(*c*) No. The total number of teachers from all the five districts promoted to the selection grade, was 232 out of which 14 are Munshis.

Statement showing the number of Primary Teachers promoted to the Selection Grade

Name of the District	3rd year		2nd year		1st year		Total	
	Gujarati teachers	Munshis	Gujarati teachers	Munshis	Gujarati teachers	Munshis	Gujarati teachers	Munshis
Ahmedabad	*24	..	9	..	14	..	47	..
Kaira	28	3	13	2	20	1	61	6
Panchmahals ..	*9	..	4	..	7	1	20	1
Broach	16	2	7	4	12	..	35	6
Surat	21	..	10	..	24	1	55	1
Total ..	98	5	43	6	77	3	218	14

* This includes one Muhammadan teacher, but he is not a Munshi.

ACQUISITION OF SHAH GAZNI'S ROZA AND KABRASTAN, AHMEDABAD

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) the date on which the necessary funds for the acquisition of the Shah Gazni's Roza and Kabrastan at Ahmedabad were provided by the Sunni Wakf Committee;

(*b*) the date on which notification for the acquisition of the said Roza and Kabrastan was published;

(*c*) the legal difficulties, if any, to the said acquisition;

(*d*) the final action taken by Government in the matter with the date thereof?

The Honourable Mr. J. L. RIEU: (*a*) 18th February 1924.

(*b*) 18th May 1925.

(*c*) The owner of the property has given notice of a suit in the District Court of Ahmedabad against its acquisition.

(*d*) Under section 6 of the Land Acquisition Act Government, on the 24th August 1927, issued an order for the acquisition of the property.

CIVIL HOSPITAL, AHMEDABAD: REMOVAL OF DEAD BODIES

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) whether they are aware of the fact that the existing arrangements for carrying dead bodies from the Civil Hospital, Ahmedabad, to the

burial ground are very crude and that in most cases the bodies are carried in a more or less uncovered condition through the public streets emitting foul smell;

(*b*) what steps they propose to take in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) It is unavoidable that certain *unclaimed* dead bodies should give an offensive odour while being carried away from the Civil Hospital on account of the fact that some of them have been dead for some days and have been handed over by the Police for *post-mortem* examination. In such cases bodies are carried in hospital chudder soaked in phenyle. In other cases, bodies are handed over to relatives where such exist for burial.

(*b*) Government are of opinion that no action is called for.

Mr. G. I. PATEL: Is it a fact that they are carried in a more or less uncovered condition through the public streets ?

The Honourable Dewan Bahdur HARILAL D. DESAI: They are carried in a chudder soaked in phenyle.

Mr. G. I. PATEL: Am I to understand that they are not carried in an uncovered condition, as is stated in question (*a*) ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

Mr. J. C. SWAMINARAYAN: Is that chudder thrown away or used over and over again ?

(No reply.)

The Honourable the PRESIDENT: Before we proceed to the next business of the day, I should like to express my very warm appreciation, on my behalf and on behalf of the Council, of the services of Mr. N. J. Wadia as the Secretary of the Council. Mr. Wadia's services have been requisitioned by Government in another Department and he is transferred. The duties of a Secretary are many and varied and by no means easy. While strictly maintaining the technicalities of the constitution, he has also to show and practise broad-mindedness and entire sympathy for the ideal which we are all striving to reach. Mr. Wadia, throughout his association with me, has exhibited that spirit to the fullest extent and has thereby gained my confidence and warmest appreciation. I am sure I shall be echoing the feelings of the House if I say that his relations with the honourable members of the Council have throughout been courteous and considerate. I take his transfer as my personal loss and, I think the loss of the Council. With these brief remarks I wish to convey to Mr. Wadia our greatest regret to part with one who was proving in every way to be an ideal Secretary. He is succeeded by Mr. Rajadhyaksha, and relying on the usual acumen and capacity of members of the Indian Civil Service, I have every hope that he will prove a worthy successor.

The Honourable Sir CHUNILAL MEHTA: Sir I wish to associate myself with the sentiments expressed by you as regards the services of Mr. Wadia.

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PRESENTATION OF THE BUDGET

The Honourable Sir CHUNILAL MEHTA : Mr. PRESIDENT : Before I present the Budget of the Government of Bombay for the year 1928-29, I must at the outset explain that the Auditor-General has issued new rules for the exhibition of revenue and expenditure in the Government accounts with effect from next year in accordance with which recoveries up to now treated as deductions from expenditure are to be credited to their respective receipt heads. The result of this classification will be that both the revenue and the expenditure heads will be swelled to the extent of these recoveries. It is necessary to mention this for a correct appreciation of the accounts and also for the purpose of comparison with previous years. For facility of reference a new Statement F is added in the Blue Book to show items of recoveries transferred from expenditure to revenue heads amounting to nearly 24 lakhs in the next year.

2. I will first deal with the completed accounts of 1926-27. The year 1926-27 opened with a balance of 664 lakhs of which

195 lakhs was in the Famine Fund,

81 lakhs was the loan balance,

and 388 lakhs was the ordinary balance.

At the time of the Budget discussion we anticipated that we should close the year with a balance of 474 lakhs, the difference between the opening and the closing balance being made up of a revenue deficit of 75 lakhs and a withdrawal from our balances on loan account of 115 lakhs. The closing balance in the accounts of 1926-27 has however been reduced to 459 lakhs of which 242 are in the Famine Fund, 57 lakhs represent our loan balances, the ordinary working balance being therefore 160 lakhs. The original revenue deficit of 75 lakhs was raised to 78 lakhs in the revised estimates as adopted in the Final issue of the White Book, without taking into account the special subvention of 28 lakhs which we received from the Government of India. We have however closed the year 1926-27 with a revenue deficit of 92 lakhs. Details of the variations between the revised estimates of 1926-27 and the accounts have been explained in the Finance Secretary's note in the Blue Book.

3. The agricultural season turned out to be considerably worse than the unfavourable anticipations already made by Government at budget time with the consequence that the collections of land revenue were the lowest on record since the Reforms. In the uncertain conditions of last year, it was difficult to frame an accurate estimate even so late as January ; and the House was informed that the situation was being carefully watched by the Honourable the Revenue Member. Suspensions and remissions were freely given, both in the Presidency proper and in Sind, the collections showing a drop of 56 lakhs. This heavy decrease gives little justification for the fear that has sometimes been expressed that the local revenue officials are merciless in their

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collections and relentless in screwing them up to the estimates which they have reported to Government.

4. In Excise the fall in revenue amounted to 11 lakhs below the estimate in the final issue of the White Book. Of this 8 lakhs is attributed chiefly to lower consumption of liquor, counterbalanced by an increase of one lakh under other heads, and the remainder is due to the commercial profits of distilleries for part of the year being credited to the accounts of the subsequent year, *viz.*, 1927-28. It has now been decided that profits from commercial concerns on account of any particular year should be adjusted in Government accounts in the succeeding year. What has actually happened is that about 4 lakhs, representing nearly half the profits for the year 1926-27, were credited in that year. In 1927-28, that is in the current year, only one-half of what was anticipated will be credited; while the whole profits of 1927-28 amounting to 8·23 lakhs will go into the accounts of 1928-29. Thus in the revised estimates of the current year there is a decrease of about 4 lakhs on this account.

5. There is also a fall of 18 lakhs in Stamps owing to slackness of trade. Of these 18 lakhs, 10 lakhs is accounted for by non-judicial stamps and 8 lakhs by Court-Fees stamps. I will deal with this a little later when examining the revenue estimated under this head in next year's budget.

Scheduled Taxes also, apparently for the same reason, failed to come up to our anticipations by 2·65 lakhs. The loss is almost wholly under the Betting Tax.

We lost 11½ lakhs under the head 'XIII—Works for which capital accounts are kept; and one lakh in miscellaneous adjustments.

There were minor improvements of 2·4 lakhs in Forest due to better sales of timber: one lakh under Police, a lakh under Public Health, 3½ lakhs under receipts in aid of superannuation, one lakh in extraordinary receipts.

6. The decrease in revenue was counterbalanced by a decrease in expenditure of 51 lakhs. Almost all departments contributed to this decrease, the largest savings being under Civil Works amounting to 17½ lakhs. Administration of Justice and Forests showed small increases of Rs. 37,000 and Rs. 21,000 respectively. The increase of 1¾ lakhs under Excise was due mainly to higher cost price of opium.

7. I come now to the revised estimates for the current year and the budget estimates for next year.

Under Land Revenue there is an increase of 15 lakhs which the revenue officers hope to collect owing to the heavy arrears of last and previous years.

It is usual to give a brief review of the character of the last monsoon; but I propose to dispense with it partly because after the monsoon season is over the crops have still to pass through various risks, such as frost, locusts, and other insect pests and partly because the

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intensity of the rainfall and the consequent floods in Gujarat and Sind practically overshadowed everything else. Happily these risks are not of frequent occurrence but they badly upset estimates when they do occur. The serious effect on our revenue in the past year has already been referred to. In the current year the damage done by floods to Kharif crops in Gujarat and Sind was so serious that resowing was found to be necessary over a large area. In several places in Sind water stood for such a long time that even resowing was not practicable. Locusts again made an attack in Thar Parkar and Nawabshah districts.

Had conditions in Gujarat not improved after the middle of August, the prospect would have been dark indeed. It has been reported that the damage to land in Gujarat owing to silting, etc., has fortunately not turned out as serious or as extensive as originally feared and the deterioration is not likely to be permanent. 4,000 acres were reported as affected. About half of this area has been carefully inspected and surveyed and it is found that less than one-third of that has been damaged and that not badly. The classification of these lands has been lowered, on an average, by about two annas.

8. The effect on our finances owing to the unprecedented calamity of the floods was explained to the Council in October last when a demand for supplementary grant was made. The terms of free grants, tagavi advances for restoration of land and for the purchase of seed and cattle, and of loans for the reconstruction of houses are now well-known as well as the concession as to the lowering and remission of interest on tagavi and reconstruction loans. There has been, as the Council will realise, a very serious draft on our balances, both famine and other, by the provisions which have been freely made.

9. A sum of over 10½ lakhs is being spent on free grants.

For advances the Council sanctioned a sum of 80 lakhs from the Famine Fund and a sum of 63·53 lakhs from the balances.

Later figures received show that the amount required from the Famine Fund will be 85·22 lakhs of which 69·82 lakhs will be for Gujarat and 15·40 lakhs for Sind.

Under the Provincial Advance and Loan Account the total sum will amount to 71·15 lakhs of which 38·64 lakhs will be for Gujarat and 32·51 lakhs for Sind.

The excess amounts have been necessitated by the relief required in Sind where, in addition to the large sums advanced as tagavi for seed and agricultural purposes, money for housebuilding and repairing has been allotted through the Revenue Department amounting to 12½ lakhs and through Co-operative Societies amounting to 14 lakhs.

In addition to the above sums for Flood relief work, we have had to spend over 3½ lakhs for repairing roads and buildings and over 2½ lakhs for tanks and embankments: and demands for assistance have been received and are still coming in from District Local Boards. Rs. 75,000 have already been sanctioned as a grant to the District Local Boards of Hyderabad and Thar Parkar for roads. Other grants for repairs or

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reconstruction of school buildings have also been recently sanctioned in Gujarat and Sind.

It has been represented that village sites in a number of villages in Gujarat have been washed away, that some are in a precarious position being too low-lying and close to the river, and that it is necessary to provide new sites on a higher level. The new sites are to be laid out on modern lines. In some cases the acquisition of lands under the Land Acquisition Act is involved. It is not always easy to find suitable sites and people are very unwilling to part with their land, agricultural or other, as only some are called upon to sacrifice their lands. Government are earmarking a sum of Rs. 25,000 for this purpose. The Central Relief Committee is also contributing an equal amount. Free village sites will be provided for in necessitous cases only. Elsewhere the usual contribution will be recovered from the villagers.

Loans on such an extensive scale to a very large number of persons have not been given before in the case of those who have no agricultural land to offer as security and to whom loans cannot be granted under the Agriculturists' Loans Act. I think it will be agreed that Government should be properly secured and that they should not be in the position of ordinary lenders or be under the necessity of having recourse to law courts as in the case of ordinary mortgages. The Honourable Member, Revenue Department, proposes to introduce a Bill in the current session for the recovery of such loans as arrears of land revenue. This legislation, if passed, will place such persons on the same footing as agriculturists receiving loans under the Agriculturists' Loans Act.

10. And here I may be allowed a little digression. The manner in which the flood calamity, which was as widespread as it was unexpected, was met is a tribute to the well-known charity and public spirit of this Presidency. In a tract of comparatively light rainfall a veritable deluge descended for three or four days causing destruction to people's possessions, their food supply and their houses. Streams and rivulets became raging torrents: roads, bridges and railways were destroyed. The immediate work of relief required courage, promptness and resource. Bands of enthusiastic volunteers carried help to the distressed and the stranded, in some cases prevented possible loss of life, arranged for the conveyance of food and clothing with a cheerfulness and promptitude which excite admiration.

Business-absorbed Gujarat, till a few years ago, could scarcely boast of self-sacrificing social public work. It must be an intense satisfaction to Mahatma Gandhi that his labours for the creation of a band of selfless workers to be pioneers of missionary social activities particularly in the rural areas have met with an ample response, and that the volunteers mostly drawn from the Vidyapith should have acquitted themselves so creditably in the absence of their beloved leader in the face of an unforeseen calamity. How the mantle was at once taken by Mr. Vallabbhai Patel and with what energy he carried out his plan of work is now well-known. These workers belong to the old school of no-changers: and it is gratifying that they felt that this

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was no time to oppose or keep aloof from Government. I trust that their experience has not been unpleasant; and I am sure that it is only through the understanding of each other's point of view that the work both of relief and of reconstruction has been so successful and the interests of the people have not been sacrificed in an atmosphere of suspicion and bickering. It is natural that on the first occasion of joint effort like this the exact limits of executive responsibility, which every Government must observe, may not be fully understood; but on the whole it is a relief for me to say that the occasions of disagreement have been very few and that officers who have themselves striven zealously in the work of relief, have welcomed the assistance and have endeavoured, as far as they possibly could, to meet the requests of the non-official workers. It is my sincere hope that the atmosphere for missionary service created by Mahatma Gandhi will be permanent and that there will be many occasions, but not of this unfortunate character, for Government and non-officials to work for a common purpose; for it is by this alone that the true interests of the people can be properly served.

The Central Relief Fund Committee have also looked at all questions with the utmost sympathy and it is due to the joint effort of all these that relief was so promptly given and funds for reconstruction distributed on so large a scale. And I should be guilty of a serious omission if I did not refer to the courage, faith, cheerfulness and resource of the ryot in Gujarat in the face of this dire calamity. Nothing struck me more forcibly than this remarkable fact in my early visit to the affected areas.

Adequate relief has also been provided in the stricken areas of Sind. Non-official Committees tried to do their best in their different conditions and circumstances. For reconstruction of houses a great deal more is being done in Sind through the agency of Co-operative Societies, both housing and the ordinary agricultural Credit Societies, than in Gujarat.

11. Coming back to Land Revenue, it is difficult to forecast with any accuracy what the collections are likely to be a year and a half hence, since the estimates are framed by the district officers some months before the Budget is presented, and the full monsoon season has to intervene. Attempts have been made in the past to strike a sort of normal average but owing to the extensiveness of the Province while the rainfall may be normal in one division it may be very different in other divisions; and in any case the revenue in Sind depends entirely on the state of inundation which is solely controlled by the behaviour of the Indus. Estimates have to be framed with a view to past arrears and on the assumption that the succeeding year will be normal in all parts of the presidency. On this basis we have adopted for next year a figure of 538 lakhs.

12. In regard to Excise, the anticipations made last year have not been realised, the revenue having gone down from 400 lakhs to 386 lakhs. It is difficult to assign any specific reasons; but there is no doubt that consumption has gone down. Vend fees have also been affected by the experiment tried in the previous year, for the first time, of holding

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simultaneous auctions at all places on the same day. It is true that this experiment was abandoned in the current year; but the decision was taken so late that there was hardly sufficient time for notice of this change to reach the prospective bidders and it is quite likely that competition in the auctions was on that account less keen than it might otherwise have been. It is difficult to reconcile on any other hypothesis a drop in the Vend Fees with the theory that successive decreases in the rationed allotments lead only to less consumption because the profits of the shopkeepers are greater owing to enhanced prices. If that is really the effect, shopkeepers, assuming there is proper competition, ought to be willing to pay more for their shops and Vend Fees ought to go up.

The estimate for the next year has been placed at 391 lakhs and is 5 lakhs more than the revised estimate of the current year, though it falls short by 9 lakhs of the budgeted figure of the current year. It is hoped that the Vend Fees will improve.

The Report of the Prohibition Committee dealing with the financial aspect of the question has been submitted to Government. It raises many interesting and far-reaching questions. The Honourable Minister expects to issue orders shortly upon it.

13. In regard to our other big revenue-earning head—the Stamp Revenue—we have again to record a drop from 187 to 174 lakhs for which the unsatisfactory state of trade appears to be responsible. As the drop is substantial I have examined the figures of other Provinces to see whether any other reason can be found which can be dealt with by Government.

The Finance Member of Bengal in his speech last year stated that the fall under stamps was likely to be as much as 28 lakhs in the revised estimates of 1926-27; and he gave as the reasons general trade depression, fall in the price of jute and to some extent the effect of the riots.

That the depression in trade and commerce seems to be the cause of the decline in Stamp revenue is also borne out by the fact that it is in the industrial provinces that the estimates have declined while in the agricultural provinces there seems to have been indeed some slight improvement. Thus, Madras showed an increase of one lakh, Assam of 1¼ lakhs, Bihar and Orissa was stationary, while the decrease of 1 lakh in the United Provinces was explained by the Finance Member to be mainly due to the uncertainty caused by recent rent and revenue legislation owing to which cases were being held back. The decrease of 10 lakhs in the Punjab was in a great measure due to a reduction of taxation.

As the House is aware, in the current year the stamp duty on cheques was abolished and we have lost 1¼ lakhs being about half the revenue of the year. For next year we have estimated a revenue of 170 lakhs for stamps on the assumption that the present rates will continue. The estimate is below the revised figure for the expiring year, though one may hope for some improvement in trade after such a long spell of trade depression. The abolition of stamp duty on cheques will cost us nearly 3 lakhs in future.

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14. The question of the exchange of stamps in lieu of a share in the Income-tax was further considered this year at the Finance Members' Conference; but it was not possible to arrive at an agreement amongst the provinces some of whom rejected the proposals of the Government of India as constituting a major change in the Meston Settlement to which they were not prepared to agree. On the figures presented by the Government of India some advantage appeared to accrue to this Province, and we were prepared to accept the proposals under certain conditions. The sister presidency of Bengal, who has suffered under the Meston Settlement equally with us, was also likely to derive some benefit though to a much less extent; but they refused to accept the proposals in view of the appointment of the Statutory Commission who must examine the whole question of the Meston Settlement.

The objection of some provinces was that Bombay was surrendering less in Stamp revenue than she would receive by a pie-rate on the Income-tax. Under these circumstances the Government of India have held their proposals in abeyance. The Government of India and all the provinces agree that the recommendation of the Taxation Enquiry Committee that certain items of the Stamp revenue should be Central revenue must be given effect to and that the provinces should be compensated by a share of the Income-tax. It is therefore clear that it is advisable to maintain the level of Stamp revenue. The exigencies of our financial situation, as Honourable Members will easily see from the Budget, also make it essential that the existing rates of Stamp and Court Fees should be continued. The two bills will in the ordinary course be placed before the Council and I trust they will receive the approval of the House.

15. We have suffered a loss of 2½ lakhs in Forests in the revised estimates due to a fall in the price of timber and the consequent smaller realisations. The revenue under this head is liable to fluctuations but the Chief Conservator expects better realisations. The next year's estimate practically repeats this year's budget estimate at 73·94 lakhs.

Registration fees have suffered to the extent of one lakh and the lower figure of 11·94 lakhs has been adopted for the next year.

Under the head XIII-Works for which Capital Accounts are kept, we have suffered in revenue to the extent of 7½ lakhs due to a reduction in the rate of water supply in the Deccan canals for the cultivation of sugarcane, deficiency of water supply in some of the Sind canals and remissions granted to cultivators in Sind on account of damage done to crops by locusts and floods. This rate, *i.e.*, sugarcane rate, was raised to Rs. 66 per acre: but on a careful examination of the state of the sugar growing industry and the price of gur, the rate was put back to the original figure of Rs. 45 per acre. The same figure has been adopted for next year.

We have lost 3·58 lakhs in Miscellaneous Adjustments between Central and Provincial Governments on account of the decision of the Government of India not to allow us refund of customs duties which has

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been a matter of contention between the two Governments. The question will still be pursued but we have taken no credit for this sum either in the revised estimate of this year or in the budget of next year. Council are aware that this decision of the Government of India adversely affects this province only as the major portion of the refunds came back to us.

There is an improvement of 6 lakhs under 'Extraordinary Receipts' on account of the sale by the Official Assignee to the depreciation fund of the Nasik and Khanapur distilleries and to the Bombay Development Sinking Fund of securities in which unclaimed dividends in his hands have been invested. As the name of this head indicates it connotes receipts which are not likely to recur and the next year's estimate has been put down at Rs. 23,000 only.

Under the head XVI-Interest, there is an improvement in the current year of one lakh due to the extraordinary receipts from the Government of India for interest on balances outstanding on account of loans in the Kathiawar Agency of three lakhs, counterbalanced by a drop in the receipts of interest from loans to cultivators and also from the Government of India on the deposits of our balances which had to be withdrawn for famine and other purposes. The estimate for next year has been reduced by nearly 7 lakhs from 109 lakhs to 102 lakhs.

16. Paragraph 3 of Secretary's note in the Blue Book shows that in the current year there is likely to be a net increase of expenditure over revenue of 12 lakhs. If we exclude the Industrial Housing Scheme and the Famine Relief transactions, the ordinary revenue in the current year is likely to fall by 26 lakhs counterbalanced by a fall in expenditure of 21 lakhs. The decrease in expenditure has been shared by most departments, the principal ones being: Irrigation 6 lakhs, General Administration 3 lakhs, Transfers from the Reserve 7 lakhs. These 7 lakhs were utilised in meeting the following additional expenditure: Administration of Justice one lakh, Forest Capital Outlay three lakhs, Other Heads three lakhs. In the current year we had provided a sum of 3 lakhs on capital outlay which was intended to be met from loan money, as mentioned in the Blue Book last year. To this head are debited principally Roads and Communications. They are distinctly revenue-earning. There are many tracts in our extensive forests where exploitation of timber is not possible without the building of roads. The returns of such extraction are likely to be several times the cost of these roads and it is consequently a legitimate charge upon loan funds. But the hard and fast rules for borrowing purposes in regard to schemes costing less than 5 lakhs of rupees prevent this being done. The question has now been taken up with the Government of India. The matter is important because not only does the restriction throw an unnecessary burden on ordinary revenues but the development and exploitation of forests will otherwise be very much hampered. It would clearly not be possible to provide from revenues money for schemes which are necessarily scattered in our various forest regions and cannot therefore come up to the 5 lakh limit. Liberal provision for amortisation should of course be made and we suggest that the period should be fixed

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at not more than 15 years. For the present, however, both in this year and the next the charge has been debited to ordinary revenues.

17. The net result is that we expect to close the current year with a balance of 254 lakhs as follows :—

Famine Fund	..	181 lakhs
Loan Balance	..	*Nil*
the ordinary balance being	..	73 lakhs.

It must be remembered that, as mentioned last year, the sum of 123 lakhs invested in the Sukkur Barrage will continue to be so invested; but it will be open to us at any time to replace this sum in our balances by additional borrowing for the Barrage Construction. To all intents and purposes it is an addition to our ordinary balances.

I am sorry that a note stating this amount clearly in the Blue Book, which I had ordered to be made, has been omitted by oversight. It will be shown in the future as a distinct note.

18. Statements D and E in the Blue Book show the capital commitments of this Government and its debt charges.

It is proposed to borrow 272 lakhs for the Sukkur Barrage in the next year, which includes 14·35 lakhs for interest on the advance of 123 lakhs for three years since it was made,—the advance of the Sukkur Barrage.

Other Irrigation Schemes will cost us 24·7 lakhs.

For the Development it is intended to borrow 77 lakhs inclusive of 2 lakhs for advance to private individuals under the State-aided building Schemes and one lakh as loan to Co-operative Housing Societies. The interest and sinking fund charges for that department will amount to 92·44 lakhs out of which, as explained later, general revenues will give a subsidy of 32½ lakhs, to write off the loss on the Back Bay, the Suburban Schemes and the Housing Schemes.

For other purposes we shall require 49·91 lakhs mostly for civil works.

The total borrowings for the next year will therefore amount to 423·5 lakhs.

19. Let us analyse our debt position. Our total debt borrowings up to the end of the next year will have amounted to 28·9 crores.

Of this sum 898 lakhs, or about one-third, is for the Sukkur Barrage and is expected to be recouped by sales of land.

Thirteen crores are for the Development Department to be recouped mostly by land sales, the anticipated loss being amortised by a subvention of 32½ lakhs from the general revenues.

Expenditure on other Irrigation Works will have amounted to 244 lakhs; and this sum has to be repaid by equated payments of principal and of interest—productive on a 60-year, unproductive on a 30-year basis.

The total debt under "Other Purposes" will have gone up to 437 lakhs and is mostly for Civil Works, Public Health, Forests, etc. This amount is also being repaid by equated payments of principal and interest mostly on a 30-year basis.

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The total advances taken from the Government of India on behalf of the three Bodies, Port Trust, Improvement Trust and the Bombay Municipality, will at the end of the next year be as follows :—

Port Trust	..	..	..	2·5 crores.
Improvement Trust	..	..	..	4·3 „
Bombay Municipality	..	..	.	8·2 „

Excepting the loan for development taken by the corporation, in respect of the interest on which we are negotiating with the Government of India, these bodies have agreed to repay their loans in 30 years.

Under an arrangement made in 1921 for joint borrowing from the Government of India, this Government is responsible to the Government of India till these debts are discharged.

In addition there is a pre-Reform debt of 8·9 crores which is not to be redeemed and on which a favourable rate of interest is payable.

Under Devolution Rules all advances which the Government of India had made to the Provincial Governments from the Provincial Loan Account were treated as advances to the Local Government as from the 1st of April 1921, and were to carry interest at an average rate. In addition to the interest the Local Government were required to pay equal instalments spread over 12 years. In 1921 this debt stood for this province at 316 lakhs. The balance now owing by us is 132 lakhs which will be reduced to 103 lakhs at the end of the next year, that is to say, we will have repaid 213 lakhs.

20. On the 1st of April 1927 the Famine Fund stood at 242 lakhs.

In the current year, as the Council is aware, we provided an assignment of 33·60 lakhs.

Honourable Members will notice that in the next year's budget no provision has been made for assignment to the Famine Insurance Fund and that the usual sum of 10 lakhs for interest on the Sukkur Barrage debt is being met from ordinary revenues.

In 1926 at the Finance Members' Conference at Delhi the general question was raised whether the contributions to the Fund, which were fixed on the basis of 1908 figures, were not excessive in present circumstances. The Government of India examined the whole question in detail for all provinces and in September 1927 addressed a letter to the various Governments in which they said :

" The present scale of contributions fixed in rule 1 was based on the average famine expenditure in the 20 years previous to 1916. The averages for a similar period ending 1925 under greatly improved conditions due to the development of irrigation and of communications and the general advance in the well being of the community as a whole indicate that a considerable reduction could be effected in the existing scale without endangering the ability of provincial finances to meet such demands for relief as now seem likely to fall upon them."

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I attach the following statement of their findings :—

Provinces	Present contribution to the Fund	Average expenditure on famine relief in years 1905-25	Highest expenditure on famine relief in any one year from 1910 to 1925	Highest amount spent in any two consecutive years since 1910	Balance at end of 1926-27 (as per Budget, 1926-27)
Madras	6·61 (4·87)	2·78	38·8	38·79	30·13
Bombay	63·60 (35·46)	9·62	40	67·25	233·55
Bengal	2·00 (1·18)	2·74	12·6	12·99	12·68
United Provinces ..	39·60 (25· 2)	16·43	35·8	54·71	14·14
Punjab	3·81 (3·79)	1·86	12·5	21·18	16·18
Burma	·67 (·59)	·10	·8	1·21	2·90
Bihar and Orissa ..	11·62 (6· 0)	1·67	7·2	11·70	72·14
Central Provinces ..	47·26 (31·26)	3·65	39·5	44·46	189·24
Assam	·10 (·07)	·09	·18	·18	·67

Note.—Figures in brackets represent that portion of the total contribution which is equal to the average expenditure on famine relief in 1896-1916. The balance represents outlay on protective measures.

The proposals of the Government of India were scrutinised by a sub-committee of the Conference in Delhi and were also fully discussed at the Conference and the unanimous opinion was that the Secretary of State should be approached to amend the Devolution Rules so that the contribution to the Fund should stand as in the following table :—

Province	Present contribution	Proposed contribution	Present minimum balance	Proposed minimum balance	Present balance in fund
1	2	3	4	5	6
Madras	6·61	3	39·6	40	30·13
Bombay	63·60	10	381·6	65	233·55
Bengal	2	2	12	12	12·68
United Provinces ..	39·60	16	237·60	55	14·14
Punjab	3·81	2	22·86	20	16·18
Bihar and Orissa ..	11·62	2	69·72	12	72·14
Central Provinces ..	47·26	4	283·56	45	189·24

The figures in columns 3 and 5 have been rounded off to suitable amounts the former represent the average expenditure on famine relief during the years 1905-25 and the latter the highest amount of expenditure in two consecutive years in the period 1910 to 1925.

One important change that has been made in the rules is that the Famine Fund, so long as it is not in excess of the prescribed limit, shall be used for direct relief only and the existing practice of meeting from it expenditure on protective irrigation shall no longer be allowed. Doubt has been expressed by the Auditor-General as to the correctness of several debits of this nature to the fund and in future its use will be

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strictly restricted to direct relief only. Any schemes of this nature will be placed before the Council and voted by it like any other item of expenditure. I may inform the House that every Provincial Government was anxious for reduced contribution so that a welcome relief may be given to their budget and expenditure may be released for other objects. There will also be the opportunity of a saving in interest of fr m 1¼ per cent. to 1½ per cent., since accumulations in the Fund beyond the prescribed limit may be used to replace borrowings for other purposes which would otherwise have to be found by a loan from the Provincial Loans Fund the rate for which is 1¼ per cent. or 1½ per cent. higher than that given for the Famine Fund according as it is used for productive or for unproductive purposes. I may mention that the Government of India proposed as our annual contribution to the Fund 10 lakhs and as the minimum limit of accumulations 65 lakhs; at our request these were raised to 12 lakhs and 75 lakhs respectively. The New Rules were discussed by our Finance Committee and were approved by them before the sanction of the Secretary of State was applied for.

21. Next year we propose to meet a sum of 7·9 lakhs from the Famine Fund mostly for Mr. Lowsley's establishment and his works. We are also meeting from the Fund expenditure on irrigation works amounting to 6¾ lakhs out of which 2¾ lakhs is due to floods in Gujarat and Sind while the remaining 4 lakhs will be spent towards completing the Visapur Tank, a protective irrigation work, for which this year we have already provided 5 lakhs. Mr. Lowsley's own appointment and that of his establishment has always been regarded as temporary. His special duty is to investigate how far small irrigation schemes such as bandharas, tanks, etc., are sound proposition from the irrigation and protective points of view and he is to examine feasible schemes. I trust he will have completed his investigations before long and that the schemes will be carried out as finances permit by the ordinary P. W. D. establishment in each district.

I regard the construction of minor irrigation works as fraught with the utmost possibilities of benefit to the rural population, especially in precarious tracts. Liable as our Presidency is to the frequent onslaughts of famine and scarcity, there can be no greater boon to the cultivator than the provision of water which he can utilise just when he needs it most, when the rainfall is unevenly distributed. This would make all the difference to him between a year of scarcity and one of fair crops. There was a volume of evidence before the Royal Commission on Agriculture on this subject and on the building of tals and embankments in the cultivators' fields for the conservation of moisture with the object of making even a low rainfall go a long way. There is immense scope for work in these directions and I trust that it will always be possible to find funds in the future for a well ordered and continuous policy in this regard.

22. At the Budget session last year, the Council sanctioned an aggregate sum of 23·28 lakhs on expenditure during the current year on Back Bay. By a supplementary estimate in October 1927 a further sum of 9·6 lakhs was voted by the Council.

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In accordance with the recommendations of the Mears' Committee, a representative Advisory Committee has been appointed. It is anticipated that the dredged filling of block I will be completed before the end of the current dredging season. Upon the advice of the Committee it is proposed to continue dredged filling next year as it is found to be considerably cheaper than dry filling.

Dry filling in Block 8 is attempted to be speeded up in order that the land may be handed over to the Military authorities as soon as possible to save interest charges; but it will not be completed by the end of May this year. A portion of the Block admeasuring 104,000 square yards has, by arrangement with the Military authorities, been handed over to them in advance of the rest as a recreation ground. The price thereof, *viz.*, 20¾ lakhs, has been adjusted by a corresponding reduction of the loan borrowed by this Government for the Development Department during the year 1922-23.

23. The House is aware that a new head was opened in the current year for recording revenue receipts and expenditure of the Industrial Housing Scheme of the Development Department, as stated in the demand for a supplementary grant in October last. Up to the end of 1926-27 the accumulation of the Rupee per bale Cotton Cess enabled the losses on Housing to be debited to that Fund. At the end of 1926-27 there was a balance of 1·84 lakhs which was paid into the sinking fund as a prepayment and the account closed. The balance having thus been exhausted, we shall have to draw on general revenues to the extent of 3·86 lakhs this year. The real deficit is larger by 1·49 lakhs which, but for the prepayment last year, would have been paid this year. For next year we shall have to pay from general revenues a sum of 5·05 lakhs; but this sum is also short of the true deficit by ·34 lakhs which represents the balance of prepayment into the sinking fund last year. With the payment of 5·05 lakhs the total subsidy from general revenues to the Development Department will be raised to 32·55 lakhs next year.

24. The position with regard to occupancies is shown in the following table:—

Locality	No. of chawls constructed	No. of rooms provided	Tenancies (including shops)		Increase since April last	P. C. of the number of actual tenancies
			March 1927	Week ending 31st December 1927		
Naigaum ..	42	3,344	1,504	2,503	999	74·85
DeLisle Road ..	32	2,560	1,855	1,887	32	73·71
Worli ..	121	9,660	1,840	2,948	1,108	30·52
Sewri ..	12	960	766	896	130	93·33
Total ..	207	16,524	5,965	8,234	2,269	49·83

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The numbers of tenancies for the week ending 31st December 1927 were the maximum at Naigaum, Sewri and for the total occupancies. In the fortnight that followed there was a set back of 143 tenancies owing to the Mill strike, which may perhaps be considered as temporary.

Out of the 207 Chawls constructed, 123 Chawls have been occupied of which 31 have been newly opened since April last. 84 Chawls are entirely vacant: 5 at Naigaum, of which one has been reserved for peons of the Customs Department, 4 at DeLisle Road and 75 at Worli.

In April 1927, rents at Naigaum were reduced to Rs. 7 per room on all floors and at Worli to Rs. 5 per room. At Sewri rents on top floor were raised by eight annas in August last, while those at DeLisle Road remained unchanged. Government further sanctioned a proposal that Chawls should be let *en bloc* at reduced rents to large employers of labour, or to Societies operating on behalf of considerable sections of the public. A special scale has been fixed for this purpose, equivalent to an inclusive rent of Rs. 4, Rs. 5-11-0 and Rs. 7-11-0 per room at Worli, Naigaum and DeLisle Road respectively. Under this arrangement, 5 Chawls have been taken over by the B. B. and C. I. Railway at Worli, one at Naigaum by the G. I. P. Railway Police, one has been leased to the Bombay Municipal Corporation for housing the menial staff of the King Edward Memorial Hospital and one has been reserved for peons of the Customs Department.

The current demand for the 8 months, April 1927 to November 1927, aggregated Rs. 4,39,900 as against Rs. 3,21,200 for the corresponding period of 1926. The outstandings on the 1st of December were Rs. 71,900 against Rs. 1,01,900 on the same date the year before.

25. The disposal of land in the Suburban Schemes has not been as satisfactory and is not on the same scale as in the previous year, as will be seen from the following table:—

Scheme No.	Land disposed of during 1926-27		Land disposed of during 1927-28 up to the 31st January 1928	
	Sq. yards	Valuation	Sq. yards	Valuation
		Rs.		Rs.
III—Chembur	8,796	26,249	4,188	12,120
VI—Danda	1,270	10,295	1,039	8,640
VII—Khar	30,655·2	1,90,695	18,000	1,27,941
VIII—Chapel Road	1,409	7,561	1,974	12,776
XVI—Shahar (Kole-Kalyan Sector) ..	*Nil*	*Nil*	750	2,087
XVIII—Kirol North	560	3,080	1,000	2,000

I also sub-join a statement showing the percentage of developed land disposed of and the land still remaining in our hands on the 1st of February 1928.

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Scheme No.	Land for disposal on 1st February 1928		Percentage of the developed land disposed of
	Developed Sq. yards	Undeveloped Sq. yards	
			Per cent.
III—Chembur	224,798	251,530	39
VI—Danda	59,025	*Nil*	26
VII—Khar Model Suburb	176,093	225,699	56
VIII—Chapel Road, Bandra	6,102	*Nil*	94
XVI—Shahar (Kole-Kalyan Sector) ..	8,172	67,307	13
XVIII—Kirol North	19,207	107,933	54

In view of the slackness of demand for land, further development work is being proceeded with very cautiously.

In the Indust ial Schemes at Kurla-Kirol undeveloped land measuring 152,500 sq. yards has been disposed of to the G. I. P. Railway for about Rs. 32,000.

26. The Kurla-Trombay Railway has been handed over to the G. I. P. Railway.

In May 1927 this Government accepted the conditions laid down by the G. I. P. Railway for working the Central-Salsette Railway, also called the Salsette-Trombay Tramway, under the Indian Tramways Act of 1886, for a period of two years only, this Government meeting the interest charges on past and future capital expended on the tramway and also expenditure required from time to time for new capital works and renewals. The G. I. P. Railway will bear the cost of ordinary revenue maintenance, subject to the Development Department meeting such expenditure during the first six months after taking over as may be incurred in completing a work which was not finished (or was in disrepair) when the line was taken over and also subject to the condition that this Government should bear the cost of exceptional maintenance charges when such charges exceed Rs. 1,000. Under this agreement the amount of future liability on account of capital expenditure to be incurred by this Government is estimated by the Superintending Engineer at Rs. 61,000 for which provision has been made in the next year's budget. The Superintending Engineer has further intimated that in addition to the amount stated above, it will be necessary to incur an expenditure of Rs. 3,200 in connection with the transfer of the Central-Salsette Railway to the G. I. P. Railway administration. The Railway has only just been started. The whole position will be reviewed after the experience of two years' working.

27. Last year it was stated in the Blue Book, that the amount of the subsidy for the Development Department, so far as the Suburban Section of its activities is concerned, was liable to change from year to year according to the forecast of the financial position of the various schemes. Judging from the rate of disposal of land and the receipts, I am afraid the

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subsidy of 7½ lakhs will have to be raised considerably. This question has been referred to the special Advisory Committee on Suburban Schemes; and the further amount that would be required as a subsidy to the Development Department will be settled after the consideration of the matter by the Committee.

28. A special Committee of the House visited the Sukkur Barrage last year after the Council Sessions. They went carefully over the whole works. On behalf of the Finance Department I put at their disposal the services of the Financial Adviser Mr. Dalal. One member of the Committee has sent in his remarks to Government; but the report of the whole Committee has not yet been received. Government are awaiting it with interest. Reports from the officers show that work is progressing as well as may be expected.

The anticipated expenditure for the current year is 206·7 lakhs and is 14½ lakhs more than the budgeted figure. Up to the end of 31st March 1928 we will have spent 740·8 lakhs. These figures are exclusive of interest charges which are met from capital and are as under :—

Budget 1927-28	.. ..	24·2 lakhs
Revised 1927-28	.. ..	24·8 ,,
Total up to the end of 1927-28	..	49·6 ,,

The superstructure of the canal head regulators, started during 1926-27, has been carried above flood level; the remaining superstructure has been taken in hand in the current year.

The above work involves the construction and removal of cofferdams and sumps. The cofferdams on the right bank gave considerable difficulty to close, but this has been surmounted: and it is now hoped to complete both end portions of the barrage up to flood level and remove the two cofferdams by the end of May 1928. Masonry work on the Barrage proper was started in the cofferdams on the 21st of January this year.

Disposal of lands will commence, it is expected, from next year, where rectangulation operations are well advanced.

The Honourable the General Member placed before the House last Budget session the position with regard to the estimates of the total cost. In the light of recent experience a revised recapitulation Statement is being prepared; and he will explain it to the Council who will be able to apply their mind to this question in the discussion on the Honourable Member's statement. I have heard only this morning that the revised recapitulation statement has just been received. I have not yet seen it, nor have Government had time to consider it.

29. The Council will observe that the number of new items has been strictly limited to those that are urgently necessary. They amount to :—

Charged to Revenue :	Recurring	..	2·44 lakhs.
	Non-recurring	..	5·77 ,,
Charged to Capital :	Non-recurring	..	1·35 ,,

This is merely a fraction of the proposals that were put forward by the various Departments even though they were aware that the state of our

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finances is such as will not permit launching out into new schemes, however useful, or incur additional expenditure however justifiable it may be. The departments have all been goaded to extreme economy and retrenchment and as last year been severely rationed. We have had to allow 4 lakhs more under Excise towards the compensation to Indian States which is an obligatory expenditure. Every department has been allowed less than in the previous year except Education five lakhs and Administration of Justice 1½ lakhs.

30. I am happy to say that it has been found possible to provide 5 lakhs more under Education (transferred) beyond the ration claimable by that department. I wish it had been possible to provide more: for the demand, especially on account of the Primary Education Act, is insistent; but I hope the Council will recognise that there is no alternative. Indeed I must extend my regret to all departments—transferred as well as reserved.

31. I am specially glad that in the new items the Honourable Minister has been able to provide a small recurring sum of Rs. 9,000 as grant-in-aid for the establishment of hostels for Depressed Classes, a scheme for which has been prepared by their representatives Drs. Ambedkar and Solanki.

Government maintain a special hostel at Poona at an annual cost of Rs. 12,000 accommodating 50 boys belonging to the backward classes (I am using the term "backward" for what is generally known as depressed). No grants-in-aid are, as a rule, given towards the expenditure on the maintenance of hostels; but as a special case Government have sanctioned for the benefit of these classes grants-in-aid on certain conditions for the hostels at Poona and Parel maintained by the Depressed Classes Mission Society. A similar grant is also sanctioned for the Hostel maintained at Nasik.

I do not think the further amount provided in the next year's budget is nearly enough; but I hope it will be welcomed as an earnest of more to come with better times.

This special provision for the education of backward classes is of course in addition to their share in the preferential facilities enjoyed by the intermediate and educationally backward classes in regard to scholarships, admission, etc., in primary and secondary Schools and arts and professional Colleges.

32. I should also like to draw attention to a small amount of Rs. 2.000 for Pensions to Government Servants in inferior service. Under the Civil Service Regulations the maximum pension admissible was Rs. 4 per month. Since 1921, this maximum has been provisionally raised to Rs. 6 per month. So far, it was not possible to do anything more as this Government had no power in the matter. Under the new Delegation Rules each Government can regulate the conditions of service of Government servants in the Provincial and Subordinate services; and under these Rules Government have now decided to remove the limit and to grant to inferior Government servants pension equal to

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one-half of their pay at the time of retirement. It is estimated that the ultimate recurring cost of this measure will amount to one lakh per annum ; but I am sure the House will welcome any step which improves the lot of these servants.

33. Honourable Members must be aware of the great success that is attending the admirable efforts of His Excellency Sir Leslie Wilson and of Sir Nusserwanji Wadia's Committee in providing better hospital accommodation in this city. The Scheme for the co-ordination of the efforts of Government, the Bombay Municipality and the public, in order to wipe out what was undoubtedly a blemish on the fair name of this City owing to the inadequate hospital accommodation, was explained in detail to the Council by the then Minister of Education three years ago. The Scheme was expected to cost about 72 lakhs of rupees and the share of Government in providing 300 beds in Government hospitals as against Municipal hospitals was estimated to cost one-half of the total amount or 36 lakhs. Of this, the public were to raise 18 lakhs and the Council accepted the liability of finding a rupee for rupee of the public contribution and of meeting all the recurring and maintenance charges.

In June 1926 the Surgeon General put up a scheme for the extension of the J. J. Hospital Group, in connection with the Sir Leslie Wilson Hospital Fund, costing about 29 lakhs of rupees in building and equipment spread over four years. Government shared the cost with the fund excepting a sum of Rs. 2,87,000 which was wholly borne by them, *i.e.*, by Government as it was required for replacing existing servants' quarters. In addition to this last item Government have up to now sanctioned proposals costing 13 lakhs as Government share. These will involve a recurring liability of Rs. 3,63,000 and when the whole programme as submitted by the Surgeon-General is completed in four years from the date of commencement, the recurring liability will rise to 4·34 lakhs. Government have provided 5 lakhs in the current year and 5 lakhs next year for building grants and also the necessary recurring charges amounting to Rs. 20,000.

This is exclusive of the maintenance charges of the pavilion being built out of the bequest of the late Rao Bahadur Ellapa Ballaram, and named after him, consisting of about 100 beds which will in future involve a recurring liability of approximately Rs. 1,55,000.

34. Last year I referred to the question of the separation of Audit and Accounts, and informed the Council that the system, which was in operation in the United Provinces, was stated to have been working successfully in that Province. Since then the Auditor-General has reported that the experiment conducted in the United Provinces is sufficiently successful to warrant the investigation of its possibilities by this Government, as the Auditor-General has been much impressed by the improvement of the financial control and the closer approximation of expenditure to the budget provision. A change in this direction is more or less inevitable with the extension of constitutional reforms and the

[Sir Chunilal Mehta]

growth of financial autonomy. And if the best results are to be secured, it is desirable that the details of the separation should be worked out well in advance and the requisite additional staff recruited and trained properly before a scheme of this character is launched. On the advice of the Auditor-General, we requested the Government of India at the end of September last to depute an officer to investigate the possibilities of the scheme for this Province and he is at present working in the Accountant-General's office. The cost of this investigation will be borne by the Central Government.

I said last year that I was somewhat struck by the wide variations between the budget estimates, the revised estimates and the accounts. Another year has confirmed that experience. I do not think that the officers of Government are much to blame under the present system. These variations specially occur when abnormal circumstances intervene. When that happens, it is not possible, of course, to prevent wide fluctuations; but ordinarily a closer approximation ought to be possible. That will only be the case when Audit and Accounts are separated and we get earlier information of the income and the expenditure.

35. Mr. President, we have budgeted for a total Revenue of 15,26 lakhs and a total expenditure charged to revenue of 15,23 lakhs leaving a small surplus of 3 lakhs not taking into account the Provincial Contribution. For the current year the Honourable the Finance Member of the Government of India, in his budget speech last year, remitted the contributions from all the Provinces. So far as this Province is concerned there was a permanent remission of 19 lakhs. It is hoped that this year the rest of the 37 lakhs will be permanently remitted. If this is done, there will no longer be any contribution payable by the Provinces and the Meston Award which unduly favoured some Provinces, though it evoked strong protests from others and gave satisfaction to none, will have been carried out to the letter. To all our representations and protests for an equitable readjustment the answer has been that full effect must be given to the Devolution Rules until the whole question came to be reviewed by the Statutory Commission. With the contributions wiped out let us hope that the Government of India will be induced to take a juster view and that there will be no more lions roaring in the path of our Pilgrim's Progress towards our own estate.

In that suggestive little book "India to-morrow" published by the Oxford University Press last year, and written under the appropriate pseudonym "Khub Dekhta Age," the Meston Settlement is described as an open sore, and is placed in the forefront of the financial problems requiring attention in the enquiry into constitutional reforms. It may become a thing of the past; but with its extinction will not pass away the inequalities which it was designed to redress. Let us hope that the anomaly pointed out by the author, of the Central Government drawing so large a proportion of its financial resources from two of the Provinces, will be remedied. It is only by recognising that this Province had not a clean slate to write upon that a true appreciation will be made of its

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difficulties and of its wants. A just division of resources will then be possible which will enable her to free herself from the strangling bonds of stagnation and to release funds for all those nation-building activities which are clamouring to go forward and on which true progress will depend. With these words, Sir, I present the Budget. (Applause.)

The Honourable the PRESIDENT : The House is adjourned to 2 p.m. to-morrow Tuesday, the 21st February 1928, for the general discussion of the Budget.

nb 225—7

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Tuesday, the 21st February 1928

The Council re-assembled at the Town Hall, Bombay, on Tuesday, the 21st February 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BELL, Mr. R. D.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS

JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALJI NARANJI, Mr.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. G. I.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUNAWAR Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

ROAD COMMUNICATION : SHOLAPUR TO PANDHARPUR

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Will Government be pleased to state—

(*a*) how many motor cars run every day from Sholapur to Pandharpur and *vice versa* ;

(*b*) how many motor cars run during the Ashadi and Kartiki fairs ;

(*c*) whether it is a fact that the motor cars with pilgrims in them cannot cross the Bhima river at Pandharpur which generally rises above the top of the causeway owing to floods at the time of the Ashadi fairs ;

(*d*) whether it is a fact that the pilgrims have therefore to cross the Bhima river by ferry boats during the Ashadi fair ;

(*e*) whether it is a fact that the motor cars with pilgrims in them on the way to and from Pandharpur have to wait very long before they are able to cross the flooded Sina river at Lamboti ;

(*f*) whether they are aware of these inconveniences and troubles caused to the pilgrims during the Ashadi fair ;

(*g*) whether they intend to take any steps to remove the present inconveniences by building bridges over the Sina and Bhima rivers ?

The Honourable Sir GHULAM HUSSAIN :

(*a*) About 20.

(*b*) About 50 to 60 daily.

(*c*) and (*d*) The high level causeway over the Bhima river at Pandharpur is liable to become impassable for motors for a few days at a time during floods. On such occasions the pilgrims have to cross the river by a ferry.

(*e*) When high floods occur it is necessary to cross the Sina river by ferry, and some delays to pilgrims occurred during the last monsoon owing to the washing away of the ferry. A new ferry has been ordered and will be working next monsoon.

(*f*) Yes, but Government do not consider the inconveniences referred to are very great and they have been already considerably reduced by the construction of a new and improved causeway at Pandharpur.

(*g*) Government do not consider that a high level bridge is necessary on the Bhima river at Pandharpur. The question of constructing a bridge or high level causeway across the Sina river at Lamboti is under the consideration of Government.

EDUCATIONAL INSTITUTIONS FOR MUHAMMADANS

MOULVI RAFIUDDIN AHMAD (Central Division) : Will Government be pleased to state—

(*a*) the names of educational institutions maintained by provincial funds specially for Muhammadans ;

(*b*) the names and salaries of the staff in each of them ;

(*c*) the total amount of annual expenditure in connection with all these institutions ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) to (*c*) The accompanying statement giving the required information is placed on the Council Table.

Statement to accompany the reply to Moulvi Rafiuddin Ahmed's question regarding Educational Institutions for Muhammadans

Serial No.	Name of the institution (*a*)	Staff — Names (*b*)	Salary	Annual expenditure (*c*)	Remarks
1	2	3	4	5	6
			Rs.	Rs.	
** 1	Central Urdu School, Bhivandi (District Thana).	Isabhai Suleman Patel, Head Master.	40+10*	7,267	**These schools will shortly be transferred for management to the District Local Boards concerned.
		Chandsaheb Dadamiya Fakir, 1st Assistant.	42+10*		
		Abdul Latif Jahiruddin, 2nd Assistant.	37+10*		
** 2	Central Urdu School, Vahur (District Kolaba).	Munshi Ibrahim Nabiji Vohara, Head Master.	40+15*	6,530	*Special allowance.
		Sayed Mumtazali Kureshi, 1st Assistant.	35+10*		
		Mohiyuddin Mahomed Mulla, 2nd Assistant.	35+10*		
** 3	Central Urdu School, Ratnagiri.	Mahomed Gaus Aminsahel Nagarbavadi, Head Master.	44+15*	7,620	
		Shaikh Ahmed Sk. Hasan, 1st Assistant.	38+5*		
		Shrinivas Ramchandra Dharmatti, 2nd Assistant.	36+5*		
		Mohiyuddin Madarsaheb Makandar, 3rd Assistant.	40+10*		
** 4	Central Urdu School, Sholapur.	Sk. Kamruddin Dadamiyan, Head Master.	50+10*+5†	6,412	† Head Master's allowance.
		Sk. Ladla Usman Saheb, 1st Assistant.	46+10*		
		Sk. Saifuddin Imam Saheb, 2nd Assistant.	42+10*		
5	Central Urdu Girls' School, Poona, and the Normal class attached to it.	Mrs. Mahomed Hafiz Syed, Head Mistress.	100	15,241	
		Champubai Pardeshi, English Teacher.	150		
		Mrs. Hifzurrahman Shaikh, 1st Assistant.	46 12-13-0‡		‡ Personal allowance.
		Rahilla Khatoon, 2nd Assistant	37 5§		§ Urdu allowance.
		Karima Bi Noorul Hasan, 3rd Assistant.	32 8-8-0*		* Personal allowance.
		Sharifa Khatib, 4th Assistant .	31		
		Aziza Ahmed Khan, Assistant.	30		
		Khatoon Bi Jan Mahomed, Assistant.	30		
		Mrs. Kamalabai Gavali, Sewing Mistress.	40		
6	Urdu Training School, Poona.	Mr. Ali Mahomed Khan, Head Master.	150+30 (*a*)	19,030	(*a*) Duty allowance.
		Mr. Md. Ismail Shaikh, Assistant.	140		
		Mr. Mirza Niaz Beg, Assistant.	125		
		Mr. S. R. Munshi, Assistant ..	85		

Serial No.	Name of the institution (a)	Staff — Names (b)	Salary	Annual expenditure (c)	Remarks
1	2	3	4	5	6
			Rs.	Rs.	
	Practising School, Poona.	Zainuddin Azimuddin, Assistant.	47+10†		† Special pay.
		M. N. Kazi, Assistant ..	46+10†		
7	Urdu Training School, Ahmedabad.	Mr. N. A. Kadri, Head Master	150+30**	18,692	** Duty allowance.
		Mr. H. B. Mashadi, Assistant..	115		
		Mr. A. S. Shaikh, Assistant ..	100		
		Mr. M. B. Pandya, Drawing Teacher.	100		
	Practising School, Ahmedabad.	A. H. Farooqui, Head Master..	58+30‡		‡ Special pay.
		B. N. Bukhari, Assistant ..	51+10‡		
		P. K. Kazi, Assistant .	51+10‡		
		M. U. Shaikh, Assistant ..	50+10‡		
		I. N. Chopda, Assistant ..	44+10‡		
		B. H. Malek, Assistant ..	44+5‡		
		S. D. Pathan, Assistant ..	44+5‡		
		M. S. Shaikh, Assistant ..	44+5‡		
		A. H. Khatib ..	44+5‡		
	Anglo-Urdu High School, Poona.	Mr. M. Hidayatulla, Head Master.	430	28,613	
		Mr. K. A. Khatib, Assistant ..	125		
		Mr. R. B. Sanjana, Assistant..	105		
		Mr. G. B. Khan, Assistant ..	80		
		Mr. P. H. Barwe, Assistant ..	95		
		Mr. Md. Ikhlas, Assistant ..	70		
		Mr. J. G. Elim, Assistant ..	70		
		Mr. H. A. Shaikh, Assistant ..	70		
		Mr. A. S. A. Nawale, Assistant	70		
		Mr. A. F. Sarwar, Persian Teacher.	65		
		Mr. S. J. Prabhakar, Drawing Teacher.	60		
		Mr. V. J. Limaye, Drill Teacher	55		
		Mr. Moulvi Abdul Halim, Arabic Teacher (Temporary).	90		
	Anglo-Urdu High School, Hubli.	Mr. A. J. Bangi, Head Master .	550	29,124	One post of an assistant has been kept unfilled.
		Mr. M. D. Barchiwalay, Assistant.	100		
		Mr. V. S. Nadkarni, Assistant .	140		
		Mr. P. B. Desai, Assistant ..	100		
		Mr. A. S. D. Pathan, Assistant.	70		
		Mr. A. M. Khatib, Assistant ..	200		
		Mr. R. K. Lakundi, Assistant .	125		
		Mr. Md. Ali Patel, Assistant ..	70		
		Mr. M. A. G. Moulvi, Persian Teacher.	95		
		Mr. A. G. Kale, Drawing Master.	170		
		Mr. I. B. Banekar, Drill Teacher.	75		

MOULVI RAFIUDDIN AHMAD: With regard to 1, may I ask, with regard to the remarks in the remarks column "These schools will shortly be transferred for management to the district local boards concerned," if the transfer will be for finance or for management?

The Honourable Dewan Bahadur HARILAL D. DESAI: For management; and then, of course, they will be under the obligation of the finances also.

MOULVI RAFIUDDIN AHMAD: Will the finance be conducted by the financial board?

The Honourable Dewan Bahadur HARILAL D. DESAI: I should think so.

Mr. P. R. CHIKODI: It is stated that these teachers get special allowance, head master's allowance, personal allowance, duty allowance, special pay, over and above the ordinary pay that they get: What are the reasons?

The Honourable Dewan Bahadur HARILAL D. DESAI: If my honourable friend wants reasons for each, then I will require notice.

Mr. P. R. CHIKODI: Are similar allowances given to other teachers in ordinary schools?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes: they are, in some cases.

MOSQUES: TRANSFER TO MOSLEM COMMUNITY

MOULVI RAFIUDDIN AHMAD (Central Division): Will the Honourable the Minister of Local Self-Government be pleased to give the following information:—

(*a*) The names of the mosques that have been handed over to the Moslem community at Ahmednagar in accordance with the pledge given to the House two years ago:

(*b*) the reasons for the delay in handing over the remainder of the mosques, especially the Kamani mosque, which is badly required by the community;

(*c*) what progress has been made in connection with the proposal to hand over to the Moslem community the ruins of the mosque and the compound at Nandurbar?

The Honourable Sir GHULAM HUSSAIN: (*a*) The mosque in the compound of the Collector's bungalow at Ahmednagar.

(*b*) The following four mosques are yet to be handed over to the Mahomedan community:—

(1) Mosque in which the City Police Sub-Inspector's office is located;

(2) Soneri Masjid.

(3) Mosque (Kamani) in which the Civil Jail and record office for the District Judge are located.

(4) Mosque in which the City Magistrate's office and the Collector's vernacular office, etc., are located.

Plans and estimates for constructing buildings for the offices, etc., at present located in mosques Nos. (1), (3) and (4) have been prepared and are under consideration. Plans and estimate for constructing quarters for nurses and a store room which are at present located in mosque No. (2) have been prepared, but the work has not been approved by Government owing to financial stringency. These mosques will be handed over to the Mahommedan community when the plans and estimates are sanctioned, funds allotted and the buildings are ready for occupation.

(*c*) On the 9th August 1926, the Honourable Member was informed that the old ruins of the Masjid and tomb in the compound of the old Mamlatdar's kacheri at Nandurbar were not used by the Mahomedans as a place of worship but they could conveniently be handed over to the Mahomedan community if they wanted to have them. As no communication has since been received from the Honourable Member no progress could be made in the matter.

MOULVI RAFIUDDIN AHMAD: With regard to the Kaman mosque, may I ask whether that cannot be transferred for a short time at least?

The Honourable Sir GHULAM HUSSAIN: There is no established association. The Ahmednagar people have not yet fulfilled the conditions required.

CLERKS IN GOVERNMENT SERVICE

Mr. R. S. ASAVALE (Bombay City North): Will Government be pleased to state—

(*a*) the total number in the clerical ranks in the offices of various departments of—

I. the Secretariat,
II. the Public Works Department,
III. the Bombay Collector,
IV. Bombay Excise Commissioner,
V. the Bombay Small Causes Court.
VI. the Bombay High Court,
VII. the Bombay Police Courts,
VIII. the Bombay Police Commissioner's office.

(*b*) of those mentioned in (*a*)

I. the number of Marathas and allied castes,
II. the number of Muhammadans,
III. the number of depressed classes,
IV. the number of advanced Hindus,
V. the number of Parsis,
VI. the number of Christians and Jews?

The Honourable Sir CHUNILAL MEHTA: A statement giving the requisite information is placed on the Council Table.

Clerks in Government Service

Department or office	Marathas and allied castes	Muhammadans	Depressed classes	Advanced Hindus	Parsis	Christians and Jews	Others	Total
I The Secretariat—(All Departments) ..	31	11	..	268	38	82	11	411
II The Public Works Department ..	6	..	..	64	8	10	3	91
III The Collector of Bombay ..	3	8	..	28	..	4	1	44
IV The Commissioner of Excise, Bombay ..	1	..	..	12	5	..	..	18
V The Small Causes Court, Bombay ..	9	7	..	58	10	5	8	97
VI The High Court.	4	15	..	125	22	23	9	198
VII The Bombay Police Courts.	7	4	..	32	..	4	..	47
VIII The Commissioner of Police, Bombay ..	8	7	..	59	..	4	9	87

Note.—Under the heading "Others" are included persons from communities which are not treated as advanced for purposes of recruitment, or from backward communities which do not come under the classes mentioned by the M.L.C., *e.g.*,

Panchkalsis,
Bhansalis,
Somavanshi Kshatriyas,
Lingayats,
Raddis,
Bhat or Barot,
Bhavasar,
Chaturths,
Khatris, etc., etc.

EXCISE ADVISORY COMMITTEE: BOMBAY CORPORATION REPRESENTATIVES.

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased—

(*a*) to state whether they are aware that all the representatives of the Bombay Municipal Corporation on the Excise Advisory Committee have resigned in a body;

(*b*) if so, to state from what date and what are the reasons;

(*c*) to place on the Council Table the proceedings of the general meeting of the Excise Advisory Committee held in September 1926;

(*d*) to state the names of the members present at the general meeting and at the next adjourned meeting?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) From 12th September 1927. As regards the reasons for resignation the Honourable Member is referred to the report dated 7th September 1927, submitted by the representatives of the Corporation on the Excise Advisory Committee to that body and the Resolution of the Corporation No. 6137, dated 12th idem, copies of which are placed on the Council Table.

(*c*) and (*d*) The minutes of the first and adjourned general meetings of the Bombay Excise Advisory Committee held in September 1926 are placed on the Council Table. The names of the members present at these meetings are shown therein.

No. 6137.

Urgent

Municipal Corporation Office,
Bombay, 12th September 1927.

To

THE MUNICIPAL COMMISSIONER
for the City of Bombay.

Sir,

I have the honour to inform you that at a meeting of the Municipal Corporation, held this day, the following Resolution was passed:—

No. 6117. "That the report, dated the 7th September 1927, of the representatives of the Corporation on the Excise Advisory Committee for the Town and Island of Bombay, regarding their resignations from the Committee, be approved and adopted, subject to the substitution of the following words in place of all the words occurring after the word "report" in line 6, paragraph 1, of the report:—

'whether it would not be advisable to resign from the Committee that they have very carefully considered the question and have come to the conclusion that their continuance on the Committee is not calculated to serve any useful purpose, in view of the indifference shown to their views by Government, and that they, therefore, propose to resign from the Committee in a body.'

"2. That a copy of the report, together with paragraph 1 of this Resolution, be forwarded to the Commissioner for information and communication to Government with reference to the correspondence ending with C.R. No. 1665, dated the 13th May 1926."

(Signed) R. P. DESAI,
Municipal Secretary.

Bombay, 10th September 1927.

Circulated to Councillors for consideration as Urgent Business.

R. P. DESAI,
Municipal Secretary.

Report of the Representatives of the Corporation on the Excise Advisory Committee for the Town and Island of Bombay.

Bombay, 7th September 1927.

The Representatives appointed by the Corporation under their Resolution No. 183, dated the 8th April 1926, to serve on the Excise Advisory Committee for the Town

and Island of Bombay, beg to report, with reference to Corporation Resolution No. 5166, dated the 15th August 1927, under which they were asked to consider and report whether in view of the refusal of Government to concede to the Corporation the power of determining the number and location of liquor shops in the Town and Island of Bombay communicated in Government letter, Revenue Department, No. 9213-C, dated the 1st July 1927, it would not be advisable to resign from the Committee, that they have very carefully considered the question and have come to the conclusion that, as desired by the Corporation they should resign from the Committee in a body.

P. H. C. R. No. 36 of 7th April 1927
,, No. 37 of 7th April 1927
,, No. 38 of 7th April 1927.
,, No. 53 of 13th June 1927
,, No. 80 of 30th June 1927
,, No. 56 of 13th June 1927
,, No. 87 of 30th June 1927
,, No. 88 of 30th June 1927
C. R. No. 4955 of 8th August 1927.

2. In view of the foregoing decision of the Committee the Committee have given no consideration to the questions referred to them under the marginally noted Resolutions of the Corporation and their Public Health Committee.

S. S. BATLIWALA.
K. E. DADACHANJI.
R. K. VAIDYA.
M. N. BALSARA.
B. G. PARELKAR.
KANJI K. MASTER.
H. M. CHOWNA.
M. C. JAVLE.
V. D. GOVINDJI.

*

* Mr. P. J. Marzban, Mr. Fazal I. Rahimtoola, Mr. K. K. Parekh, Dr. Accacio G. Viegas and Mr. S. L. Silam have not seen the report.

Minutes of the General Meeting of the Excise Advisory Committee held at 5-30 p.m. on Thursday, the 23rd September 1926, at the office of the Collector of Bombay, Old Custom House, Fort, Bombay.

The following members were present :—

1 The Collector of Bombay, Chairman.
2 The Commissioner of Police, Bombay.
3 Mr. J. ADDYMAN.
4 ,, A. N. SURVE.
5 ,, FRANK OLIVEIRA.
6 ,, J. J. ATHAIDE.
7 ,, M. B. BARIA.
8 ,, D. B. PADWAL.
9 ,, A. E. WILLIAMS.
10 ,, R. S. ASAWALE..
11 ,, D. D. GILDER.
12 ,, H. M. CHOWNA.
13 ,, P. J. MURZBAN
14 ,, FAZAL IBRAHI RAHIMTULA.
15 ,, K. K. PAREKH.
16 ,, VITHALDAS DAMODAR GOVINDJI.
17 Dr. K. E. DADACHANJI.
18 ,, M. N. BALSARA.
19 ,, A. G. VIEGAS.
20 Mr. S. L. SILAM.
21 ,, B. G. PARELKAR.
22. Dr. S. S. PATLIWALA.
23 ,, M. C. JAVLE.
24. Mr. R. K. VAIDYA.

The first consideration was the closure of country liquor shops.

Mr. Baria said that since the rationing of country liquor began in 1921-22 the consumption of liquor had gone down about 50 per cent. He said that the reduction of shops would throw the business into the hands of large capitalists. He then read the remarks of the then Assistant Collector of Excise, Ahmedabad, in paragraph 4 of his letter A/1317 of 7-5-1919 printed at page 435 of the Excise Committee's report, Volume II. The prices of country liquor in Bombay were Rs. 2-4-0 to Rs. 2-8-0 while those at Ahmedabad were Rs. 2-12-0 to Rs. 3. There should be no reduction in the number of shops.

Mr. Murzban stated that the object that the Committee should have in view must be the reduction in drunkenness. By reducing country liquor shops they would force the people to drink foreign liquor which is more injurious and harmful to the people as much inferior liquor is being imported from Germany and other places. He was therefore against closure as a rule.

Mr. Gilder states that there are many shops in places where there is no legitimate public demand.

Mr. Asawale stated that although the consumption of liquor has been reduced generally it has not gone down in the localities where the labouring classes reside, *viz.*, E, F and G Wards. He therefore proposed that 10 per cent. of country liquor shops should be closed in E, F and G Wards.

Dr. Javle was against the reduction but in favour of widely separating shops.

Dr. Viegas thought shops should be closed by refusing all application for transfer.

Mr. Vaidya stated that there are too may country liquor shops in Bombay, *e.g.*, on Fergusson Road and suggested a minimum distance of 200 yards between shops.

The following proposals were then put to vote and lost :—

(1) There should be a 10 per cent. reduction of country liquor shops in Bombay as a whole.
(2) There should be a 10 per cent. reduction in E, F and G Wards.
(3) There should be a 5 per cent. reduction in Bombay as a whole.
(4) No country liquor shops should be within 200 yards of another.

The members were then asked if they wished to specify any particular shops as objectionable. It was agreed that there should be no reduction in " A " Ward. In " B " Ward Mr. Asavale stated that there were five shops on Jail Road East from Noorbagh to Umarkady, and that so many shops are not required in the locality. He therefore proposed that two shops be closed out of these five shops. This proposal was put to the vote and accepted by 15 to 4.

Mr. Vaidya then proposed that country liquor shop No. 83 near the Byculla Station which is to be removed from its present site after the end of March be permanently closed. The proposal was put to vote and was carried by 10 to 4.

Mr. Silam then proposed that a shop in Kamathipura Central Road, opposite the Tuberculosis Hospital, should be abolished. This was carried by 9 to 5.

Mr. Silam then proposed that country liquor shop No. 137 should also be permanently closed. The proposal was carried by 10-5.

The meeting then adjourned till 4-30 p.m. on Saturday, 25th instant.

(Signed) E. W. PERRY,
Collector and Chairman,
Excise Advisory Ward Committee,
Bombay.

Minutes of the adjourned General Meeting of the Excise Advisory Committee held on Saturday, the 25th September 1926, at 4-30 p.m. at the office of the Collector of Bombay, Old Customs House, Fort, Bombay.

The following members were present :—

1 The Collector of Bombay, Chairman
2 Mr. J. ADDYMAN.
3 ,, A. N. SURVE.
4 ,, M. B. BABIA.
5 ,, D. B. PADVAL.

6 Mr. R. S. ASAVALE.
7 „ D. D. GILDER.
8 „ H. M. CHOWNA.
9 „ P. J. MURZBAN.
10 „ K. K. PAREKH.
11 „ VITHALDAS D. GOVINDJI.
12 Dr. K. E. DADACHANJI.
13 „ M. N. BALSARA.
14 Mr. S. L. SILAM.
15 Dr. S. S. BATLIWALA.
16 „ M. C. JAVLE.
17 Mr. R. K. VAIDYA.

The Committee passed the following resolution :—

While not making any recommendation for the reduction of specific shops or a specific number on percentage of shops, the Committee are of opinion that there are so many shops in Bombay that a reduction can be made without running the risk of creating monopolies or encouraging the substitution of foreign for country spirit. They also think that the continuance of progressive rationing makes the reduction of shops desirable. They consider that this reduction should affect shops which are in prominent localities or near Mills or places of public worship or very close to other shops. Where the question lies between any two or more shops, that shop should be closed the present licensee of which holds by himself or his relations an interest in other shops.

Advice was then invited from individual members as to what shop should be closed in their wards. Mr. Vaidya stated that in "G" Ward shops 29 and 196 were close together and owned by one man and 29 should go as 196 was a good shop. He also suggested that shops 238 and 149 (privileged shop) on Fergusson Road and 32 at the entrance of Sorab Mills should be transferred. It was decided to refer these questions of transfers to the Ward Sub-Committees for disposal.

"F" Ward

Mr. Vaidya thought that shops 221 and 33 were too close together and that shop 221 being at the entrance of Tata Mills should be closed, also that at least one of the shops in Kalachowki road should be closed.

General

It was generally agreed that three or four shops should be closed in each of the wards "C" and "E" in addition to one or two in each of the wards "B", "F" and "G" or about 11 in all.

Toddy shops

It was decided (10-4) that no toddy shops should be closed.

Time

The Committee were generally in favour of an earlier closing hour. As the present closing time of 9 p.m. had been fixed experimentally they were not in favour of making it still earlier at present (10-6). They were of opinion that no ill results had come from that alteration of the hour from 9-30 to 9 p.m.

Mr. Silam thought that it would be preferable to open the shops at 6 a.m. and close them at 6 p.m.

Strength

Mr. Baria was in favour of increasing the strength of country liquor to make a better competition with foreign liquor.

Eventually it was decided by 9-6 to recommend no alteration.

Refreshment Rooms

Mr. Murzban proposed that the closing time of Refreshment Rooms and Hotels be allowed to remain as it is at present.

Mr. Gilder moved an amendment that the ordinary refreshment rooms be closed at 9 p.m. and the Hotels be allowed to serve liquor up to 11 p.m as hotels only catered for the

well-to-do while refreshment rooms often simply sold drinks without food or with a near pretence of selling food. This proposal being put to vote was carried by 9-4.

Mr. Baria then proposed that there should be no reduction in the number of foreign liquor shops and Mr. Chowna seconded.

Mr. Asawale moved an amendment that 5% of foreign liquor shops should be closed, Mr. Silam seconding this statement.

The amendment being put to vote was lost, 6 being in favour and 9 against.

Mr. Baria's proposals that no foreign liquor shops should be closed was therefore carried.

(Signed) E. W. PERRY,
Collector and Chairman,
Excise Advisory Committee.

BRIDGES OVER THE PATAL GANGA RIVER

Mr. A. M. ATAVANE (Kolaba District): Will Government be pleased to state—

(*a*) how many lives have been lost in the Patal Ganga river during the last five years;

(*b*) how many bridges have been constructed by the Tata Hydro-Electric Power Supplying Company on the said river;

(*c*) if none has been built, what steps have been taken by the said company for providing facilities for crossing the river at important places?

The Honourable Sir GHULAM HUSSAIN: (*a*) Nine.

(*b*) One crossing, *viz.*, a vented causeway at Savroli near Khalapur.

(*c*) Negotiations are still going on with the Tata Hydro-Electric Power Supply Company.

DISTRICT LOCAL BOARD, THANA: COMMUNITIES OF ELECTED MEMBERS

Mr. S. K. BOLE: Will Government be pleased to state—

(*a*) the population of Brahmins, Bhandaris, Muhammadans, Christians and Parsis in the Thana District;

(*b*) the number of members elected and nominated from the above communities for the District Local Board of Thana during the last nine years?

The Honourable Sir GHULAM HUSSAIN: (*a*) The Honourable Member is referred to Imperial Tables V and XIII, Part II, sections A and B, Volume VIII of the Census of Indian Report, 1921, Bombay Presidency, which gives the required information.

(*b*) Information regarding elected and nominated members excluding officials is contained in the accompanying table. Information with regard to nominated officials is not given because on account of their transfer an officer of a particular caste is succeeded quite frequently by another officer of a different caste.

STATEMENT

Serial No.	Name of Community	Number of members of District Local Board, Thana, belonging to the communities mentioned in column No. 2 during the last 10 years			
		From 1st January 1917 to 31st December 1919		From 1st January 1920 to 31st December 1922	
		Elected	Nominated excluding officials	Elected	Nominated excluding officials
1	2	3		4	
1	Brahmins	3	1	3	1
2	Bhandaris	....	....	....	....
3	Muhammadans	2	....	1	1
4	Christians	1	....	....	1
5	Parsis	3	....	2	....

Serial No.	Name of Community	Number of members of District Local Board, Thana, belonging to the communities mentioned in column No. 2 during the last 10 years			
		From 1st December 1922 to 30th November 1924		From 1st December 1924 to 31st December 1927	
		Elected	Nominated excluding officials	Elected	Nominated excluding officials
1	2	5		6	
1	Brahmins	4	....	11	....
2	Bhandaris	....	....	....	...
3	Muhammadans	2	....	1	2
4	Christians	....	1	....	1
5	Parsis	1	1	1	2

SCHOOLS, MALWAN : ADMISSION TO CLASSES

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) whether it is a fact that boys admitted to a certain standard in the high school and middle school at Malwan after they are duly examined by the school authorities are made to sit in the lower standard by the authorities of the Educational Department ;

(*b*) whether it is a fact that some of the boys had passed their vernacular final examination and completed their three standards in one year ;

(*c*) whether some boys examined by even such a qualified person like Mr. Parulekar, the headmaster of the Desai High School, and admitted in standard IV are made to sit in the III standard ;

(*d*) whether they are aware that such interference on the part of the educational authorities causes great hardship to the students especially of the backward classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) to (c) Yes.

(*d*) Managers are often found to be slack in the admission of boys. The educational inspecting authorities have therefore to interfere with a view to preventing such slackness and have to investigate particularly the cases of boys coming from unrecognised schools. In the present case, out of the 15 boys admitted to a lower standard, only one was of the backward class.

Mr. S. K. BOLE : Does the Honourable Minister mean by " backward classes " the depressed classes or the Marathas and allied castes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : As ordinarily understood.

Mr. S. K. BOLE : It is not stated here what is ordinarily understood ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is true that the backward classes also include the depressed classes.

Mr. W. S. MUKADAM : Are depressed classes included in the backward classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes ; they are.

Mr. B. V. JADHAV : Are the intermediate classes included in the backward classes in the answer given ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

Mr. S. K. BOLE : Has the Honourable Minister got the information by collecting statistics ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The information has been given for this purpose.

Mr. S. K. BOLE : My information is that the number of the Maratha and allied caste students was 14, while the depressed class student was only 1.

The Honourable Dewan Bahadur HARILAL D. DESAI : Perhaps the honourable member's information may be incorrect. Mine is correct.

SHAPURJI BHARUCHA MILLS : ASSAULT ON MANAGER

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) whether their attention has been drawn to the death of the Manager of the Shapurji Bharucha Mills on the 6th September 1927 ? If so, will they make a statement narrating the events which led to the sad occurrence ;

(*b*) whether their attention has been drawn to the police and newspaper reports that the Manager of the Mills wanted to dismiss without notice no less than 200 women workers and had brought the new workers into the mill compound before he asked the *Naikin* of the old workers to quit the mill premises ;

(*c*) if so, whether such a practice of summary dismissal of workers is common in the textile mills in Bombay ? If they have no information, will they collect it and place it on the Council table. If not, why not ?

The Honourable Sir COWASJI JEHANGIR : (*a*) and (*b*) Government have no information beyond what was reported in the Press.

(*c*) It was observed during the recent enquiry regarding fines conducted by the Labour Office that the rules of several textile mills provided for the summary dismissal of the workers for certain offences, but it was stated that in practice this form of punishment is rarely inflicted.

Mr. S. K. BOLE : Is the statement " in practice this form of punishment is rarely inflicted " made on the basis of any statistics ?

The Honourable Sir COWASJI JEHANGIR : I am not prepared to give a definite answer to that question, but I should think not ; it must be based on the general reports that the Labour Office may have received.

Mr. G. I. PATEL : Does the Honourable Member know that statistics are already printed in the Labour Gazette ?

The Honourable Sir COWASJI JEHANGIR : I do know that.

Mr. W. S. MUKADAM : May I know whether the enquiry was made just after Government knew of this matter or after the question was submitted to them ?

The Honourable Sir COWASJI JEHANGIR : Which enquiry ?

Mr. W. S. MUKADAM : The answer says " It was observed during the recent enquiry "..... .

The Honourable Sir COWASJI JEHANGIR : The honourable member must read the second part of the question.

Mr. W. S. MUKADAM : But I would like to know whether the Government have made any enquiry regarding the question asked.

The Honourable Sir COWASJI JEHANGIR : If my honourable friend sees, he will find that the two parts of the question are rather different. The first is in connection with the death of a mill manager ; the second part of the question is with regard to the enquiry made by the Labour Office some time ago.

Mr. W. S. MUKADAM : I refer to the first part of the question.

The Honourable Sir COWASJI JEHANGIR : The first part of the question is answered by saying " Government have no information beyond what was reported in the press." That is to say, the press had the complete information, so far as Government are aware.

Mr. G. I. PATEL : Is it not a fact that the Government of India instituted the enquiry and after receiving reply from the local Government the information was printed ?

The Honourable Sir COWASJI JEHANGIR : I do not quite follow the honourable member.

Mr. G. I. PATEL : The enquiry was made by the Government of India and the opinions were already collected by the local Government ; and is it not a fact that they were printed in the Labour Gazette ?

The Honourable Sir COWASJI JEHANGIR : I think those facts as stated are correct, as far as I understood them.

Mr. S. K. BOLE : May I know the figures given in the " Labour Gazette ?"

The Honourable Sir COWASJI JEHANGIR : I am afraid I cannot carry the " Labour Gazette " in my mind. The honourable member can see the " Labour Gazette " for himself.

IRRIGATED VILLAGES IN THE DECCAN : SALE PRICES

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state the maximum and minimum sale price per acre as recorded in the record of rights of villages irrigated by the Nira, Pravara and Godavari canals during 1924-25, 1925-26 and 1926-27 ?

The Honourable Mr. J. L. RIEU : The accompanying statement furnishes the information required.

Rao Saheb D. P. DESAI : Are they all sugarcane villages ?

The Honourable Mr. J. L. RIEU : Yes, I think so.

Rao Saheb D. P. DESAI : Is Rs. 40 and so on charged for irrigation fees on these lands ?

The Honourable Mr. J. L. RIEU : Not necessarily. Some of the lands are obviously very inferior, judging by the sale prices, and they would not be under sugarcane cultivation.

Statement

	Maximum selling price per acre			Minimum selling price per acre		
	1924-25	1925-26	1926-27	1924-25	1925-26	1926-27
NIRA RIGHT BANK CANAL	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sholapur District						
1. Malshiras	180	120	150	35	40	40
2. Velapur	150	100	110	20	20	25
3. Nate Pute	75	48	75	16	20	22
Satara District						
1. Padegaon 2. Pimpri only 2 miles apart.	125	225	300	75	90	100
NIRA LEFT BANK CANAL						
Poona District						
1. Pimpri (Purandhar) ..	800	375	800	125	156	420
2. Nira Wagaj (Bhimthadi) ..	350	330	325	100	120	90
3. Korhale (Bhimthadi) ..	200	310	550	100	80	160
4. Lasurna (Indapur) ..	120	220	192	43	8	8
GODAVARI CANAL						
Nasik District						
1. Sakore (Niphad) ..	526	No transaction.	397	444	No transaction	364
2. Kolgaon (Sinnar) ..	94	122	124	87	97	76
3. Mukhed (Yeola) ..	167	210	175	129	50	100
Ahmednagar District						
Average of three villages ..	178	219	289	90	95	69
PRAVARA CANAL						
Ahmednagar District						
Average of three villages ..	347	385	228	143	125	175

REVISION SURVEY RATES

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) the names of talukas in the Presidency in which the announcement of revision survey rates was made in July 1926;

(*c*) whether Government have cancelled Government Resolution No. 1447 dated 27th February 1901;

(*b*) the names of talukas in which the remission of these new rates was written off after such an announcement and also the names of those talukas in which such remission was not written off?

The Honourable Mr. J. L. RIEU: (*a*) The accompanying statement furnishes the information required.

(*c*) Yes. The old practice of introducing a new settlement before the land revenue of the year of introduction was collected and then "remitting the increase (if any) over the old rate has now given place to the more convenient and rational method of waiting till *after* the instalments of the year of introduction have been collected and then making the introduction. Thus there is no excess to "remit." If however the new rates are lower than the old, the excess collections are refunded by deduction in the ryots accounts. These refunds have been made in four talukas of the Panch Mahals district in cases in which the new rates were lower than the old ones.

(*b*) This remission was granted in all talukas without exception.

Statement

Division	District	Taluka
Northern	Ahmedabad	North Daskroi.
	Panch Mahals	Kalol.
		Dohad.
		Halol.
		Jhalod.
	Thana	Kalyan.
		Murbad.
Southern	Ratnagiri	Rajapur.
		Devgad.
		Khed.
		Mandangad Mahal.
	Kolaba	Alibag.
		Pen and 32 villages of Roha taluka.
Central	East Khandesh	Chalisgaon.
	Satara	Wai.
		Satara.
		Karad.
		Javli.
		Koregaon.
		Man.
		Khatav.
		Patan.
		Walva.
		Khanapur.
	Bombay Suburban District ..	Ambernath.

Mr. L. M. DESHPANDE : As regards the reply to (c) may I know the number and date of the Government Resolution by which Government Resolution No. 1447 was cancelled ?

The Honourable Mr. J. L. RIEU : I do not know the number.

Mr. L. M. DESHPANDE : Was any resolution at all issued by Government cancelling this resolution No. 1447 ?

The Honourable Mr. J. L. RIEU : I am not certain whether there was any resolution on the subject. If the honourable member will give me notice, I will inquire.

Mr. L. M. DESHPANDE : How was that resolution cancelled then ?

The Honourable Mr. J. L. RIEU : I am not aware whether there was any formal resolution or not but it must have been cancelled under the orders of Government.

REVISION SETTLEMENT : DUMALA VILLAGES

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) the names of Dumala villages in the Satara district where the revision settlement has been introduced before the expiry of 30 years ;

(*b*) the names of the Dumala villages where the revision settlement has not been introduced even after the expiry of 30 years ?

The Honourable Mr. J. L. RIEU : Statements giving the information required are placed on the Council Table.

A

List giving the names of the Dumala villages in Satara District in which the revision settlement has been introduced before the expiry of 30 years after the original settlement, that settlement having been guaranteed to expire with the rest of the taluka.

(P. T. S. = Provisional Temporary Settlement)

Satara Taluka

1. Arphal.
2. Nimb.
3. Ninam.
4. Arala.
5. Songaon Samat Nim.
6. Borkhal (P. T. S. for 4 years).

Wai Taluka

1. Bavdhan.
2. Asla.
3. Dabyat.
4. Boriv.
5. Udtara.
6. Songirvadi.
7. Panchvad.

Khatav Taluka

1. Vadgaon.
2. Vadi.

Man Taluka

1. Kulakjai.
2. Botha.
3. Virli.

Khanapur Taluka

1. Raigaon.
2. Bhambarda.
3. Jondhal Khindi.

Valva Taluka

1. Pokharni.
2. Sirgaon.

Karad Taluka

1. Kusur.
2. Talgaon.
3. Banavdi.
4. Sayapur.

Patan Taluka

1. Addev.
2. Ambavna.
3. Ambrula.
4. Ambeghar tarf Patan
5. Kaloli.
6. Kusvada.
7. Gadhavkhop.
8. Gojegaon.
9. Goshatvadi.

Patan Taluka—contd.

10. Ghanbi.
11. Ghanav.
12. Chapholi.
13. Chiteghar.
14. Chiramba.
15. Chopdi.
16. Jaljevadi.
17. Tamkava.
18. Dastan.
19. Divsi Kd.
20. Nanel.
21. Nivakna.
22. Paten.
23. Pimploshi.
24. Bibi.
25. Mavshi.
26. Mendhoshi.
27. Sakhri.
28. Surul.

Javli Taluka

1. Mamurdi.
2. Katavli.
3. Mahigaon.
4. Shemdi (Majra).

} P.T.S. for 4 years.

Shirala Peta

1. Madalvadi.
2. Shirala Kd.
3. Panchgani.

Malcolmpeth Peta

1. Met Taliya.
2. Dhandeghar (P. T. S. for 4 years).

Khandala Peta

1. Naigaon.

Note.—Inam villages are not necessarily settled at the same time as the taluka itself. If they are settled in a subsequent year, they are guaranteed for a period of less than 30 years so that their guarantee may terminate simultaneously with that of the settlement of the taluka. The settlements of the above villages ran out in less than 30 years, and they have all been revised either for a full period, or provisionally pending revision of survey and classification.

B

List giving the names of the Dumala villages in Satara District in which the revision settlement has not been introduced even after the expiry of 30 years after the original settlement.

(P. T. S. = Provisional Temporary Settlement)

Satara Taluka

1. Kus Kd.
2. Chinchner Vandav.
3. Jiba.
4. Parmala.
5. Pilani.
6. Varya.
7. Saspada.
8. Karandi.
9. Kalamba
10. Varna.

} P. T. S. for 4 years.

Koregaon Taluka

1. Ambvada tarf Koregaon.
2. Pimpri.
3. Sangvi.

Wai Taluka

1. Kalamba.
2. Nahalevadi.
3. Abhepuri.

Khatav Taluka

1. Kokrala.
2. Goregaon Nimsod.
3. Chorada.
4. Jamb.

Khatav Taluka—contd.

5. Dalmodi.
6. Palasgaon.
7. Pimpri.
8. Banpuri.
9. Sundarpur.
10. Hingana.
11. Husenpur.
12. Goregaon Vangi.
13. Yenkul.
14. Yeliv.

} P. T. S. for 4 years.

Khanapur Taluka

1. Amrapur.
2. Bikavdi Kd.
3. Upala Mayni.
4. Shirgaon.
5. Renavi.
6. Hingangada.
7. Karva.
8. Kalambi.
9. Vijhar (P. T. S. for 4 years).

Tasgaon Taluka

1. Kaulga.
2. Chikhal Gotna.
3. Tung.
4. Brahmanal.
5. Visapur.
6. Dhamni.

} P. T. S. for 4 years.

(P. T. S = Provisional Temporary Settlement)

Valva Taluka

1. Karva.
2. Vasi.
3. Surul.
4. Ojharda.
5. Nagaon.
6. Bahadurwadi.

Karad Taluka

1. Kalgaon.
2. Kalavde.
3. Konegaon.
4. Jinti.
5. Nadsi.
6. Potla.
7. Bhurbhushi.
8. Marli.
9. Malkhed.
10. Yenpa.
11. Vadgaon.
12. Shera } P. T. S. for 4 years.
13. Chikhli. }

Patan Taluka

1. Ambla.
2. Aral.
3. Avarda.
4. Kadva Bk.
5. Keral.
6. Gokul tarf Patan.
7. Jinti.
8. Dicholi.
9. Tamkada.
10. Tarla.
11. Devghar tarf Patan.
12. Paparda
13. Bambavda.
14. Mandur.
16. Mandrul tarf Kola.
17. Vadi Kotvada.
18. Sonavda.
19. Vanjholi.

Javli Taluka

1. Taloshi.
2. Nandagna.
3. Punavdi.
4. Vahagaon.
5. Kedamb.
6. Kelghar tarf Medha.
7. Gaudi.
8. Dangreghar.

Javli Taluka—contd.

9. Bomdarvdi.
10. Morni.
11. Molcshwar tarf Medha.
12. Kandat.
13. Dara tarf Tambi.
14. Karandi tarf Kudal. } P. T. S. for 4 years
15. Kharshi tarf Baramura.
16. Varoshi.
17. Vanavli tarf Solshi.
18. Vivar tarf Kudal.
19. Karhar.
20. Kavdi.
21. Kusumbi.
22. Galdov.
23. Vangla.

Shirala Peta

1. Antri Kd.
2. Ingrul.
3. Karmala.
4. Takva.
5. Natavda.
6. Navli.
7. Nigdi.
8. Pachumbri.
9. Pavalyavadi.
10. Bambavda.
11. Bhatvadi.
12. Sivni.
13. Sonavda.
14. Hategaon.
15. Kapri.
16. Gudha.
17. Yelapur.
18. Natoli..

Malcolmpeth Peta

1. Kumtha.
2. Gureghar.
3. Ghonaspur.
4. Barsond.
5. Birmani.
6. Shiravli.
7. Hatlot.
8. Haroshi.
9. Mahableshwar. } P. T. S. for 4 years.
10. Machutar.
11. Moleshwar. }

Khandala Peta

1. Vadgaon.

Note.—In these inam villages the original settlements are still current, and have not been revised, because partial measurement and classification is necessary owing to the original settlement being very old. As this would take time, provisional settlements have been introduced *whenever so desired by the inamdars.*

Mr. L. M. DESHPANDE: As regards the answer to (*b*), may I know whether the various inamdars in the villages, to which these provisional temporary settlements have been applied, had applied to Government for such application ?

The Honourable Mr. J. L. RIEU: Yes, that is a fact.

KARAD MUNICIPALITY: WATER WORKS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether it is a fact that Government at one time asked the Karad municipality to take up the water works in their possession;

(*b*) if so, why were the water works not handed over to the municipality then;

(*c*) whether Government have now asked the municipality to hand over their ownership of the water works to them (Government);

(*d*) whether before any settlement is arrived at the municipality has been asked to pay the charges of water on the assumption that the work belongs to Government?

The Honourable Sir GHULAM HUSSAIN: (*a*) and (*b*) It was the intention of Government to hand over the works to the Municipality on completion and with that end in view the Municipality was asked in 1920 to engage an adequate staff. This the Municipality failed to do, and Government, therefore, continued to manage the works.

(*c*) In 1920 the Karad Municipality was offered the alternative either to purchase water at 5 annas per 1,000 gallons (revisable after 10 years), Government to retain control over the works, or to take over the water works on re-payment to Government of the amount of the loan *plus* interest and agreeing to maintain a depreciation fund.

(*d*) Yes, pending the decision of the question by the Municipality.

Mr. L. M. DESHPANDE: As regards the reply to (*c*), may I know whether the same conditions were repeated in 1925?

The Honourable Sir GHULAM HUSSAIN: I want notice.

Mr. L. M. DESHPANDE: Is the year 1920 correct or is it 1925?

The Honourable Sir GHULAM HUSSAIN: As far as I remember it is 1920?

PUNITIVE POLICE: KUNDALWADI

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether Punitive Police were imposed on Kundalwadi, a village in the Walva Taluka, District Satara;

(*b*) whether it is a fact that the charges incurred are collected from persons who do not reside at the village and who earned their livelihood by Government service;

(*c*) whether it is a fact that one Madhav Vishnu Kulkarni has been held liable for the payment of the Punitive Police charges simply because his father had landed property at Kundalwadi and that he was a member of the undivided family though the son had definitely stated that he was divided and lived separately from his father;

(*d*) whether it is fact that the said Kulkarni's pay was held liable for the Punitive Police charge?

The Honourable Mr. J. E. B. HOTSON : (*a*) Additional police were posted at the village of Kundalwadi in the Walva Taluka of the Satara District under section 25 of the Bombay District Police Act, IV of 1890.

(*b*) The charges incurred were ordered by Government, under section 25 (2) of the said Act, to be collected from the male adult inhabitants of the village of Kundalwadi with the exception of those specially exempted by Government. For the purposes of such recovery the word " inhabitant " has been defined in the explanation to clause 2 of section 25 of the Act, and the charges were collected according to their share from all male adults who by themselves or by their agents or servants occupied or held land or other immoveable property at Kundalwadi notwithstanding that they did not actually reside in the village and earned their livelihood by Government service or otherwise.

(*c*) Madhav Vishnu Kulkarni has been held liable for a share of the charges because he is a member of an undivided family which holds land in Kundalwadi. He failed to claim exemption during the period of one month allowed by a public notice issued by the District Magistrate, Satara, in April 1926, for objections. At a later date he applied to the District Magistrate for exemption on the ground that he held no land in the village, but he failed to prove that he was not a member of the undivided family which owns the land.

(*d*) The pay of Madhav Vishnu has not so far been made liable for the additional police charges.

NURSES

Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister of Education be pleased to state—

(*a*) the number of nurses employed in administrative grades as matrons and sister in charge of wards, operation theatres, and out-patients in the various hospitals to the nursing associations of which Government contributes, classified as under :—

Hospitals	Europeans and Anglo-Indians	Indian Christians	Other Indians
1.			
2.			
3.			
4.			

(*b*) the number of new nurses employed as a result of the extension of the Goculdas Tejpal Native General Hospital, Bombay, classified as under :—

	Europeans and Anglo-Indians	Indian Christians	Other Indians
1. Sister in charge of wards ..			
2. Nurses working in subordinate capacity.			

The Honourable Dewan Bahadur HARILAL D. DESAI: The information is contained in the accompanying statements A and B, respectively.

STATEMENT A

Hospitals	Europeans and Anglo-Indians	Indian Christians	Other Indians
St. George's Hospital	13	..	..
G. T. Hospital	9	..	..
Cama and Albless Hospital	3	1	4
J. J. Hospital	12	2	1
Bai Motlibai Hospital	8	1	..
C. J. Ophthalmic Hospital	1	..	..
Civil Hospital, Poona	15	3	..
,, Ahmedabad	2	1	5
,, Karachi	8	1	..
,, Belgaum	3	..	2
,, Dharwar	..	2	1
,, Nasik	3	..	1
,, Bijapur	..	..	2
,, Ahmednagar	..	..	1
,, Jalgaon	2	..	..
,, Hyderabad	1	..	..
,, Sukkur	2	..	1
,, Surat	1	1	3
,, Sholapur	..	..	4
,, Godhra	..	1	1
,, Karwar	..	2	1
B. J. Hospital, Matheran	..	..	..
European General Hospital, Aden ..	4	..	..

STATEMENT B

G. T. Hospital, Bombay

	Europeans and Anglo-Indians	Indian Christians	Other Indians
1. Sister-in-charge of wards	2 Europeans. 2 Anglo-Indians.	*Nil.*	*Nil.*
2. Nurses working in subordinate capacity ..	*Nil.*	6	2

Dr. M. D. GILDER: In spite of the fact that there were nine European and Anglo-Indian sisters attached to the Goculdas Tejpal Hospital, will the Honourable the Minister for Education be pleased to state why four European and Anglo-Indian sisters were again appointed? Is it because no Indian sister has been found to be fit to be appointed to this hospital?

The Honourable Dewan Bahadur HARILAL D. DESAI: I will inquire.

Mr. B. G. PAHALAJANI: When this amount was sanctioned, did not the Honourable Minister give an undertaking that he would make every effort to appoint Indian sisters ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

MOULVI RAFIUDDIN AHMAD: What efforts were made then for the fulfilment of that undertaking ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I will find out and, if the question is asked, will give an answer.

GRANT MEDICAL COLLEGE: MALE AND FEMALE STUDENTS

Dr. M. D. GILDER (Bombay City, North): Will the Honourable the Minister of Education be pleased to state—

(*a*) whether there is any difference as regards fees paid, classes attended, instruction given, etc., between the male and female students of the Grant Medical College ;

(*b*) whether there is any difference as regards eligibility for resident appointments (formerly called registrarships, now named house physicianships, etc.), between the male and female students after graduation ;

(*c*) whether he is aware that such resident appointments are considered very valuable for post-graduate training ;

(*d*) whether it is a fact that no female students have been given any of these appointments within the last four years ;

(*e*) if the answer to (*d*) be in the affirmative, will he be pleased to state the reason ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No.

(*b*) No.

(*c*) Yes.

(*d*) No. During the past four years the following women graduates were appointed Women Fellows (now House Physicians) :—

Mrs. Shivakamu Anmal, M.B.B.S.,
Miss S. M. Lahewalla, M.B.B.S.,
Miss P. C. Daruwalla, M.B.B.S.,
Miss H. J. Cama, M.B.B.S.,
Miss M. N. Toddywalla, M.B.B.S.,
Miss Y. Lobo, M.B.B.S.,
Miss S. N. Cooper, M.B.B.S.,

(*e*) Does not arise in view of the reply to clause (*d*) above.

Dr. M. D. GILDER: My question in (*b*) referred to resident appointments.

The Honourable Dewan Bahadur HARILAL D. DESAI: It was not understood in that sense.

MOULVI RAFIUDDIN AHMAD: Does the Honourable Minister exercise his own mind in deciding such matters ?

The Honourable the PRESIDENT: Order, order.

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes, as usual.

EXCISE ADVISORY COMMITTEES, BOMBAY

Dr. M. D. GILDER (Bombay City, North): Will the Honourable the Minister of Excise be pleased to state--

(*a*) the number of meetings of the various ward committees of the excise advisory committee (Bombay) during the years 1925-26 and 1926-27;

(*b*) the number of times these committees recommended the opening of new licensed premises or the transfer of an existing license to new premises; in how many instances were the recommendations carried out;

(*c*) the number of times these committees recommended *against* the opening of new licensed premises or the transfer of an existing license to new premises; in how many instances were the recommendations carried out by Government?

The Honourable Mr. G. B. PRADHAN: (*a*) 4 in 1925-26, 32 in 1926-27.

(*b*) 2 in 1925-26. In one case the recommendation was carried out; 52 in 1926-27 In 50 cases the recommendations were carried out.

(*c*) 2 in 1925-26. In one case the recommendation was carried out; 8 in 1926-27. In all cases the recommendation was carried out.

ELPHINSTONE COLLEGE, BOMBAY: MARATHI

Mr. B. V. JADHAV (Satara District): Will Government be pleased to state--

(*a*) whether their attention has been drawn to a letter signed by Mr. Sadashiv Krishna Lele published in the "Vividha Vritta" of 28th August 1927 under the caption "Marathi in the Elphinstone College;"

(*b*) whether two students had given their names to the college authorities stating that they intended to read Marathi for their B.A. examination;

(*c*) whether the Principal of the College informed them on the next day that the Marathi class was to be closed from next year and advised them to choose some other as their voluntary subject;

(*d*) the number of students who read Marathi at the college in B.A. and M.A. classes since the appointment of the Marathi professor was made;

(*e*) the corresponding numbers for Gujarati and Marathi at the same college?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) The answer is in the negative.

(*b*) Yes.

(*c*) Yes.

(*d*) and (*e*) The subjoined statement gives the information required :—

Year	Number of students reading			
	Gujarati		Marathi	
	M.A.	B.A.	M.A.	B.A.
1921-22	2	5	..	5
1922-23	2	9	1	7
1923-24	2	7	..	7
1924-25	2	3	..	4
1925-26	..	11	1	6
1926-27	3	9	1	8
1927-28	6	6	1	2

Mr. B. V. JADHAV : Have Government decided to abolish the post of the professor of Marathi ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, the students will have to go to another college.

Mr. B. V. JADHAV : And not the post of Professor of Gujarati ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Because the number of students for Gujarati is more.

IRRIGATION TANKS : HIRE-KERUR TALUKA

Rao Bahadur S. T. KAMBLI on behalf of Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(*a*) how many irrigation tanks there are in the Hire-Kerur Taluka of the Dharwar District and how many of them are first class and how many second class ;

(*b*) what is the irrigation revenue as distinct from land revenue in the Taluka and what is the land revenue as such ;

(*c*) how many tanks are in repairs and how many are out of repairs ;

(*d*) what steps are taken or proposed to be taken to put the latter in good repairs ;

(*e*) whether it is a fact that several tanks in the said Taluka were damaged long ago, and are not repaired and do not hold water sufficient for wet crops ;

(*f*) whether they are aware that several rayats below the tanks in the taluka have ceased to raise Tari-crops though their lands are assessed at Tari-rates which they have continued to pay, though they do not get sufficient water ;

(*g*) whether they intend to take early and adequate measures to put the tanks in good repairs ;

(*h*) if they cannot do so in the near future, whether they intend to convert the Tari-rate into dry crop assessment on such lands as do not get sufficient water ?

The Honourable Sir COWASJI JEHANGIR : (*a*) There are in all 579 irrigation tanks in the Hire-Kérur Taluka of which only one is first class and 578 are second class.

(*b*) As the water issued from the first class tank for irrigation is assessed at crop rates, the irrigation revenue from this tank varies every year. The irrigation revenue and the land revenue during the year 1926-1927 amounted to Rs. 1,922-13-2 and Rs. 1,193-7-3 respectively. The revenue derived from lands irrigated by second class tanks is as under :—

Irrigation share			Land share		
Rs.	a.	p.	Rs.	a.	p.
70,066	4	8	17,516	5	1

(*c*) and (*d*) Out of 579 tanks mentioned above applications from ryots for certain repairs in case of only 44 second class tanks have been received. The remaining tanks are in good order. Plans and estimates for repairs of some of the tanks have been prepared and those for others are under preparation. The repairs will be taken in hand and completed as soon as possible.

(*e*) and (*f*) This is not correct except in the case of three tanks under which Tari-crops have ceased to be grown. The present condition of these tanks is mainly due to the fact that the irrigators have not fulfilled the obligation to carry out petty repairs imposed on them by section 84 of the Bombay Irrigation Act.

(*g*) The Irrigation Department is taking every possible care to repair tanks whenever any complaints are received from the ryots.

(*h*) Does not arise.

VILLAGE OFFICERS : RECEIPTS

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) whether it is a fact that village officers do not pass any receipt for applications for copies of village records made to them or for documents presented before them for entering in the record of rights ;

(*b*) if so, whether they are aware that poor ryots suffer on account of this practice on the part of the village officers, and whether they intend to take steps to remedy the grievance ?

The Honourable Mr. J. L. RIEU : (*a*) The orders are that receipts for documents presented for entry in the Record of Rights should be given when asked for. It is not the practice to give receipts for mere applications for copies.

(*b*) Government are not aware of any specific complaints on the subject, but they are considering what action, if any, can be taken to ensure so far as possible that copies are given promptly and without any illicit charge being made.

Rao Bahadur R. R. KALE : Why are not receipts given without being asked for ? Is it necessary for the ryots to ask for receipts ?

The Honourable Mr. J. L. RIEU : I do not see any necessity ; if the person presenting the document does not require a receipt, why should a receipt be given ?

MUNICIPAL TECHNICAL SCHOOLS

Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(*a*) the names of municipalities which maintain technical schools in the Presidency ;

(*b*) the nature and quality of instruction given in each of such schools ;

(*c*) the annual maintenance charges of each of these schools ;

(*d*) the capital cost or non-recurring cost incurred when each of these schools was started ?

The Hononurable Dewan Bahadur HARILAL D. DESAI : (*a*), (*b*), (*c*) and (*d*) The appended statement gives the information required.

Name of Municipality maintaining a Technical School	Nature and quality of instruction given in the school	Annual maintenance charges	Capital cost incurred when the school was started
1	2	3	4
		Rs.	Rs.
1. Poona Municipality .	Carpentry Drawing, Practical carpentry, Wood and Metal Turning, Polishing, Sign-board Painting, Drawing for Intermediate and Elementary Drawing Examination and Building construction.	7,448	21,258
2. Pandharpur Municipality.	Carpentry Drawing, Practical carpentry, Smithy work and Building construction.	2,357	7,861
3. Surat Municipality ..	Mechanical Engineering including Pattern-making, Moulding, Iron and Brass Foundry work, Smithy, Fitting, Turning and Machine Tools, and Carpentry.	18,958	843
4. Jacobabad Municipality.	Scale drawing, practical plane and solid Geometry, Free-hand Drawing, Joinery, Carpentry, Carving, Inlaying work, Fret work, Painting, Smithy, Wood turning, Lacquer work and Brass casting.	5,154	6,450

Rao Bahadur S. T. KAMBLI : Are any grants made to any of these municipalities for technical instruction ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I require notice of that question.

TIGER AT RUSTOMPURA

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) whether their attention has been drawn to the fact that of late a tiger has been visiting the village of Rustompura, Thasra Taluka,

Kaira District, at night and has carried away several she-goats and sheep after killing them on the spot and has also killed several dogs and one bull ;

(*b*) whether they are aware that this has caused great panic amongst the villagers who are afraid to stir out at night ;

(*c*) what steps they propose to take in the matter ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Government are informed that about April last a panther visited the village of Rustompura and killed three goats, two calves and one pony. Mr. Maxwell, the then Collector of Kaira, and Mr. Gidney, the then Excise Superintendent, Kaira and Panch Mahals, visited the neighbourhood and endeavoured to shoot it, but were not successful. The animal then disappeared. No alarm of uneasiness now exists.

(*b*) and (*c*) Do not arise.

BOMBAY MEDICAL SERVICE : APPOINTMENT OF MOSLEMS

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) whether the Surgeon General with the Government of Bombay maintains a register of applicants for the Bombay Medical Service. If not, why not ;

(*b*) the total number of posts in the Bombay Medical Service and how many of them are occupied by Moslems ;

(*c*) whether it is a fact that though the number of Moslems in the Bombay Medical Service is far below what is required by the Government Resolutions, two Hindus of the advanced classes, Messrs. K. B. Lele and R. H. Hiranandani, M.C.P.S., have been taken up in May 1927. If so, why ;

(*d*) whether the vacancy, created by the death of Dr. Petigara, has been filled up by Government ;

(*e*) whether the vacancies that are to be created by the retirements of Drs. Shikhare and Cordeiro in January and June 1928 will be advertised for being filled up ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Vacancies in the Bombay Medical Service are filled up (1) by direct recruitment and (2) by promotion of selected Subordinate Medical Service officers of approved service and qualifications. In the case of (1) the vacancies are invariably advertised and hence it has not been considered necessary to maintain a register of applicants.

(*b*) 58 (56 permanent and 2 temporary) of which 2 are held by Moslems.

(*c*) The appointments of Messrs. Lele and Hiranandani were not made by direct recruitment but in pursuance of the policy of Government of promoting to the Bombay Medical Service a certain number of selected Subordinate Medical Service officers of approved service and qualifications.

(*d*) It is not proposed to fill up this vacancy as one post in the Bombay Medical Service has recently been abolished.

(*e*) Rao Bahadur Shikhare's vacancy is not proposed to be filled up as one of the lecturers' posts at the B. J. Medical School, Poona, reserved for the Bombay Medical Service has recently been abolished and it is doubtful also whether Mr. Cordeiro's vacancy will be advertised, as there is likely to be a further reduction in the number of Bombay Medical Service posts owing to the contemplated withdrawal by Municipalities of Bombay Medical Service officers from their dispensaries.

SALE OF CERTAIN SURVEY NUMBERS OF VADRAD, TALUKA PRANTIJ

Mr. J. C. SWAMINARAYAN on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state-

(*a*) what action has been taken by them regarding survey numbers 632, 634, 635, 636, 637, 638, 639, 647, 648, 649 of Vadrad, taluka Prantij, whose re-auction has been ordered by the Commissioner, Northern Division;

(*b*) what action has been taken against the Circle Inspector concerned for his suspicious conduct in connection with the sale of the above survey numbers;

(*c*) whether the sale was found fraudulent and benami;

(*d*) in whose possession the said survey numbers are at present;

(*e*) whether they will be pleased to place on the Council table the papers relating to the sale of the said survey numbers?

The Honourable Mr. J. L. RIEU: (*a*), (*c*), (*d*) and (*e*) Replies have already been given.

(*b*) The Circle Inspector's conduct in this transaction was considered suspicious. No legal action was, however, considered desirable as the charge against him had not been definitely proved, but departmental action was taken. The Circle Inspector is a permanent Talati and was only acting as a Circle Inspector in the present appointment. As a punitive measures, his claim to confirmation in a vacancy of Circle Inspector was passed over. The Circle Inspector has since been transferred from Prantij Taluka to North Daskroi Taluka.

Mr. J. C. SWAMINARAYAN: If the conduct of the Circle Inspector was considered suspicious, why was no legal action taken against him?

The Honourable Mr. J. L. RIEU: No prosecution was instituted, because nothing could be proved in a court of law, but departmental action was taken.

TRAINED TEACHERS, SURAT DISTRICT

Rao Bahadur B. R. NAIK (Surat District): Will Government be leased to state—

(*a*) the percentage of trained teachers to the total number of teachers in the local board schools of the Surat district;

(*b*) whether Mafi-certificated teachers who have not studied in the training college are included in the percentage of trained teachers;

(*c*) if so, the reasons for including them in the class of trained teachers;

(*d*) the percentage of trained teachers who have actually undergone training in training schools and colleges?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) 57 per cent. for all kinds of teachers (Urdu, non-Urdu and women) on the basis of figures as they stood on 31st March 1927.

(*b*) Yes.

(*c*) It was the practice to award the maphi or the First year concession certificate to untrained teachers for their continuously approved service of ten years and over. These teachers have been treated as equal to regularly trained First year teachers for all practical purposes, and are, therefore, included in the class of trained teachers. The practice of issuing this kind of certificate has, however, been discontinued since 1923.

(*d*) Forty-eight per cent.

Mr. P. R. CHIKODI: Why was this practice discontinued?

The Honourable Dewan Bahadur HARILAL D. DESAI: Because it was considered that only those who are regularly trained should be considered as trained teachers.

PRIMARY EDUCATION, SURAT DISTRICT

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state—

(*a*) the items of expenditure incurred from the saving of 23 teachers reduced from the total staff of the Local Board Primary schools of the Surat district after the passing of the Primary Education Act of 1923, so as to show how the savings were totally utilised;

(*b*) whether they are aware that the total recurring and non-recurring expenditure of the local board primary schools of the Surat district has been gradually going down after the year 1923-24;

(*c*) if so, the reasons therefor?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*), (*b*) and (*c*) The statement placed on the table will show that no reduction has been made in the total number of posts of teachers in the Local Board Primary Schools of the Surat District after the passing of the Primary Education Act, 1923, and that except during the year 1925-26, there was no decrease in the recurring expenditure of the Local Board Primary Schools of the Surat District. The decrease in the recurring expenditure during that year was mainly due to the retirement and death of some highly paid teachers and their places being filled by fresh trained or untrained teachers. The decrease in non-recurring expenditure is due to less provision for original works and special repairs owing

to want of sufficient educational balance with the District Local Board.

Name of the District Local Board	No. of posts of teachers provided in the budget for the year						Actual		
	1922-23 1923-24		1924-25	1925-26	1926-27	1927-28	1923-24		
	1922-23	1923-24					Recurring	Non-recurring	Total
								Rs.	Rs.
Surat ..	1,098	1,091	1,098	1,099	1,099	1,099	5,09,668	33,524	5,43,192

expenditure incurred in the year

Name of the District Local Board	1924-25			1925-26			1926-27		
	Recurring	Non-recurring	Total	Recurring	Non-recurring	Total	Recurring	Non-recurring	Total
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Surat ..	5,10,263	19,445	5,29,708	4,98,062	8,072	5,06,134	5,70,356	7,676	5,78,032

Rao Bahadur B. R. NAIK: Is the Honourable Minister aware that the district local board of Surat had a large surplus balance at its disposal before the Compulsory Primary Education Act was passed?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not aware of it.

POLICE STATION, SILAVTA PARA, HYDERABAD

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(*a*) whether it is a fact that the police outpost, situated in Silavta Para of the town of Hyderabad, is going to be rebuilt, remodelled or is in any manner to be altered or extended;

(*b*) if the reply be in the affirmative, what will be the total expenditure on this rebuilding, remodelling, alteration or extension and under what authority and under whose sanction is such expenditure going to be incurred;

(*c*) whether it is a fact that the expenditure on the above is to be incurred almost immediately?

The Honourable Mr. J. E. B. HOTSON: (*a*) The police outpost in Silavta Para is being rebuilt. The new building will include quarters for a Sub-Inspector of Police as well as a police station.

(*b*) The total expenditure will amount to Rs. 9,966, which has been sanctioned by Government.

(*c*) The expenditure is being incurred during the current financial year.

Mr. NOOR MAHOMED : Was the sanction of the Council obtained for incurring this expenditure ?

The Honourable Mr. J. E. B. HOTSON : I presume it was included in 41—Civil Works. I shall have to get notice of that question.

Mr. NOOR MAHOMED : I ask you, Sir, whether the honourable member can demand fresh notice from me for this question. Part (*b*) of the question clearly asks " if the reply be in the affirmative, what will be the total expenditure on this rebuilding, remodelling, alteration or extension and under what authority and under whose sanction is such expenditure going to be incurred."

The Honourable Mr. J. E. B. HOTSON : It has been sanctioned by Government. I have not got the detailed information here. I did not expect to be asked this question. The ordinary procedure has been observed in connection with this work, and there is no reason to suppose that there has been anything irregular.

Mr. NOOR MAHOMED : Pending the decision of Government whether this is a new item or not requiring the sanction of this House, do Government intend to stop the further construction of this work ?

The Honourable Mr. J. E. B. HOTSON : No, there is no intention to do so, but if the honourable member desires to have further information, if he gives me further notice, I will enquire into it.

" MOTHER INDIA : " ASSISTANCE GIVEN BY BOMBAY GOVERNMENT

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(*a*) whether they gave any assistance to Miss Mayo in the production of her book " Mother India," and, if so, what was the nature of that assistance ;

(*b*) whether any of their officers in the Secretariat or in the Districts gave her any such assistance ?

The Honourable Mr. J. E. B. HOTSON : (*a*) and (*b*) No.

EDUCATION MINISTER : CANCELLATION OF SIND TOUR

Mr. R. G. PRADHAN (Nasik District) : Will the Honourable the Minister of Education be pleased to state the reasons which led him to cancel his tour to Sind fixed for November 18 onwards ?

The Honourable Dewan Bahadur HARILAL D. DESAI : On return to Bombay after the tour to Sholapur, Bijapur, Hubli, Dharwar, Belgaum, Karad and Satara, important work at the Head Quarters of Government made it inadvisable to allow of a fortnight's further absence on tour to Sind.

OFFICERS : PREMATURE RETIREMENT SINCE REFORMS

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to lay on the council table a statement showing—

(1) the names of the European officers who have retired prematurely since the introduction of the reformed constitution in 1919 ;

(2) the cause or causes that led to such premature retirement in each case ?

The Honourable Sir CHUNILAL MEHTA : Government regret they are not prepared to furnish the information asked for.

Mr. R. G. PRADHAN : Why do Government regret ?

The Honourable Sir CHUNILAL MEHTA : Because it is confidential.

MOULVI RAFIUDDIN AHMAD : Is the information asked for in part (1) of the question, regarding the names of the European officers who have retired, also confidential ?

The Honourable Sir CHUNILAL MEHTA : I think the names are confidential.

KALYAN CREEK : CLEARING AND WIDENING

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) whether they are aware that in the Thana District the Kalyan Creek which receives water from the rivers Ulhas, Bhatsa and Kalu swells in the rainy season and causes heavy damage to the houses, fields and cattle of the town of Kalyan and the surrounding villages of the Kalyan and Bhiwandi talukas and to trade in general ;

(*b*) if the reply is in the affirmative, what steps they have thought of taking for preventing the same ;

(*c*) if the reply is in the negative, whether they propose to look into this question of such vital importance ;

(*d*) whether it is a fact that the place known as Gaimukh Bundar between the Bassein and the Salsette talukas has been choked up on account of the getting in of the hills on both the sides hard by, and thus causing an obstruction to the free passing of the monsoon flood water and the tide water ;

(*e*) whether they have considered the question from an engineering point of view and, if not, whether they propose to do so ;

(*f*) whether they are aware of the fact that in the high floods of 1921 many houses, cattle, men and goods were carried away, and if so, whether they have taken any steps for preventing a recurrence ?

The Honourable Sir GHULAM HUSSAIN : (*a*) In the rainy season the water level in the Kalyan Creek rises, but only in years of abnormal rainfall is the height sufficient to cause damage to the town of Kalyan and the surrounding villages and to trade in general.

(*b*) and (*c*) During abnormal floods, which occur once in several years, some damage is liable to occur as is the case in many other places. The matter is, however, being further investigated.

(*d*) No.

(*e*) Government are doing so.

(*f*) No definite information is available as to the extent of damage caused by the heavy floods in 1921. See replies to (*b*), (*c*) and (*e*) above.

COTTON CULTIVATION, SURAT DISTRICT

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state, for each taluka of the Surat District—

(*a*) the percentage of the area under cotton out of the total area under different crops (excluding grass);

(*b*) the date when the first picking of cotton takes place in each of the talukas;

(*c*) the dates on which the two instalments of Government land revenue are payable in each taluka;

(*d*) whether it is a fact that the cultivators of some of the talukas find the present arrangement of instalments inconvenient;

(*e*) whether the cultivators of Jalalpur taluka have through their "Khedut Mandal" asked for the postponement of the dates of revenue instalments by about a month;

(*f*) if so, what have Government decided in this matter?

The Honourable Mr. J. L. RIEU: (*a*), (*b*) and (*c*) The accompanying statement furnishes the information required.

(*d*) There has been no complaint from any of the talukas except Jalalpur.

(*e*) Yes.

(*f*) The date of the first kharif instalment has recently been changed from 5th January to 5th February in Jalalpur taluka.

STATEMENT

—	Olpad	Bardoli	Mandvi	Chorasi
(*a*)	46 per cent. ..	42·56 per cent...	30 per cent. ..	2·59 per cent. ..
(*b*)	1st March ..	15th February ..	10th February ..	15th February ..
(*c*) *Kharif*—				
1st instalment ..	5th January ..	5th February ..	5th January ..	5th February ..
2nd instalment	5th March ..	5th April ..	5th March ..	5th April ..
Rabi—				
1st instalment	10th March ..	5th March ..	10th March.	....
2nd instalment	5th April ..	5th April ..	5th April.	....

—	Valod	Chikhli	Jalalpur	Bulsar	Pardi
(*a*)	5 per cent. ..	25·51 per cent.	40·9 per cent	The percentage is negligible.	No cotton crop.
(*b*)	15th February.	15th February.	1st March.	....	....
(*c*) *Kharif*—					
1st instalment ..	5th February ..	5th January ..	5th January.	5th January	5th January.
2nd instalment ..	5th April ..	5th March ..	5th March ..	5th March	5th March.
Rabi—					
1st instalment ..	....	....	....	....	....
2nd instalment ..	....	....	....	....	....

PRIMARY SCHOOL, SATEM VILLAGE

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether there was a Government Primary School in Satem village in Jalalpore Taluka in the Surat District;

(*b*) the year in which the school was opened;

(*c*) when was the school closed and why;

(*d*) what was the number of pupils in this school when this school was closed;

(*e*) what is the population of the village;

(*f*) how many pupils would attend the school if the school is re-opened;

(*g*) whether the people of the village have petitioned for re-opening the school;

(*h*) what decision Government have come to on this petition;

(*i*) if Government have decided to re-open this school, from what date will the school be re-opened;

(*j*) if Government have decided not to re-open the school, what are their special reasons for refusing to re-open the school?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No, there was a Local Board school in the village.

(*b*) 1872.

(*c*) It was closed on 1st April 1922 on account of non-co-operation.

(*d*) Nil.

(*e*) 1,623.

(*f*) 50 pupils as estimated in March 1927.

(*g*) Yes.

(*h*), (*i*) and (*j*) The school cannot be re-opened because the District Local Board, Surat, refuses to bear its own share of the additional expenditure involved.

The Honourable Dewan Bahadur HARILAL D. DESAI: Further, I have to say that a short time ago the school has been opened.

Rao Bahadur B. R. NAIK: The reply is that the school cannot be re-opened because the District Local Board, Surat, refuses to bear its own share of the additional expenditure involved. Has the District Local Board now agreed to agree to the conditions laid down by Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot say definitely now under what terms the school has been re-opened.

OVARAS FOR TANKS, SURAT DISTRICT

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether it is a fact that in most villages in the Surat District where there are tanks they are used for watering their cattle by the village people;

(*b*) whether it is a fact that the embankment of the tank gets weakened and broken if there is no Ovara (pacca slope) for cattle to go to the tank;

(*c*) whether it is a fact that as a result of this the cost of the repairs to the tank is greatly increased ;

(*d*) have Government considered the advisability of constructing such Ovaras ;

(*e*) if so, what decision have they arrived at ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Yes. It is presumed the Honourable Member refers to the 2nd class irrigation tanks in charge of the Public Works and Revenue Departments.

(*b*) and (*c*) Not if the obligation regarding repairs imposed on the villagers by section 84 of the Irrigation Act is regularly and punctually fulfilled by them.

(*d*) and (*e*) If the villagers give timely attention to repairing the bund, Government do not consider pacca Ovaras to be necessary and they would be most expensive.

TALATIS' CHARGES, SURAT DISTRICT

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) whether it is a fact that the distribution of villages in the Surat District into Sazas (talatis' charges) has not been made on a system and scientific basis ;

(*b*) whether in fact there is no system underlying this distribution which has been made in a haphazard manner ;

(*c*) whether it is a fact that as a result some talatis have too much work and others too little work ;

(*d*) whether they propose to distribute the villages into Sazas on some systematic basis ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) It is not a fact.

(*c*) No.

(*d*) Does not arise.

DOLIYU TANK, RANKUVA VILLAGE

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the Doliyu Tank in the village of Rankuva in the Taluka of Chikhli in the Surat District—

(*a*) the area of the tank ;

(*b*) the area of the land assessed to it for Himayat ;

(*c*) the Himayat assessment on the tank ;

(*d*) whether the embankment of the tank is in good condition ;

(*e*) the number of pipes on the tank and the condition in which each is at present ;

(*f*) whether the tank is at present deep enough ;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs ;

(*h*) what is the condition of the tank at present ;

(*i*) have complaints been received from the people about this tank ;

(*j*) have Government decided to put this tank in a good state of repair ;

(*k*) if so, when will they repair the tank, and what repairs will be done to the tank, and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR : (*a*) 27 acres 6 gunthas.
(*b*) 71 acres 23 gunthas.
(*c*) Rs. 135-2-10.
(*d*) Yes, the bund of the tank is in fairly good order.
(*e*) There are two pipe outlets, 6" diameter. They require overhauling. Water can be taken at present through them for irrigation.
(*f*) Yes, the tank holds sufficient water for irrigation purposes.
(*g*) It was last repaired in 1918-19 at a cost of Rs. 255. The repairs consisted of renewals of outlets.
(*h*) On the whole the tank is in fairly good condition.
(*i*) Yes.
(*j*) and (*k*) Plans and estimate for the necessary repairs to the tank are under preparation. The repairs, which will approximately cost Rs. 1,150, will consist of (1) raising the bund where necessary, (2) overhauling the existing outlets and (3) repairs to the abutments and wings of the waste weir.

Rao Bahadur B. R. NAIK : It is stated that the plans and estimate for the necessary repairs are under preparation. When will the repairs be carried out ?

The Honourable Sir COWASJI JEHANGIR : I am afraid I cannot give a definite answer to that, but most probably it will be as soon as the plans and estimates are ready, and the money being available, it is sanctioned.

PRIMARY SCHOOLS IN GOVERNMENT CHARGE : GOVERNMENT POLICY

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) what is their policy with regard to primary schools so long as they continue to be in their charge ;

(*b*) what are the reasons of Government for refusing to open primary schools in villages where a sufficient number of pupils is forthcoming ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) In the absence of a clear indication of the particular matters in respect of which the Honourable Member desires an enunciation of the policy of Government, it is regretted that Government are unable to make any statement.
(*b*) Unless the Honourable Member specifies the villages to which he refers, it is not possible to answer his question.

Mr. G. I. PATEL : With regard to (*b*) are there any villages of the type mentioned, in the list of the Honourable Minister ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government have no information.

Rao Bahadur B. R. NAIK : Are there such villages in the Surat District ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Several of them.

Rao Bahadur B. R. NAIK: Have they requested Government to open schools there ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not think we have received any particular request of the kind.

Mr. B. V. JADHAV: Has the District Local Board of Surat taken any action in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

EDUCATION OF DEPRESSED CLASSES

Dr. P. G. SOLANKI: Will Government be pleased to state the number of students belonging to the depressed classes per lakh of their population in (*i*) primary schools, (*ii*) secondary institutions, (*iii*) in arts colleges, (*iv*) in professional colleges, (*v*) in technical and mechanical institutions from the following districts, *viz.*, Ahmedabad, Broach, Kaira, Surat and Panch Mahals ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The accompanying statement gives the information required.

Statement giving information regarding Depressed Class Pupils in the Ahmedabad, Broach, Kaira, Surat and Panch Mahals Districts in the Northern Division

District	Number of Depressed class pupils per lakh of their population in				
	Primary schools	Secondary schools	Arts Colleges	Professional Colleges	Technical and Mechanical schools
Ahmedabad	3,012	51	1	..	..
Kaira	7,324	137	..	..	..
Panch Mahals	7,459	355	..	..	..
Broach	4,293	20	..	..	..
Surat	6,424	155	..	..	..

Dr. P. G. SOLANKI: Is the information given here after sufficient inquiry ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Certainly, all answers are given after sufficient inquiry.

Dr. P. G. SOLANKI: The information given here is not correct in the light of the information I have got ?

The Honourable the PRESIDENT: That is a statement. What is the supplementary question which the honourable member wishes to ask ?

Dr. P. G. SOLANKI : Are Government aware that in a dispensary at Jalalpore in Surat District a member of the depressed classes was refused to be examined by a Hindoo doctor and that the man had to go to another doctor and unfortunately pay fees ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government have no information.

Dr. P. G. SOLANKI : Will Government make inquiries in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the honourable member gives any specific instance, Government will gladly make inquiries.

Mr. S. K. BOLE : Does it not show that the inquiry is incorrect ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

Mr. R. S. ASAVALE : Does the expression " depressed classes " include aboriginal tribes also ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am doubtful if they are included in the expression " depressed classes."

Rao Saheb R. V. VANDEKAR : Do depressed classes include aboriginal tribes also ?

The Honourable the PRESIDENT : Lists are published by Government mentioning who constitute the depressed classes. Honourable members are expected to know it or can find out for themselves without wasting the time of the House.

Mr. B. V. JADHAV : Depressed classes do not include but backward classes include the aboriginal tribes also.

MEDICAL HELP TO DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state—

(*a*) whether they are aware of the fact that in very many instances orthodox Hindu Doctors in charge of Public, Government and Charitable Dispensaries and Hospitals in this Presidency refuse to touch and examine sick persons of the Depressed and untouchable classes and refuse admission in the Hospital and Dispensary wards as In-patients with the result that many of these unfortunate people die miserably without timely and proper medical aid ;

(*b*) if so, whether they intend to make thorough and detailed enquiries in the Medical Department in the mofussil to see that such treatment is not meted out to the unfortunate depressed and untouchable class people in future ?

The Honourable Dewan Bahadur HARILAL D. DESAI : An inquiry has been made into the matter by the Surgeon General who reports that no sick members of the depressed and untouchable classes have ever been refused examination or admission in any Public, Government or Charitable Hospital or Dispensary in this Presidency, and that all persons whether of the depressed or higher classes are given equal treatment without any distinction. If the Honourable Member can quote any specific instances where members of the depressed classes have been

refused admission to Hospitals, etc.. or not given proper treatment by the doctors in charge of them, further enquiries will be made.

HOUSING AND EMPLOYMENT OF DEPRESSED CLASSES IN BOMBAY

Dr. P. G. SOLANKI: Will Government be pleased to state—

(*a*) the total number of depressed class people in the City of Bombay;

(*b*) the number of men, women and children of these classes engaged in the textile industry in local mills;

(*c*) whether they are aware of the insanitary and overcrowded condition of their habitations in Bombay City;

(*d*) what steps they intend to take to improve their residential quarters so as to give them more space, fresh air and light which are essential for healthy life?

The Honourable Sir COWASJI JEHANGIR: (*a*) and (*b*) No separate statistics of the depressed class people are compiled in the Census of India, 1921.

(*c*) Yes.

(*d*) Steps have been taken by the Development Department to improve the residential quarters of the depressed classes. Members of these classes have taken rooms in the Development Department chawls and the Development Department is prepared to accommodate more of them at the sanctioned rents ranging from Rs. 5 per room per month at Worli to Rs. 9-8-0 at Delisle Road if rooms are taken singly. A large number of vacant rooms, especially at Worli and Naigaum, are available. The areas in which the chawls are situated are open and healthy and well provided with open spaces. Whole chawls are also offered at reduced rents to any institutions, societies and similar organisations or bodies, and to private individuals on behalf of any community or section of the public and the depressed classes could take whole chawls at the reduced rents of about Rs. 4, Rs. 5-11-0 and Rs. 7-11 0 per room per month at Worli, Naigaum and Delisle Road, respectively. The chawls are very popular with the depressed classes. There is no discrimination against them. There is plenty accommodation for them still at Worli, Naigaum and Delisle Road.

2. The Body in Bombay which has since its creation in 1898 been mainly responsible for the demolition of buildings in slum areas, for improvement schemes and for rehousing displaced members of the working classes is the City of Bombay Improvement Trust.

Since 1898, the Trust has demolished 29,973 tenements and in their places new tenements to the number of 42,780 have been provided.

Four-fifths of the new tenements consist of one room only.

Only 3,600 contain more than two rooms.

At 4 persons per room, the new tenements provided are sufficient for the rehousing in sanitary dwellings of 1,85,000 persons or rather more than one-sixth of the population of the City.

The City Improvement Trust have been and are fully aware of the insanitary and overcrowded condition of the habitations of the Depressed Classes in Bombay City, and have from time to time set apart blocks

of chawls for their special accommodat n and have also reserved portions of the Trust's semi-permanent camps for the same purpose.

In pursuance of this policy the Trust in the year 1920 completed and set apart 4 blocks of chawls in East Agripada containing 320 rooms for the special accommodation of Mahars.

Separate blocks will be provided, where required, in all new Chawl Schemes of the Improvement Trust Board, and negotiations for the reservation of 2 blocks containing 160 rooms in the Board's New Foras Road Chawls are in progress with the Municipality for the housing of part of its conservancy staff.

In all, accommodation for 7,498 persons of the Depressed Classes has been provided for in 1,710 rooms in the Board's Chawls and semi-permanent sheds.

TEACHERS IN NORTHERN DIVISION

Dr. P. G. SOLANKI : Will Government be pleased to state—

(*a*) whether there is a training college in the Northern Division ;

(*b*) if the reply be in the affirmative the proportionate number of depressed class teachers in the first, second and third years to the total number of teachers in that division ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) The proportion of depressed class teachers to the total number of teachers in the Northern Division, as it stood on the 31st March 1927, was ·39 in the case of 1st year, ·09 in the case of 2nd year and ·06 in the case of 3rd year.

Dr. P. G. SOLANKI : Does the Honourable Minister for Education realise that the percentage is very small ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is obvious.

Dr. B. R. AMBEDKAR : Does he intend to increase the percentage ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Certainly.

Dr. B. R. AMBEDKAR : How soon ?

(No reply).

EDUCATION OF DEPRESSED CLASSES IN NORTHERN DIVISION

Dr. P. G. SOLANKI : Will Government be pleased to state—

(*a*) the number of primary schools for depressed classes in each district of the Northern Division ;

(*b*) the village, town or city in which the school is situated ;

(*c*) the number and castes of teachers employed in these schools ;

(*d*) the number of the depressed class teachers employed in these schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) to (*d*) The accompanying statement giving the required information is placed on the Council table.

Statement showing the number of primary schools for depressed classes in each District of the Northern Division, etc.

Name of the District	Number of primary schools for depressed classes		Name of the village, town or city	Teachers employed in these classes		Number of depressed class teachers	Remarks
	Municipal	Local Board		Number	Castes		
Ahmedabad.	8	7	Sarkhej, Koth, Patdi, Mandal, Godhavi, Barvala, Bareja, Ahmedabad, Viramgam, Dholka, Ranpur.	26	14 Indian Christians, 7 Dheds and 5 Muhammadans.	7	
Kaira ..	2	1	Matar, Borsad, Kaira ..	3	1 Dhed, 1 Patidar, and 1 Indian Christian.	1	
Panch Mahals	2	3	Godhra, Dohad, Jhalod, Kalol, Jantral.	8	3 Depressed, 4 Muhammadans, 1 Indian Christian.	3	
Broach ..	3	7	Broach, Ankleshwar, Jambusar, Amod Kahanva, Vedach, Kalak, Gajera, Dehej, Amod (Bhangi Class).	12	7 Dheds, 4 Bhangis and 1 Muhammadan.	11	
Surat ..	9	9	Surat, Bulsar, Rander, Katargam, Mota, Kadod, Abrama, Sarl, Kachholi, Bhatal, Gandeva and Lilapur.	29	8 Dheds, 4 Muhammadans, 2 Garodas, 1 Dhodia, 1 Khalpa, 1 Bhangi, 1 Chodhra, 1 Soni, 1 Kunbi, 9 Indian Christians.	12	

Dr. B. R. AMBEDKAR : In the table given, the Honourable Minister for Education will see that there are not more than 4 or 5 teachers belonging to the upper classes in the schools for the depressed classes?

The Honourable Dewan Bahadur HARILAL D. DESAI : I see as the honourable member sees.

Dr. B. R. AMBEDKAR : Is it because the upper Hindu classes are prejudiced to serve in these schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Perhaps.

BOY SCOUTS ASSOCIATION : GOVERNMENT GRANTS AND EXPENDITURE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) the amount of grants paid by Government to the Bombay Boy Scouts Association in the official years 1924-25, 1925-26 and 1926-27 and the amount of grant proposed to be paid in the official year 1927-28 ;

(*b*) the details of the expenditure incurred by that Association in the official years 1924-25, 1925-26 and 1926-27 and the prospective details of the expenditure in the official year 1927-28 ?

The Honourable Dewan Bahadur HARILAL D. DESAI:

		Rs.
(*a*)	1924-25	15,000
	1925-26	40,000
	1926-27	40,000
	1927-28	40,000

(*b*) The attached statement supplies the information asked for.

Statement of Expenditure incurred by the Boy Scouts Council, Bombay Presideny, since 1921-25. The years are financial years

(Figures are in Rupees)

No.	Name of the account	1924-25	1925-26	1926-27	1927-28 (Budget)
1	Scout Rallies Account	134	..	..	..
2	Training Camps Account	3,321	1,527	1,799	..
3	Books, Badges and Equipment	2,630	1,120	3,744	4,000
4	Scout Gazette Account	1,000	1,000	1,000	
5	Miscellaneous Account	1,100	946	994	
6	Scout Films Account	..	909	312	2,000
7	Printing Expenses Account	..	131	372	
8	Conference Expense Account	..	194	..	..
9	Stationery Account (including Typewriters and Duplicators)	..	8	872	1,000
10	Postage Account	..	69	322	700
11	Pension Contribution Account	..	..	375	..
12	Provincial Secretary's Salary Account ..	..	6,080	7,200	7,200
13	Provincial Secretary's T. A. Account ..	..	3,868	4,518	5,000
14	Assistant Provincial Secretary's Salary Account..	1,185	2,039	..	..
15	Assistant Provincial Secretary's T. A. Account..	464	50	..	..
16	Organisers' Salary Account	..	..	4,585	8,400
17	Organisers' T. A. Account	1,278	1,580	2,361	5,000
18	Establishment Salary Account	..	591	3,230	3,600
19	Establishment T. A. Account	..	181	748	1,200 900*
	Total ..	11,112	20,293	32,432	40,000

N. B.—The expenses of a Jamboree, which is held once in five years, have to be spread over that period.

CITY WALLS, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state whether they are aware that many mill labourers stranded by the recent flood outside the city used walls for reaching their homes in the city?

The Honourable Sir GHULAM HUSSAIN: The local officers report that no such cases have come to their notice.

* Peons for Organisers.

THEFTS BY CHHARAHS AT ELLIS BRIDGE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the police authorities of Ahmedabad are aware that itinerant nomadic tribes called Chharahs living on the west bank of the Sabarmati river near Ellis Bridge are in the habit of pilfering corn, grass, wood from the carts passing on the Ellis Bridge in the early hours of the morning;

(*b*) if so, what steps the police authorities of Ahmedabad have taken to prevent the mischief?

The Honourable Mr. J. E. B. HOTSON: (*a*) No complaints of this nature have been received either by the Police or by the District Magistrate.

(*b*) Does not arise.

Mr. G. I. PATEL: Will Government please reinstitute an enquiry and find out from their police officers the actual cases that have been recorded?

The Honourable Mr. J. E. B. HOTSON: I do not remember exactly when this answer was compiled. With reference to the date of this question and answer the statement here is correct. If the honourable member gives any specific instance to the contrary or any later instance I will be glad to inquire into it.

Mr. G. I. PATEL: There are instances on record lately and if Government institute an inquiry they will be able to place the information before this House?

The Honourable Mr. J. E. B. HOTSON: If the honourable member quotes instances, it will be possible to make inquiries; otherwise I am powerless.

FOREIGN LIQUOR SHOP, AHMEDABAD: STOCK VERIFICATION

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the balance stock of the foreign liquor "off" license shop of Messrs. E. R. Fanibanda and Sons of Ahmedabad which was closed on the 31st March 1927 was examined, counted and sealed by the local authorities of Ahmedabad;

(*b*) if the answer to (*a*) is in the affirmative, what was the quantity and price of the balance stock on hand on the night of 31st March 1927 in the foreign liquor "off" license shop;

(*c*) if the answer to (*a*) is in the negative, what were the reasons for not examining and counting the balance stock on 31st March 1927, although the "off" license was ordered by Government to be closed from 1st April 1927?

The Honourable Mr. G. B. PRADHAN: (*a*) The balance stock was examined and counted but not sealed as no license is necessary for the possession of foreign liquor :—

(*b*)

	Quantity			Value		
	Doz.	Qts.	Pints	Rs.	a.	p.
Brandy	88	82	7,205	15,169	0	0
Whisky	27	90	879	4,417	2	0
Wines and Bear ..	145	118	762	2,599	11	0
In transit				1,795	0	0
				23,980	13	0

(*c*) Does not arise.

FOREIGN LIQUOR SHOP AHMEDABAD: ADDITION TO STOCK

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether any consignments of foreign liquor have been ordered and received or are about to be received after the date of the revival of the foreign liquor "off" license of Messrs. E. R. Fanibanda and Sons;

(*b*) if the reply to (*a*) is in the affirmative, what part of those consignments has been added to the stock of the "off" license revived for a period of six months only ?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) The whole consignment received for the "off" shop has naturally been taken into account under that license.

Dr. M. D. GILDER: The question is:

"Whether any consignments of foreign liqour have been ordered and received or are about to be received after the date of the revival of the foreign liqour 'off' license.... ?"

The answer is "Yes." Are we to take it that the order was placed before the revival of the license, which was only meant for six months ?

The Honourable Mr. G. B. PRADHAN: I want notice of that question.

Dr. M. D. Gilder: The question is there and the answer is there. Where is the difficulty of the Honourable Minister ? I do not think that he would once again say that he did not understand the question.

The Honourable the PRESIDENT: The Honourable Minister would have said so, if he did not understand the question.

Mr. J. C. SWAMINARAYAN: Why was a fresh stock allowed to be brought if the revival of the license was only for six months ?

The Honourable Mr. G. B. PRADHAN: The same question was asked by the honourable member Dr. Gilder, for which I required notice. The honourable member really repeats the question.

Mr. P. J. MARZBAN : Was it one of the conditions of the renewed license that all the stock should be sold off and no new stock should be bought ?

The Honourable Mr. G. B. PRADHAN : No, there was no such condition. But it was expected that all the old stock should be disposed off.

THAKOR OF SANAND : ROYALTY ON BRICKS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether it is a fact that the tank of Nidhrad, a village of Sanand Taluka of Ahmedabad District, belongs to the Local Board of Ahmedabad District and is kept in regular repairs by the said Local Board ;

(*b*) whether it is a fact that the Thakor of Sanand took 9,000 bricks as royalty by threats and intimidation from Patel Shivabhai Jividas who caused bricks to be manufactured in the tank of Nidhrad by Mohan Ramji, a potter of Viramgam, in the month of January 1926 ;

(*c*) if the answer to (*b*) is in the affirmative, the grounds on which the Thakor's action of charging a royalty on bricks, manufactured in a tank of the Local Board, was taken ?

The Honourable Mr. J. L. RIEU : (*a*) No. The tank is the property of the Thakor Saheb of Sanand and stands in his name in the settlement register. Being useful to the public, it is kept in repair by the District Local Board of Ahmedabad.

(*b*) It is understood that the Thakor did take 9,000 bricks from this individual, on the strength of an agreement, as a royalty for the removal of earth and the use of firewood from the land belonging to the estate. No complaint has been filed in a criminal court for the alleged use of threats or intimidation on the part of the Thakor in demanding the bricks.

(*c*) Does not arise.

Mr. J. C. SWAMINARAYAN : If the Local Board keeps the tank in repair, how can it be a private tank ?

The Honourable Mr. J. L. RIEU : The facts are as I have stated.

Mr. J. C. SWAMINARAYAN : Can the Local Board spend money on private tanks ?

The Honourable Mr. J. L. RIEU : The honourable member may inquire from the Honourable Minister for Local Self-Government on that point.

SEA VIEW BAR, CHOWPATI : DISPOSAL OF STOCK

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether " Sea View " Bar license at Chowpati, Bombay, was abruptly ordered to be closed on or about 16th December 1926 ;

(*b*) if so, what arrangements were made for the disposal of the balance stock of that licensee ;

(*c*) the quantity and price of that balance stock of the said license on the date of closing the license ;

(*d*) what were the reasons for not allowing the licensee any extension of time for disposal of his balance stock ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) The license was not cancelled, but the particular site on which the Bar was located was disallowed, and the licensee was asked to select a new site which would be free from objection. This he did soon after. The question of arranging for the disposal of the balance of the stock did not therefore arise.

(*c*) The information is not available. No arrangement was made to estimate the quantity and price of the balance stock, as the license was not cancelled.

(*d*) The question does not arise in view of the reply to clause (*b*).

FOREIGN LIQUOR SHOPS : ACCESSES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the 12th paragraph of the license form for refreshment room foreign liquor license requires that

> " The doors and windows of the refreshment room not opening on to a public road shall be securely closed with iron bars and wire-netting unless for special reasons exemption is allowed by the Collector in writing " ;

(*b*) if the answer to (*a*) is in the affirmative, what are the reasons of the back door on the western side of the " Fanibanda Building " in which the refreshment bar license of Messrs. E. R. Fanibanda and Sons is situated, having been kept open and not securely closed with iron bars and wire netting ;

(*c*) whether the Collector has given Messrs. E. R. Fanibanda and Sons any exemption in writing for keeping the said back door open ;

(*d*) if the answer to (*c*) is in the affirmative, what were the special reasons which actuated the Collector in giving the exemption in writing to the said licensee ;

(*e*) if the answer to (*c*) is in the negative, why is the back door allowed to be kept open in spite of the paragraph No. 12 of the license quoted in (*a*) ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) Because the door referred to opens on to the public road.

(*c*), (*d*) and (*e*) Do not arise in view of the reply to clause (*b*).

SABARMATI JAIL : WORK BY FETTERED PRISONERS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether it is a fact that some prisoners of the Sabarmati Jail are made to work with iron fetters on their legs on the railway lines of Sabarmati Station of the B. B. & C. I. Railway ;

(*b*) if the answer to (*a*) is in the affirmative, what precautions have been taken to prevent accidents to those prisoners in the Railway

Yard while they are working with fetters on their legs and are consequently unable to run and save themselves from running and shunting trains in case of emergency ?

The Honourable Mr. J. E. B. HOTSON : (*a*) The prisoners employed at Sabarmati Railway Station do wear chain fetters on their legs, but do not have to work on the lines. They are usually employed on loading and unloading waggons which are placed in a siding so that the prisoners work on a platform or open space.

(*b*) Every possible precaution is taken to guard against accidents. In addition to the warders in charge, a Head Warder is detailed to see that the prisoners are not made to work on the line.

GUJARAT COLLEGE : SUPERNUMERARY PROFESSOR OF ECONOMICS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether over and above a Professor and a lecturer in Economics a supernumerary Professor of Economics was appointed in the Gujarat College ;

(*b*) if so, when and on what grounds ;

(*c*) how many periods per week the supernumerary Professor of Economics works ;

(*d*) whether it is a fact that vacancies occurred in the Chairs of Economics in the Educational Department after the appointment of the supernumerary Professor of Economics ;

(*e*) whether it is a fact that instead of abolishing the supernumerary post on the occurrence of vacancies, fresh men were appointed in those vacancies and the supernumerary Professor was also continued ;

(*f*) the reasons why the heavy expenditure of a supernumerary post is incurred by Government in these days of financial stringency which is complained of by them on all occasions ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) There is a "Supernumerary Professor of Economics" in addition to a "Professor of History and Political Economy" (who teaches Pass and Honours History and Political Science) and a lecturer who teaches History and Indian Administration to the Intermediate Arts classes and also Economics to the B.A. classes.

(*b*) From 1st March 1926. To strengthen the Economics staff of the College.

(*c*) The Supernumerary Professor lectures for the following periods per week :—

General Principles of Economics ..	3	periods
Indian Economics (Hons.)	2	,,
History of Economics Doctrines (Hons.)	2	,,
Total ..	7	

In addition to these lectures (which require considerable preparation) the Supernumerary Professor is also Principal of the College.

(*d*) and (*e*) Since the appointment of Mr. Findlay Shirras on 1st March 1926, there has been no vacancy of a post in Economics.

(*f*) In the opinion of Government the expenditure is economical in view of the work necessary for the new course in the B.A. pass and honours degrees and of the results that are being obtained and they are not prepared to subordinate efficiency in such circumstances. It may be pointed out that the number of students in 1927-28 reading Economics has reached a new high record and are very high as compared with years preceding 1926-27.

	1926-27	1927-28
B.A. Pass	33	46
B.A. Hons.	34	29
	67	75

Mr. J. C. SWAMINARAYAN: The Honourable Minister says: " It may be pointed out that the number of students in 1927-28 reading Economics has reached a new high record and are very high as compared with years preceding 1926-27. " Does the Honourable Minister perceive that in the Honours class where the subjects are taught by the Principal there has been a reduction in the number of students from 34 to 29 ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Compared with previous years 29 is a high figure.

Mr. J. C. SWAMINARAYAN: On his own showing there has been a reduction from 34 to 29.

The Honourable Dewan Bahadur HARILAL D. DESAI: Compared with previous years the number of students who took up the Honours course for these subjects in 1926-27 and 1927-28 is high.

Mr. J. C. SWAMINARAYAN: Does not the Honourable Minister perceive that there is a reduction in the number of students reading for the Honours course in 1927-1928 as compared with the year 1926-27 ?

The Honourable Dewan Bahadur HARILAL D. DESAI: It may be so for that particular year.

Mr. J. C. SWAMINARAYAN: Does not the Honourable Minister perceive that there has been an increase in the case of subjects which are taught by other professors ?

(No reply.)

Mr. G. I. PATEL: Will Government be pleased to enquire whether this reduction is due to the Principal teaching the subjects ?

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member will give me notice, I will enquire.

REVENUE DEPARTMENT GOVERNMENT RESOLUTION No. 2883 DATED 1ST MAY 1901

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to place Government Resolution, Revenue Department, No. 2883 dated 1st May 1901 on the Council table ?

The Honourable Mr. J. L. RIEU: Government are not prepared to place a copy of the Government Resolution on the Council Table.

Mr. G. I. PATEL: Are Government prepared to take into their confidence non-official members who have to frame resolutions in regard to these questions and to enlighten them on these Government resolutions ?

The Honourable Mr. J. L. RIEU: That question does not arise.

Mr. J. C. SWAMINARAYAN: Will the Hon'ble the Revenue Member state his reasons for withholding even Government Resolutions from the knowledge of this House ?

(No reply.)

Mr. G. I. PATEL: Was this particular resolution printed in the *Government Gazette* at that time and in that year ?

(No reply.)

Mr. J. C. SWAMINARAYAN: Are these resolutions refused to be placed on the Council Table because they are confidential documents ?

(No reply.)

Mr. G. I. PATEL: May I know how are we to refer to these resolutions when we require discussion to be raised about them ?

(No reply.)

SARDAR G. N. MUJUMDAR: May I know the subject matter of the resolution referred to here ?

The Honourable Mr. J. L. RIEU: I am unable to say. This reply was given sometime ago: I cannot now remember the exact subject of the resolution.

Mr. G. I. PATEL: Mr. President, for a whole series of questions on this subject the same reply has been given. These resolutions are kept confidential even from the hon'ble members of this House. May we know the source from which we can get information regarding them to enable us to ventilate the grievances of the public ?

(No reply.)

REVENUE DEPARTMENT GOVERNMENT RESOLUTION No. 1593 DATED 14TH FEBRUARY 1908

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to place Government Resolution, Revenue Department, No. 1593 dated 14th February 1908 on the Council table ?

The Honourable Mr. J. L. RIEU: Government are not prepared to place a copy of the Government Resolution on the Council Table.

REVENUE DEPARTMENT GOVERNMENT RESOLUTION NO. 2931 DATED 28TH MARCH 1913

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to place Government Resolution, Revenue Department, No. 2931 dated 28th March 1913 on the Council table ?

The Honourable Mr. J. L. RIEU : Government are not prepared to place a copy of the Government Resolution on the Council Table.

V. D. SAVARKAR : DEPRESSED CLASSES CONFERENCE, DELHI

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they were approached with a request to grant permission to Mr. V. D. Savarkar to attend the Depressed Classes Conference at Delhi during the year 1927 ;

(*b*) whether it is a fact that the said permission was not granted by Government ;

(*c*) if so, the reasons for not granting the permission ;

(*d*) how long Government intend to continue such restrictions on the activities of Mr. V. D. Savarkar ?

The Honourable Mr. J. E. B. HOTSON : (*a*) and (*b*). Yes.

(*c*) Permission was refused in the public interest.

(*d*) For so long as the conditions on which he was released remain in force.

MUNICIPALITIES ACT AMENDMENT BILLS OF MR. SWAMINARAYAN : SANCTION OF GOVERNOR GENERAL

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether there was any correspondence between them and the Government of India on the subject of the Governor General's sanction to the Municipal Amendment Bills of Mr. Swaminarayan, M.L.C., which had for their objects, the restriction of the slaughter of useful milch and agricultural cattle in the municipalities of the Bombay Presidency during the months of September and October 1927 ;

(*b*) if so, whether they would place the said correspondence on the Council table ?

The Honourable Sir GHULAM HUSSAIN : (*a*) Yes.

(*b*) Government regret their inability to place the correspondence on the Council Table.

Mr. J. C. SWAMINARAYAN : Is that correspondence of a confidential nature ?

The Honourable Sir GHULAM HUSSAIN : Yes.

PENSIONERS : RE-EMPLOYMENT

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they had decided that pensioners who might again be employed in Government service should be paid either their pension or their salary only ;

(*b*) if so, when the said resolution was made and from what date it was brought into force ?

The Honourable Sir CHUNILAL MEHTA : (*a*) No general orders have been issued by Government. The amount of pay and pension to be given to a pensioner on re-employment in Government service is regulated by the Civil Service Regulations.

(*b*) Does not arise.

KADVA CANAL : INCREASED WATER CESS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they have increased the water cess of lands under the Kadva Canal in Sakora in the Niphad Taluka of the Nasik District ;

(*b*) if so, what are the reasons for this increase ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Yes, with effect from 15th February 1927.

(*b*) There has been a general rise in prices all round during recent years and the working expenses and maintenance charges of the canals have, therefore, been considerably increased. On the Kadwa Canal the revenue realised is not sufficient to cover the working expenses and the interest charges on the capital invested. The revised rates in question are based on the profits made from the various crops receiving irrigation. While on the one hand, they are considered to be not too high, on the other hand, though not expected to bring in an adequate return on the capital cost of the irrigation work concerned, they are considered equitable for the prevailing conditions.

DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE ESTABLISHMENT

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) the number of new hands employed or taken into the Director of Public Instruction's office during the last three years ;

(*b*) how many of these were from the intermediate communities ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Attention is invited to the answer given to clause (*c*) of the question put by the Honourable Member for Satara District during the last session of the Council which is printed at page 776 of Part XII of Volume XXI of the Council Debates.

(*b*) 8.

MOSSUM BRIDGE : MALEGAON

Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state—

(*a*) how long ago the Mossum Bridge at Malegaon, District Nasik, was erected and how often it has been repaired up to now ;

(*b*) whether they are aware that it is in a shaky state ;

(*c*) whether they intend to rebuild it or to build a causeway, in its stead.

The Honourable Sir GHULAM HUSSAIN : (*a*) The bridge was constructed in the year 1852. It has been repaired on two occasions in recent years. Information as to the number of times it was repaired previously is not available.

(*b*) The bridge cannot be described as being in a shaky state. Traffic over it is limited to ordinary cart and motor traffic ; it is a timber topped bridge and not intended for heavy traffic.

(*c*) No.

CHANKAPUR DAM AND GIRNA LEFT BANK CANAL

Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state the rate of interest received by Government on the capital outlay on the Chankapur Dam and Girna Left Bank Canal in the Nasik district ?

The Honourable Sir COWASJI JEHANGIR : It is presumed that the Honourable Member requires the percentage rate of net revenue on the capital spent on the Chankapur tank and the Girna Left Bank Canal. The return on capital outlay during the years 1923-1924, 1924-1925 and 1926-1927 was 0·89, 0·47 and 0·43 per cent. respectively. In 1925-1926 the works did not yield any net revenue at all as the working expenses exceeded the gross receipts by Rs. 28,000.

Mr. M. S. KHUHRO (Larkana District) : Sir, may I ask my question at page 49 of the second list ?

The Honourable the PRESIDENT : Yes.

FEMALE TRAINED TEACHERS, SIND

Mr. M. S. KHUHRO (Larkana District) : Will Government be pleased to state the total number of trained and qualified Hindu female teachers now serving in primary schools in Sind and similar information about Muslim female teachers ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The subjoined table gives the required information as it stood on 31st March 1927 :—

	Trained	Qualified
Hindu women teachers	123	31
Muhammadan women teachers	52	24

Mr. V. A. SURVE (Ratnagiri District) : Sir, I request your permission to ask my questions on pages 54 and 55 of the First List.

The Honourable the PRESIDENT : I am afraid I cannot allow the honourable member to ask those questions, because the hon'ble member was not present in the hall yesterday when his name was called out. I do not know what his absence was due to. I therefore do not allow it.

Order, order. The next item is the general discussion of the Budget, and I have to fix a time-limit for that. As usual I shall begin with

[The President]

20 minutes and that is the highest limit. But that does not mean, I may repeat, as I did on the last occasion, that the 20 minutes allotted to each honourable member need be exhausted; because if there is a large number of honourable members, who wish to take part in the discussion, it is but right that each individual member should have consideration for the other member who may follow. I, therefore, begin with 20 minutes, and leave the discretion to myself to reduce the limit, as circumstances may arise during the three days of discussion.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, the Budget, that has been presented yesterday by the Honourable the Leader of the House, has been declared by himself and by the Head of the administration to be very unsatisfactory. That relieves this House of the responsibility of declaring its opinion as to the nature of the Budget that has been presented.

The question is how it is unsatisfactory and why it is unsatisfactory? And if it is unsatisfactory, what are the remedies that the different honourable members of this House would, according to their light, would suggest for the evil effects of the unsatisfactory Budget? Sir, every one will admit that with the progress of science in the world, the whole world is now becoming one large unit instead of separate small units, as they were before. We cannot, therefore, help feeling, as the other parts of the world feel in this direction. It may be that all the other rights may be denied to this country owing to its peculiar position, but this right of thinking — the right of expressing the opinion as other units of the world — on the economic question, cannot be denied. Besides, as I have told you, communications have also been improved and owing to this fact, we are getting information very soon and very quick about what is happening in the world. Sir, what I am referring to is what other countries discuss, when such Budgets are presented to them. It is a great responsibility of this House, as also of the other countries, to discuss the aspect of a Budget. I always try to read such Budgets when they are presented in different parts of the world, and try to observe certain big broad facts in them. These broad facts are: whether the country, for which the Budget is presented, is agricultural or industrial, or partly both. I think, our presidency is agricultural as well as industrial, or partly both. As such I expected that all the questions relating to agriculture and industry would be referred to in the speeches, when taking into account the situation of the year by the Head of the Administration as well as by the Honourable the Finance Member. But I regret to find that this was not done by them. I hope that in future the Honourable the Finance Member will make it a practice to refer to all such questions in his Budget speech. If he refers to these questions in a little more detail, the House will be in a position to know the real aspect of the economic conditions of both the agricultural as well as industrial population of this presidency. It is just possible that all the honourable members cannot claim to know the whole situation, as the Government or the Executive Members of the Government may claim to know. I now wish to say "How have we faced the year which has just closed and how are we going to face the year

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which is going to come " ? In referring to this point, I would only refer you to the broad headings which I should like Government to throw light on. These are : conditions regarding the agricultural purchasing power. We want to know whether the purchasing power of our presidency has increased or decreased or has remained stationary. We also want to know whether our trade has improved, whether our industry has improved, and if so, by what way ? In all such speeches we would also like that a reference be made to our industrial situation as well. We all know that Bombay is a very important industrial centre and as such I should have certainly expected some more detailed references in that respect than the brief references that were made in the speeches that we heard here yesterday. However, that is a matter for the Government to consider. I shall not try to put before you all such circumstances that are applied to countries which are in a more favourable condition, but I shall only put the circumstances with which I am concerned. I mean the agricultural prosperity. I may tell you, Sir, that so far as the purchasing power of the agriculturist is concerned, I think it is diminishing. I am telling you this from my own experience of the volume of business that is done in this presidency. I may say that if there is anything which requires the attention of the industrialists, I should certainly say that it is the question about agriculture and Government should pay attention to that question. I find a reference has been made in one place which is very important to businessmen and which I shall read for your information. It is this :

" Knowing that keen competition is an ordinary condition of business, the majority of businessmen do not shrink from a contest of wits and resourcefulness with their competitors. All they ask is the assurance that fundamental conditions be sound and such as to guarantee a fair degree of stability, so that each one may strive for success without fear of general complications arising in the business situation which may set his best efforts to naught."

That is the consideration that, in my opinion, Government should take into account. Government should try to find out whether there is anything wanting on the point of the trade or whether there is anything fundamentally wrong that has resulted in bringing the trade depression. If they find that there is something wrong in one part or the other, Government should try to remedy it. That should be the first thing that Government ought to take into consideration.

I shall now come to the Budget that has been presented to us. I read the Budget very carefully and studied it. I also tried to find out how it was unsatisfactory. I will refer, according to my light, to page 8, Roman Character in Blue Book, Statement II wherein Chief items of Revenue (ordinary) of the Government of Bombay have been given. I would also refer you to page 12, Statement III wherein chief items of expenditure (charged to revenue) are given. From these two statements you will find that the total of the chief items of revenue comes to 13 crores 38 lakhs whereas the total of the chief items of expenditure is shown as 12 crores and 22 lakhs. These are the amounts which Government has thought fit to bring to our notice.

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And I really agree with that, that these are the important items. And what does the reading of these show us ? It shows that our chief sources of revenue are 5,38 from land revenue and 55 from irrigation. I take the total of this and so it comes to Rs. 593 lakhs. Against that, the expenditure comes to, land revenue Rs. 65 lakhs, irrigation Rs. 111 lakhs and agriculture Rs. 29 lakhs, the total of which will come to about Rs. 205 lakhs. Then, another source of revenue is excise, Rs. 391 lakhs. The expenditure is Rs. 52 lakhs. The third is forest, Rs. 74 lakhs, for which the expenditure is Rs. 45 lakhs. The total of these items comes to Rs. 1,058 lakhs for revenue and Rs. 302 lakhs for expenditure, leaving a surplus of Rs. 756 lakhs for the administration. Another item is Rs. 170 lakhs revenue from stamps and Rs. 12 lakhs from registration. If you take the total of these two, it is Rs. 182 lakhs, and the expenditure against that is Rs. 99 lakhs, which is composed of Rs. 74 and Rs. 25 lakhs —*viz.*, administration of justice and jails and convict settlements, which leave again a balance of Rs. 83 lakhs. Then, there are receipts by civil departments, and civil works—80 *plus* 18, that is, Rs. 98 lakhs, and the expenditure over civil works is Rs. 125 lakhs which creates deficit of 27 lakhs. Total of the above figures leaves 812 lakhs.

Now let us see how is the amount spent ? It is spent in the following way : Rs. 393 lakhs is spent for the administration ; Rs. 223 lakhs for general administration, and Rs. 170 lakhs for police. Again, Rs. 293 lakhs is spent for the nation building departments. The total of these comes to Rs. 686 lakhs, and that leaves again Rs. 126 lakhs as the balance. Now, Sir, this will show how the money that is recovered by the Government from different taxation sources is utilised. For two crores of population only Rs. 293 lakhs is spent for nation building departments, which hardly comes to Rs. 1½ per head, against Rs. 2 for the expenditure of civil administration. It means Government receives Rs. 7½ per head and spends 1½ for his welfare, also Rs. 2 though extravagant for administration, and wastes Rs. 4 on future hopes and miscellaneous other expenses. About the other things, I will refer a little later on when we refer to the capital expenditure.

Then, on page XV of the Blue Book, a statement is given of the total receipts and disbursements, both of capital receipts and ordinary revenue. I have taken the total of all these figures given from 1921-22 up to 1928-29. It comes on the revenue capital or receipts side to Rs. 86·77 lakhs and on the expenditure side to Rs. 82·94. I have tried to understand this, but I have not been able to understand it, because 82·94 lakhs has been spent since the pre-reform days according to the statement that is given to us, in which they say " expenditure charged to capital," that is, capital expenditure since 1921, and I will refer to the statement on page 24 of the Blue Book, in which it is said " Balance required in future " for commitments as are made till to-day—to be borrowed—the liability to borrow is 11 crores and odd. That is the total capital that we shall have to borrow including future borrowings. I find that this includes about 8 crores and 9 lakhs which was pre-reform debt. But the other items that I have taken from the speech of the

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Honourable the Finance Member show that there is Rs. 898 lakhs for Sukkur Barrage, Rs. 13 crores for Development, Rs. 244 lakhs for irrigation, Rs. 437 lakhs for other purposes, which comes to about Rs. 36,88 lakhs. I do not understand how this 93 crores is charged to capital account and I should like the Finance Department to explain about this. When I take the total item charged to capital, it comes to Rs. 82·94 lakhs, and when I see the speech of the Honourable the Finance Member, it is a very detailed speech and he has covered everything since we commenced borrowing, including the pre-reform debt of 8 crores, which has been included in this. In the foot-note it is said it is included.

The Honourable Sir CHUNILAL MEHTA: What page is the honourable member reading ?

Mr. LALJI NARANJI: I am referring to page XV, Statement IV. I have made a total of the amount charged to capital and the receipt side. On the receipt side the total comes to Rs. 86·77 lakhs, and the total expenditure comes to Rs. 82·94, and 11 crores you are going to borrow further. How and for what purposes it will be spent, I have not been able to understand. And that is what I am asking the Honourable the Finance Member to explain, if it is possible.

Now, I am just putting facts without any colour as to why this budget is unsatisfactory. In spite of the 37 lakhs supposed to be remitted, the budget has been with great difficulty balanced and only a surplus of 3 lakhs is shown. We must not forget that we have not provided any thing for famine as is usually done. Otherwise, it would have shown a greater deficit. There is nothing abnormal, for this reason that our interest charges are increasing. That can be seen from page 10 of the Honourable the Finance Member's speech. After giving all the figures, I explain that though the budget is unsatisfactory there is nothing abnormal in this budget. In spite of 37 lakhs supposed to be remitted and 30 lakhs not taken for famine grant, 32½ lakhs is provided for Development Department, which is stated on page 9, and 10 lakhs more is provided for Sukkur Barrage from revenue, which used to be supplied from Famine Fund. So, when we look at that figure, there is nothing abnormal for this year.

Now, Sir, on page 12 the history of the Development Department begins in paragraph 22, which will show that this department has the monopoly and the privilege to always give a lie when the budget is presented. I say so deliberately, because you will see in your budget, Blue Book for 1927-28, when the budget was presented, the figures were given that they will recover money and they showed you *minus* 158 on page 9. On page 9 there is a minus of 183·13 lakhs, but you will see that the minus goes away and there is an addition of 24·24 thousand. Minus meant recoveries from development Block No. 8. As no recoveries were made expenditure of 24·24 was incurred. This is not the first time that we see this but since the beginning it appears to have been so and I do not know when it is going to end.

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This House was told that 2 crores would be recovered and for the last three years I have been hearing here that that money is going to be recovered. What is wrong with Block No. 8 that makes Government say lies about this recovery to reduce interest charges. We are still continuing to pay, moorum is not yet finished, the Lloyd Barrage is still going on and not sold off. Why, I ask, present such a budget at all and why irritate people who have already lost so much by spending 13 crores already on this work ?

You will find on page 13 of the speech of the Honourable the Finance Member that although this House was asked to contribute 20 lakhs towards that deficit, there was a further contribution of 7½ lakhs and now there is yet another contribution of 5½ lakhs, making a total contribution of 32½ lakhs. And yet the Honourable the Finance Member gives us a warning that this is not sufficient and that Government will ask for more. Why not give us real facts ? I say " real facts ", because you will see from page 23 of the Blue Book that the interest on Development Loan is 86·32 thousand and the note (*d*) states that 23·04 thousand is to be met from general balances and note (*e*) says that 4·46 thousand is to be met also from general balances. And 32 lakhs (27 *plus* 5) is written off. The revenue that we are getting from the Development Department is not their revenue, but really speaking it is revenue coming from the agriculturists in the shape of the cotton cess, which has really been the greatest cause of complaint from cotton merchants and industrialists alike, as this tax is driving the trade from Bombay to Karachi. A rupee tax means a lot as the cotton goes to the cheaper port of Karachi. The honourable member representing cotton interests will no doubt have something to say about this aspect of the matter. It hurts not the agriculturists only but also the cotton trade. It is like robbing Peter to pay Paul.

Another point I wish to touch upon without the slightest exaggeration or colour is that the Honourable the Finance Member has very plainly said that it will take from 30 and 60 years to meet part of our liabilities. What is the meaning of that ? It means that the resources of this presidency for a number of 30 and 60 years, so far as a part of the income to the extent of 2½ crores is concerned, is mortgaged. I challenge the Honourable the Finance Member to dispute my statement that Government have mortgaged the progress of this presidency by launching this scheme against the continuous criticism by the public. Yet we find that it is being continued. I do not know for whose benefit they intend to go on with it. By persisting in their attitude, Government are reducing the purchasing power of the agriculturists, reducing the capacity of the merchants, reducing the volume of trade. After that where will Government recover the money from ? After all, Government is not a concrete body but an abstract body and has to depend on others, and if they do not make the others fit for producing revenue, it will not be the fault of those other bodies but of the executive Government themselves. On this subject I will do nothing better than quote our *ex*-President, Sir Ibrahim Rahimtoola, for whom both Government and the House have expressed great admiration.....

The Honourable the PRESIDENT: The honourable member's time is nearly up.

MOULVI RAFIUDDIN AHMAD: I beg you, Sir, to allow the honourable member a little more time as he is the principal speaker of the Opposition.

The Honourable the PRESIDENT: If two or three members would take fifteen minutes only, I will allow it.

Mr. L. M. DESHPANDE: I will require fifteen minutes.

The Honourable the PRESIDENT: I do not know whether the honourable member will catch my eye to be able to do so.

Mr. L. M. DESHPANDE: Anyhow, the honourable member Mr. Lalji Naranji should be allowed more time.

The Honourable the PRESIDENT: I will do so and give him a little more time, but he must be brief now.

Mr. LALJI NARANJI: This is what Sir Ibrahim Rahimtoola says:—

Taxation and Savings

"You are all aware that taxation in India was substantially increased as a result of the Great War. India, although but a minor belligerent associated with Great Britain has had to bear additional taxation. Britain was one of the principal belligerents and had to make great sacrifices to carry the war to a successful conclusion with the result that her standard of taxation rose to a very high level. After the war it has been the constant endeavour of Britain and other western nations to reduce the extent of taxation prevailing in their countries. Public opinion has been insistent and has had to be given effect to by democratic countries including Britain, in which administration is regulated by the voice of the people. In India we have heard of any mention of reducing the heavy burden of taxation imposed upon this country as a result of the war. Taxation has been raised in some cases to a point where the stage of diminishing returns has been reached. This makes it evident that the standard of taxation is in excess of the economic capacity of the people.....The essential need of the moment is, therefore, a thorough inquiry as to the standard of taxation maintained in this country."

What does he suggest? That Government ought to look for reduction on taxes. I agree with him in no more taxes.

In another place in the same speech (delivered at the fifth session of the Indian Industrial and Commercial Congress held at Madras towards the close of the year just ended), Sir Ibrahim Rahimtoola says:—

Sacred Trust

"You are all aware that Britain seriously claims to hold this country as a 'sacred trust' for the people of India....."

Towards the end of his speech he says:—

"Let Britishers in India put themselves in the position of their countrymen in the British Dominions, regarding their adopted motherland as a first consideration and extending to their mother-country only such overflow of prosperity as they can conveniently spare. Britishers do not come to India on a mission of philanthropy or for the benefit of their health. I will ask them to drop the pretence of holding India as a 'sacred trust' and boldly to acknowledge the fact that they are here for promoting their trade interests."

This is what Sir Ibrahim Rahimtoola, for whom both Government and this House have expressed great respect and admiration, said in his presidential address to the last Indian Industrial and Commercial Congress held at Madras during X'mas week of 1927.

Now, what is our remedy? The remedy seems to me to be the Sukkur Barrage Scheme. The Honourable the Finance Member has already

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referred to it in his speech. I do not know that any mandate was given to the committee that was appointed to visit the Sukkur Barrage works to make a report, but one of its members has taken upon himself to send a report to Government. I can, however, say very frankly that the work that is going on there is, possibly as a result of our Back Bay experiences, of a more businesslike fashion. I am glad that Government have become a little wiser after their sad experiences of the Back Bay Scheme, and I hope that the Sukkur Barrage scheme will not prove disappointing but that it will be a saviour of our finances only if sales of all land was carried out very carefully and properly.

The very serious question of remedies, namely, our economic adjustment, has been referred to in the speech of the Honourable the Finance Member who evidently puts great faith in the Simon Commission. May I ask him, without considering the position I have taken up in another place with regard to this Simon Commission, what is his authority about saying anything about the adjustment of the Meston Settlement? Does he think that the Simon Commission is going to consider this Meston Settlement? What does the Simon Commission know of it? Is there any one on it conversant with high finance? The Chairman of the Commission is only a lawyer. There is no member on the Commission who is well versed in our finances. The Commission consists of some members of the Labour Party and some members of the Conservative Party. Sir Ibrahim Rahimtoola's statement clearly shows that you can never rely on their claim for trusteeship, and you may be sure that they are here not for their health, but to make money from trade. Their only justification for holding India under subjection is trade and exploitation of the country. I want to warn honourable members of this House not to allow themselves to be led into their snares for any consideration, and let them not be deceived by the belief that the condition of anybody or of the country is going to be bettered by the visit of the Commission to this country. In this connection, I will refer to an article which has been contributed by Mr. Ramsay Macdonald about Russia. He says that because Russia is independent Britain cannot afford to ignore Russia, in spite of Russia doing so much harm. He says that Russia is too big a unit and it cannot be ignored. But in the case of India, our appeals are ignored and our cries are unheard, because we are not independent, and yet some of us earnestly believe that the country will be bettered by false promises. I want to ask them, what interest is the Commission going to take in the economic position of the country? We should be careful against their snares, and we should always take care that the whole House must work in unity, and let the different interests be adjusted. It has always been said by Government as well as by those who represent the public that this Council has been very wise and sound. What I want to say is that if we are wise, let us see that the economic future of the presidency, which is the chief consideration, is not imperilled. So far as that future is concerned, a good deal of harm has already been done, and we must see how that future is going to be taken care of by the people who make a claim for

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trusteeship, when we know very well that they are here to make money. What are the considerations of those who are offering in advance to co-operate with the Simon Commission. What does this Government feel themselves about the matter. Taking the present budget, do they think that there is any justification for them to co-operate with the Commission which has been so high-handedly appointed ? We know very well that the representations of the Bombay Government, so far as financial adjustments are concerned, have been entirely ignored ; we have been told that the Meston Settlement is not going to be revised. It can be seen from the financial statements of the past years that we have been accumulating big balances, and as people say we are now living on our past balances, and that is nothing but the truth. But how were these balances created ? They were created as a result of heavy taxation, which we have willingly paid from our pockets. But how have we been treated by the Government of India ? Because we were able to accumulate large balances by very heavy taxation, we have been most shabbily treated as compared with Bengal. Bengal has been given remissions heavy and continuous of its contributions by the Government of India because they declined to tax themselves further, but Bombay has been ignored in spite of the repeated representations that we have made, and it was only last year, I think, that a remission of Rs. 19 lakhs was given to us. That being experience, do you think that the condition of the presidency is going to be bettered by our co-operating with the Simon Commission ? Why should anybody say that we should co-operate with the Commission when our claims have been ignored. We have willingly taxed ourselves, and our claims have not been considered, but other provinces, for instance Bengal, who have refused to tax themselves have been given remissions. We have been repeatedly asking for a just share in the income tax revenue, but our cry has been unheeded. The Finance Member of this presidency may be a European or an Indian, but all the same the Government of India is adamant, working as a subordinate Government under the orders of the Secretary of State and Whitehall. What are you going to expect from such commissions ? Do you know the history of any country where such commissions have benefitted the country ? Look at the present budget. Out of a total revenue of Rs. 15 crores, Rs. 10 crores are allotted for expenditure on the reserved side, and only Rs. 5 crores are given for the transferred side. Is it not very disappointing to those who represent us in the Cabinet for the transferred subjects, as representatives of the taxpayers ? Is it not a disappointment to them that their control is confined to Rs. 5 crores, while the reserved side gets double that amount ? And yet they are told " Come into your house which I have occupied and co-operate with me in parting and sharing your property." Under these circumstances, it is useless to expect co-operation from any man of self-respect. We have been crying for 10 years, we have waited for 10 years, and yet no relief is forthcoming. I am only referring to the financial aspect, and I say, let any of the Ministers who represent us in the Cabinet come forward and show that there is any justification for

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co-operating with the Commission. I can challenge them to show that they have any justification for co-operating with the Simon Commission. What is the use of such a Commission, and how are they going to help us ? I can understand those who are out to co-operate with the Simon Commission if Simon on his landing had announced that there will be nothing of transferred or reserved subjects but every pie that taxpayers pay will be spent according to their wishes and by them alone and not by government officers and their nominated members. Some people seem to think that Sir John Simon is a big man and he will be our saviour. But I ask, how is he going to be our saviour ? I would appeal to those Honourable Ministers who represent the transferred subjects and to the Indian Members of the Executive Council to maintain the dignity of India, to maintain the honour of India ; I would appeal to them not to sell India by doing anything which may be regarded as a compromise in this matter. If they do anything of that kind, certainly India will look upon them with great disappointment ; I would appeal to them not to sacrifice the financial interest of India. The financial interest is the most important point. We have patiently relied so far upon promises, but the Government of India and the Secretary of State have repeatedly ignored those promises, and there is not yet any prospect of the financial relations being adjusted. During the last nine to ten years the position of Bombay financially is deteriorating every day ; we have lost revenue to the extent of Rs. 22 crores, and yet Bombay is asked to continue to lose its prosperity. I would appeal to the Honourable the General Member that it is his most sacred duty to fight for the cause of this presidency, and I am quite sure he can put up a better fight than the Honourable the Finance Member. I would also make a similar appeal to the Honourable Ministers in charge of the transferred subjects. With these remarks, I hope that better financial treatment will be given to Bombay, and Bombay will be restored to its condition of past prosperity.

Rao Saheb D. P. DESAI (Kaira District): Sir, the budget, as is usual with this Government, is a disappointing feature. Since the last seven years, this side of the House has, in season and out of season and in session after session, represented to the Government the advisability of cutting down their expenditure. But the response that has been given is ever increasing expenditure on the part of Government, and the ever increasing expenditure was incurred not after any beneficial objects, but after objects and after schemes that have proved ruinous to the finances of this presidency. I had hoped that when the present Finance Member took charge, he would carry the traditions of the non-official side of the House to the reserved side, but unfortunately he has failed to make the necessary retrenchment in the expenditure. He himself has admitted that the expenditure in salaries alone has gone up by more than Rs. 3 crores, but I ask him whether he has taken the trouble to make sufficient reductions in the budget which his predecessors increased inordinately. Again the balance of Rs. 169 lakhs is mostly from the Famine Insurance Fund. I do not know whether he intends to permanently absorb that

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amount also in the ordinary balance so that it might be used on objects other than Famine next year as if we deduct this balance of Rs. 169 lakhs of the Famine Insurance Fund, the real ordinary balance is only 7 lakhs. Now, is it not time to consider seriously the financial position of this presidency. My honourable friend from Bombay has unfortunately not shown the way. He has criticised the budget and the debt of this Government but unfortunately he has not shown the way for retrenchment. I, who from the very start had opposed every exorbitant expenditure on the part of this Government consistently and persistently, now come forward and say " For heaven's sake come down by the same ladder by which we have gone up." That is the only way by which the finances of this presidency can be placed on a sound footing ; otherwise it will be a mere whitewashing as it has been done by the Honourable the Finance Member. and I am afraid your successor will curse you for not having taken enough courage in both hands and cut down the expenditure.

The Honourable the PRESIDENT : The honourable member is addressing the Finance Member direct.

Rao Saheb D. P. DESAI : Sometime it happens.

The Honourable the PRESIDENT : That should not happen.

Rao Saheb D. P. DESAI : The expenditure has absorbed the additional taxation which this House has willingly allowed this Government to have for education and other purposes. It has absorbed, I am very sorry to say, a very large part of our famine insurance fund. It has absorbed Rs. 19 lakhs which the Government of India after all conceded to us. Where has all that gone ? We have been clamouring for increased expenditure on education, sanitation, medical relief and other activities of the transferred departments. The expenditure instead of going to the transferred side has mostly gone to the reserved side ; and a very little bit is doled out to the Ministers. In the General Administration alone, I may point out, the expenditure has very much gone up. In 1917-18, the expenditure on Land Revenue and General Administration was 2 crores of rupees. Exactly ten years after what was the condition ? The expenditure on these two departments has gone up to Rs. 2·85 crores. Rs. 85 lakhs more have been absorbed by these two departments alone. This expenditure must come down. I shall give one instance from the General Administration. In pre-war time the expenditure on the Secretariat was Rs. 6·41 lakhs and now in the year 1928-29 the expenditure is Rs. 19 lakhs. How is this poor presidency to bear such a heavy burden on the headquarters staff ? Can you not reduce the salaries of the staff ? If Government are only sincere, which I very much doubt, they should consider this question. I hope by this they will be able to dispense with additional taxation and to devote more amounts for the nation-building departments. Take one more instance—the Police Department. In the pre-war days, that is, in the budget of 1912-13 the total police expenditure came to Rs. 1 crore and the expenditure on the city police never exceeded Rs. 12 lakhs. In the budget for 1928-29, the expenditure on the city police is put down at Rs. 32 lakhs ; and the total expenditure

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is put down as Rs. 1·74 crores. Cannot the Member in charge see his way to make a sufficient reduction in that department ?

MOULVI RAFIUDDIN AHMAD : Will the honourable member point out the way ?

Rao Saheb D. P. DESAI : The same way by which it has increased.

The Honourable Sir CHUNILAL MEHTA : What is that ?

Rao Saheb D. P. DESAI : I cannot say ; that is for you to do. Government have always represented that they are the best judges. I think that if they are the best judges they can reduce the expenditure.

I come to our debt charges. My honourable friend from Bombay was a little bit mistaken as regards that question. Personally I think that if the Sukkur Barrage Finance goes on all right which I doubt very much as we will not realise as price of land 12½ crores of rupees, then our presidency will be in new debt to the tune of about Rs. 40 crores. For this Rs. 40 crores the Development Department will be responsible to the extent of about 13 or 14 crores of rupees and that money will be gone. That is to say, the interest on loans and the other charges will be more than the little amount realized now and then, and the losses will have to be met from the ordinary revenue. I do not think that the Development Department is going to give anything to this Government except a few rupees which will be absorbed in the interest charges.

Now speaking about the Famine Insurance Fund I am sorry to say that that fund has dwindled to Rs. 21,23,000. Out of that Rs. 14 lakhs is being spent as real famine.....

Mr. G. WILES : Where did the honourable member get the figure from ?

Rao Saheb D. P. DESAI : From the Blue Book.

Rao Saheb D. P. DESAI : Twenty-one lakhs, twenty-three thousand.

The Honourable Sir COWASJI JEHANGIR : What is the 21 lakhs ?

Rao Saheb D. P. DESAI : That is from the Famine Relief Fund. That is still worse. That means that no amount has been provided from the ordinary revenues for famine relief, and the little that is taken (21 lakhs) is from the Famine Fund. I thank the Honourable the Finance Member for his correction. I forgot that the whole of the Famine Relief Fund has been wiped out. And even from that 21 lakhs of rupees, Rs. 2,54,000 has been spent on irrigation works damaged by the recent floods, Rs. 7,91,000 on the scheme of Mr. Lowsley and 4 lakhs on the Visapur tank. I think that the expenditure of Rs. 2,54,000 should not have been debited to the Famine Fund. That expenditure was on works which were to all intents and purposes irrigation works. The Visapur tank is a large irrigation work and expenditure on that also ought to have been borne by the Irrigation budget ; it should not have been charged to the Famine Fund.

The Honourable the PRESIDENT : The honourable member's time is up.

Rao Saheb D. P. DESAI: I would like to have two minutes more.

The Honourable the PRESIDENT: I cannot give two minutes to every one.

Rao Saheb D. P. DESAI: Sir, is my time up ?

The Honourable the PRESIDENT: Only few minutes more.

Rao Saheb D. P. DESAI: The Honourable the Finance Member has grown very eloquent on the benevolence of Government in Gujarat. But if we paraphrase their achievement in figures, what does it come to ? After all, about 10 lakhs has been given as free grant in Sind and Gujarat and 85 lakhs has been lent on interest at a rate which enables Government actually to make a profit on that loan business in Sind and Gujarat. I think, Sir, that when Government can afford to spend sums from the Famine Fund on works which are not meant to be purely famine works, they cannot consistently with the policy regulating the Famine Fund charge interest on the loans issued from that fund to persons whose houses have been destroyed by the recent floods and make a profit out of it. I fail to understand the reason behind the position of Government (the position of charging interest on the loan issued to the agriculturists in Gujarat).

Again, a statement has been made that the land has not been spoiled. I would like to remind the Honourable the Finance Member that he was once Minister for Agriculture. From his own experience he must have found that when the waters rush with a great velocity over the land, then naturally all the manurial ingredients in the land are washed away. That is the usual experience of all except this Government which is not prepared to face facts. Those who know anything about agriculture do know that when the waters rush with great velocity over the land, all the manurial ingredients are washed away from the soil. The Honourable Member says that the fears regarding crops have proved groundless. I say they have proved to be true. The crops have given yields which are far less than was anticipated even under these circumstances. Even the rabi crops have suffered. If the Honourable the Finance Member will consult the Agricultural Department he will come to know that the rush of water over the land has affected the lands. If he finds that, I hope he will be inclined to remit the interest charges now imposed on the shoulders of the agriculturists in Gujarat.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, the budget has been after all balanced and an attempt has been made to present it in as good a shape as possible. Really speaking great efforts must have been made to bring out a budget that could adjust itself. For that purpose they have tried their best to avoid even the legitimate provision for famine insurance grant which this Government was making in former years and which has proved very useful during the recent floods and calamities which took place in Gujarat and Sind. The assignment of Rs. 63,60,000 that used to be made to the Famine Relief Fund has proved to be very useful, because if that accumulated saving had not been there, we should not have been able to meet such a calamity so promptly. Let us see what they have done in this budget. They say

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that if the Government of India give them 37 lakhs, they will have a poor surplus of 3 lakhs of rupees. Really speaking, however, the deficit is much greater than it is presented to us. If the Government of India do not remit the provincial contribution of 37 lakhs, then the deficit will be 34 lakhs. Then, towards the contribution of Rs. 63,60,000 for the Famine Fund not a pie has been provided. If that provision has to be made, the deficit will be 34 lakhs *plus* 63 lakhs, or 97 lakhs. At the same time the deficit in the Development Department has been put down as 41,72 lakhs, and this should not be lost sight of.

Sir, you will find on page 15 of the Blue Book the deficit on the Bombay Development Department. This deficit has been put down as Rs. 41,72 lakhs. That is to say, the total deficit under this head will be Rs. 63 lakhs *plus* Rs. 34 lakhs, which comes to Rs. 97 lakhs *plus* Rs. 41 lakhs, making the total of Rs. 1 crore, 38 lakhs in all. The interest charges on the Development Department are Rs. 86,32 lakhs *plus* Rs. 3,44 which comes to Rs. 89,76 lakhs. Besides, you will find a note given in the Development Department memorandum, at page 22 of the Blue Book, which says "Including 23,04 for Development Department (Interest on Ordinary Debt) to be met from General balances." In this way an attempt has been made to ignore or to lose sight of the deficit in the Development Department. Attempt has also been made to state that the present Budget will be a balanced budget, if the Government of India would extend the usual help of Meston Award, which would be to the extent of 37 lakhs. We have been told that the reason for all this state of affairs is that the expenditure is far more than the receipts. It is quite natural that expenditure will be there. Government are prone to undertake expenditure. But Government must take precaution to spend money. To them expenditure is natural while retrenchment is unnatural. When they want to spend money, they should think twice before spending, and then do so. Our experience is that when Government think of spending money on a certain item, they do so without paying attention to the question. For instance, take the case of the Simon Commission that has been appointed. This House has not yet come to any decision whether it should co-operate with that Commission or non-co-operate with it. And still what has been done by Government? They have appointed a Reforms Secretary and they have made a provision of Rs. 50,000 in the budget to meet the salary and establishment charges of this Secretary. You will find that item on page 101 of the White Book. Further, this appointment is a new one, still I am astonished to find that no mention has been made of it under the new items. I have carefully gone into the new items of General Administration and I do not find this item there. What I find is that there are only three new items which do not include this. The rules state that if any item is a new one, that is, an item which was never in existence before, that should be shown separately. But this has not been done. So you will see that such items are rushed through by Government without proper care; the result is that Government come to grief but really taxpayers come to grief; thus the poor ryot has to suffer for the

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acts of Government ; poor taxpayers have to suffer and the Government is in no way suffering at all.

Sir, I shall now come to Land Revenue. Government have put down the realisation from this source as Rs. 5,38 lakhs. If they go back to the year last but one, namely, 1926-27, they will find that the realisation under this head in that year was only Rs. 4,67 lakhs. When that is the case, how could they expect to get realisation during this year at this figure ? In the year 1926-27 the crops were somewhat good, and still they received land revenue of Rs. 4,67, lakhs ; and now when the times are bad, how could the Government expect to get more than that year ? Government ought to have thought very carefully on this point also. They should have drawn a margin of the average realisation, and then put the figure. But what we find is that Government always put a very high figure in anticipation, so that there should be no retrenchment in the high level of expenditure. Government think that if a higher figure of revenue is shown in the budget, no retrenchment in expenditure will be pressed by the other side of the House. That is their wish. Further, they tell us that there are arrears of revenue and those will be collected. Such an assurance has been given by the Revenue Officers. But I say that this idea of taking into account the arrears of revenue is very serious indeed. In the speech of the Honourable the Finance Member, he has paid compliments to the Revenue Officers. But I personally wish to differ from his view in this respect. Revenue Officers deserve no compliments at all. They have thrown to the wind all the new regulations and are not going by those new regulations. You are aware, Sir, that a Committee was appointed by this House and that Committee brought into being the new rules in respect of annewari valuations for assessing land revenue. But those rules are not observed by the Revenue Officers. The same old state of affairs still continues. The new regulation requires the necessity of starting enquiries for fixing annewari valuation for the collection of revenue by means of village punchas in every village and the Mamlatdar of a taluka took an opinion of the Village Panch on the question of land revenue. This Panch expressed its opinion in certain respect, but that has also been thrown to the wind. So, I submit, Sir, that the desire of collecting arrears of revenue on the part of these subordinate officers is too great. It has been already admitted by the Honourable the Finance Member in his speech yesterday that the kharif crops had been damaged very severely and resowings had to be done. But the villages in which this has taken place have to suffer much at the hands of these Revenue Officers. These villages were visited by His Excellency the Governor and His Excellency the Governor-General with a view to ascertain the damages due to floods at first hand ; in these very villages we find the subordinate officers more enthusiastic on the question of assessment and are endeavouring to realize even arrears. That is the true state of affairs. I, therefore, would ask Government not to put the figure of land revenue after taking into account the recovery of arrears. I say it is very dangerous to fleece the poor agriculturists who contribute the bulk of revenue of this

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presidency. It is no use putting such a high figure under the head of land revenue. The Honourable the Finance Member, on the one hand, pays compliments to Mahatma Gandhi and his disciple Mr. Vallabhbhai Patel, but on the other Government do not try to remedy the grievances of the poor agriculturists of Bardoli Taluka by paying attention to what the same person says about the oppressive character of the increase in the land revenue of that taluka. At present, times are very hard. The whole country is passing through a period when there is a trade depression ; at such a time it is very difficult to find money and Government should, therefore, take into account this state of affairs.

Government also rely much on the Meston award. They have taken into account this figure in anticipation. But if in the end they find short of money, where do they go ? They go to the taxpayers and the agriculturists and the whole burden lies on the shoulders of these poor people. Government expect the poor agriculturists to undertake the burden of tax, whenever they are in need of money.

Now, what is going to be the result ? The exchange of 1*s.* 6*d.* is telling its own tale. Prices are going down like anything. Rice this year is sold at Rs. 1-8 a maund and in certain cases it was sold even for Rs. 1-4. Then, wheat I expect to be selling at Rs. 2 per maund. Now these prices are going down. The producers have to get much less money for what they produce, and still they have to pay land revenue in cash. How will they ever be able to pay land revenue in cash when the prices are going down as a result of the policy of Government regarding exchange ? At that time, when this policy was being introduced, many honourable members of the Assembly pointed out that " you would be ruining the agriculturists by this artificial raising of the exchange ratio, by artificially raising the exchange, and the fears are realised in the form of prices and the agriculturists get much less for their produce and they will have to pay land revenue increased by 25 per cent., 40 per cent. or even 50 per cent., and we do not known where it will end. In olden times the governments of those days were taking great care of the agricultural population and tried their best to find out the actual capacity of the agriculturists to pay. They used to repair their position by granting remissions. Just now, three resolutions to-day that were refused to be placed on the Council table referred to the question of remissions granted by the former governments when they realised that the people were unable to pay anything. But, unforunately, these resolutions were withheld from the Council. Sir, I have, therefore, to bring this prominently before the Honourable the Finance Member that in grinding the agricultural population you will be grinding your own people, namely, the urban population. You realise that Bombay is passing through heavy depression. If the agriculturist is even able to spare something, then he will be able to purchase some of your articles. Then, if he purchases, your cities will prosper ; not otherwise. So, in ruining the agricultural population, you will be ruining the urban population, for whom you have spent crores and crores of rupees and do not realise anything. It is for urban Bombay that you have spent on development schemes and you shall have to pay

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32 lakhs as subsidy for meeting the loss on these wild cat schemes, for a period of 60 years and even you are not to stop at 32 lakhs ; the subsidy may have to be increased. Even now we have not got the actual subsidy that the provincial Government will have to pay as a result of the wild cat schemes that have been taken up by Government because the Honourable the Finance Member says that the subsidy will have to be increased. Sir, I have to point out also in other directions that revenues from other sources are also evincing the result of the depression. They do not get sufficient from scheduled taxes. How will people be able to go and see cinemas and dramas in theatres when they have nothing to eat ? In registration they have less receipts and revenue, and everywhere else, when you ruin the agriculturists, the result is to be seen in all its fearful aspects in other directions also. Sir, the way in which Government are dealing in other matters is that they are glad to part with money when they have to deal with big people. As for example, I have got personal experience of the way in which the excise department is dealing with Indian States. There is a proposal that they are going to provide Rs. 4 lakhs as compensation to Indian States. But I do not know why. The note says the amount is entirely to be given away to the Indian States ! We manage the excise department and give away the entire revenue to the Indian States. This is mentioned on page 39 of the Blue Book. We do not get anything from managing the excise department for them. I have experience of Mahi Kantha, for instance. They will find this excuse or that excuse. Even though the receipts might be growing less, they use their influence and try to get the same compensation, and still Government would manage this excise department in those places and would pay the compensation ! I do not know the earthly reason why you are managing their department and pay away all the revenue to them and pay compensation from the income of this presidency.

MOULVI RAFIUDDIN AHMAD : What was your experience ?

Mr. J. C. SWAMINARAYAN : My experience was that a Thakor was an owner of two small villages. He said " If you will cut off my excise compensation, then I will not be able to manage my taluka." Sir, what I want to point out is that Government have got different scales for acting or dealing with the public. If they have to deal with wealthy people, they have got one scale ; when they have to deal with the poorer people, they suppress people who are very poor and who are living from hand to mouth and who are at the mercy of the Government. They are increasing burdens on the poor cultivators to such an extent that whenever a calamity befalls these people, they are not able to resist that calamity. They would like to take any amount of money from the poor people and would like to part with money generously in any way they like when they have to deal with big people. Therefore, I would ask Government to change this treatment of making this difference between the rich and the poor.

Mr. L. M. DESHPANDE (Satara District) : Sir, I had no mind to speak just now, but as I feared I might be ignored, I have got up....

The Honourable the PRESIDENT: What is that remark? Please repeat it.

Mr. L. M. DESHPANDE: You said, Sir, that I might not catch the eye of the Chair and so I got up just now. Sir, the budget that has been presented by the Honourable the Finance Member shows that there is likely to be a surplus of Rs. 3 lakhs provided the contribution to the Central Government is remitted. But this is, after all, a speculation, as has been pointed out by a good many of my predecessors. I will take one head for example. The revenue that is expected from so many heads is never realised. I will show marked differences of figures. You will find that even the figures of the original budget and the revised budget differ very much. For instance, we find under V—Land Revenue in the revised estimate for 1927-28 that there has been an increase of Rs. 15 lakhs, whereas there has been a decrease of Rs. 14 lakhs under Excise.

There is a decrease of 13 lakhs in Stamps, 11 lakhs under XIII—Irrigation, 4 lakhs under head 15. Under 40, there is an increase of 6 lakhs instead of the original 2 lakhs as the revised estimate shows 8 lakhs. Under 60—Civil Works, instead of 44 lakhs in the original budget you have 38 lakhs in the revised budget. With such marked difference between the original and the revised estimates, we cannot take the original budget that is now presented to us as representing the correct figures. Even under the Stamp Act, 20 lakhs has been shown as receipts in addition to what was originally received by the increase of stamp fees and yet we find that 18 lakhs has been received less.

The principal thing to be seen in the budget is, as pointed out by the honourable member Mr. Lalji Naranji, that 10 crores are going to be spent on reserved subjects as against 5 crores to be spent on the transferred subjects. I would like to know how this allocation has been made. Whether any arrangements had been come to between the two halves of the Government as regards the spending of the money and if there was no such agreement, whether His Excellency the Governor has apportioned the respective amounts....

The Honourable Sir CHUNILAL MEHTA: I think the honourable member has already tabled a question to that effect and I have given the answer that His Excellency has made no apportionment and there has been no disagreement between the Reserved and the Transferred halves of Government.

Mr. L. M. DESHPANDE: I presume that under Devolution Rule 35 the allocation is going on on the basis of the previous years and no special effort was made by either of the sides to have their revenues fixed. The ordinary revenue is charged very heavily, nearly 47 lakhs have been debited to ordinary revenue. Leaving aside 27 and 5 lakhs for Development, a further sum of 20 lakhs has been debited to ordinary revenue and though the sum of 10 lakhs was paid from Famine Insurance Fund under the orders of the Government of India up till now, Government have this year come forward and debited the whole amount to the ordinary revenue.

Again, we find a sum of Rs. 1,25,000 under 34—Agriculture which is for Lloyd Barrage purposes. Similarly, a sum of Rs. 20,000 is given

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under 5-Land Revenue for Lloyd Barrage purposes. Another sum of a Capital nature debited to a Capital head under Forest– Capital 52-A and the sum of Rs. 2,98,000 is spent from ordinary balance. It is stated in the note that Government could not spend the money from the capital account as under the existing rules the Government of India would not allow them to spend that money. So there is a difficulty of Government rules but there is no difficulty of ordinary revenue being taxed to its utmost. The works of a capital nature should necessarily be met from the capital account and if the rules do not permit this, it is better that those works should be dropped rather than that they should be done at the cost of ordinary revenue.

Another thing which can be noticed from the current year's budget is that there is an additional expenditure of 7 lakhs for expenditure in England. On page 17 of the Blue Book you will see that Rs. 37,71,000 has been allotted for expenditure in England whereas in 1923-24 only Rs. 22,58,000 was allotted. In 1926-27 there was an allottment of Rs. 32,61,000 as against 37 lakhs provided in this budget.

Similarly the budget does not provide for money paid for exchange. For the year 1926-27 there is a total of Rs. 12 lakhs for exchange, and I do not know if no provision has been in the budget made for payment of exchange, how it will be met. In 1926-27 under 5-Land Revenue Rs. 8,000 was spent on exchange, under 22-Administration Rs. 1,63,000 and on Police Rs. 1,07,000, under 45 Rs. 2,77,000, under 47 Rs. 1 24,000 and on 41-Civil Works, Rs. 1,24,000. All these amounts have been shown in the accounts for 1926-27 whereas in the budget for 1928-29 not a single item is shown against exchange.....

The Honourable Sir CHUNILAL MEHTA: The accounts are made at 1s. 6d. while last year the rate was 2 shillings.

Mr. L. M. DESHPANDE: The sums are shown on different heads such as, for instance, under 26-Police the total budgeted estimate for 1928-29 is shown as Rs. 1,70,27,000 and a sum of Rs. 1,72,000 has been deducted from this amount because of the anticipated savings due to separate provision for leave salary on account of the High Commissioner's budget, but this sum is increased in the High Commissioner's budget also. On page 120 of the Blue Book the High Commissioner's budget for 1928-29 shows Rs. 3,50,000 under head Police. Similarly, this year, a further charge of pension contributions on irrigation works is made. The adjustment of pension charges on irrigation works has been raised from 9 per cent. to 14 per cent. There is no special Irrigation Department as such, except that of the Lloyd Barrage, and what is done is that the cost, at the rate of 24 per cent. on the works is taken as irrigation charges and the pension charges have been raised from 9 per cent. to 14 per cent., but it is not known how this Government has been made to pay this additional charge and to whom.

The correct figures of debit heads are also not understood from the figures of various heads. For instance, Rs. 18 lakhs are shown under 22-General Administration, and they are debited to Land Revenue, but the pay of mamlatdars and other officers is not debited to Land

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Revenue. Moreover, the pay of talatis, which amounts to nearly Rs. 17 lakhs, is shown under General Administration. Now, talatis are the principal workers who recover land revenue, but their pay is shown under General Administration. In reply to a question of mine, I was told that in one district alone Rs. 57,000 more than under Kulkarni system were spent for the pay of the talatis. I say, really speaking, there is no need for Government to incur an expenditure of nearly Rs. 17 lakhs, merely because they want to do away with the services of kulkarnis. I do not know what benefit Government derives by the introduction of the talati system.

Mr. B. V. JADHAV : The ryots derive much benefit from it.

Mr. L. M. DESHPANDE : That is also a question. I know what the ryots feel, and it is really very hard in the present financial stringency that this sum should be unnecessarily spent on the talatis.

There is one more thing, and it is that the revenue under V-Land Revenue is steadily increasing. We find that the rates have been increased in one district and another every year, and still we find that it is always said that the receipts under Land Revenue are steady. In spite of the fall in prices and in spite of the precarious rains, the revenue, though it has actually increased, is not so clearly seen and the reason for that is that a large portion of this amount is credited to XIII-Land Revenue. I have not exactly understood the position, and I would like to know it from the Honourable the Finance Member. In the year 1920-21, the accounts show that Rs. 16 lakhs was the portion of land revenue due to irrigation, while in the current year's budget we find that it is Rs. 69,88,000. There is a steady increase in the land revenue under irrigation, and this portion of the land revenue has been deducted from the revenue side and again credited to the irrigation side. If we look to the figures of the irrigation side, we will see that most of this revenue is from Sind. From the budget of Sind under head XIII, the direct receipts are Rs. 2,72,000, whereas the indirect receipts for a portion of the land revenue are Rs. 49,90,000. The total expenditure on XIII so far as Sind is concerned is Rs. 47 lakhs. The amount of land revenue, has increased every year and why it is debited to XIII is not known, and why the working expenditure is so high in Sind is also not understood.

(Bell rung, and the honourable member resumed his seat.)

After Recess

Mr. B. T. DESAI (Bombay City, South) : Sir, what all these budget debates lead to ? We have been from time to time criticising the budget and making suggestions as to the ways in which the nation-building departments can be fed properly. To our great disappointment we find that none of the suggestions have been accepted and adopted by Governmens None of the recommendations have been adopted. Last year there were certain suggestions made as to how retrenchment could be erffected. May I ask the Honourable the Finance Member what

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has been done with regard to those suggestions in order to satisfy this House ? What I find on the part of those who are concerned with the budget is : " You go on talking anything. We will not pay any attention to what you say. We will do what we like. " That is I find the attitude taken by Government, which is deplorable. If this discussion is to have any substantial effect it must be by way of adopting either wholly or partially the suggestions made from this side of the House. All these budget discussions appear to me to be of no utility. We come here, study the figures, and say conscientiously what can be done, which is not adopted by Government. Another feature which I am glad to see is that the Honourable the Finance Member has this time spared the Swaraj Party. Last year he was very hard upon them. Now, as he has got the lesson that he required, he will not any more attempt any such recrimination against that party which has got a particular conviction and action. This time he has even congratulated the non-changers because he has seen their good training. He goes on to say that there may be other occasions not like that unfortunate one, when people would give such co-operation. I may assure him that so long as Government would not reform their ways, so long as Government are what they are at present, you cannot expect any co-operation from the people, because popular suggestions and popular wishes have been slighted. How can you expect people to co-operate with a full heart ? On account of certain influences people may co-operate. But so long as there is no change in the attitude of Government, so long there can never be a change of heart on the part of the people. We can see that in the recent occurrences.

Coming to the budget business I may say that one would really be surprised at the figures that have been given. The figures given for 1928-29 are all speculative. The Honourable the Finance Member has stated that there is a great deal of difference between the estimate and the actuals for the year 1926-27. In the year 1926-27 the deficit estimated was Rs. 75 lakhs but the actual deficit was Rs. 92 lakhs. For the same year the estimated total balance was Rs. 474 lakhs which dwindled in the actuals to Rs. 459 lakhs —a difference of Rs. 15 lakhs. Further the Honourable the Finance Member has stated that it is very difficult to prophecy as to what is going to happen for a year and a half hence. If that is so then the system that has been followed is a system which ought not to be accepted. Here in this budget the figures are given and the deficit is shown. The Honourable the Finance Member suggests that these deficits can be made up by the renewal of the stamp-fees and court fees, and that if these two bills are not sanctioned by the House there will be a further deficit. What I want to say is that these are not actual deficits that are given here ; they do not come even near the actuals and that they are bloated largely. My submission, Sir, is that the system under which the budget is presented is a faulty one and is also a misleading one.

The next point is that although everybody admits that we have reached a limit where there should be no further taxation—it would be folly

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to tax the people of this presidency any further—still what are the means adopted to reduce taxation ? Of course one would smile when I talk of reducing taxation when the Finance Member presents a budget with a deficit of 34 lakhs in the ordinary budget, and 42 lakhs in the Development budget. But I see that so far as capital works are concerned, 32½ lakhs for loss on development and 10 lakhs interest for Sukkur Barrage, etc., in all 42½ lakhs, are paid from the ordinary revenues. That ought to be stopped. I do not know in what circumstances Government came to the resolution that loss on capital expenditure or interest on capital expenditure should be met from ordinary revenues. I think in doing so they have trespassed upon one of the most vital principles of budget policy not to take from ordinary revenues to meet expenditure which ought really to be debited to capital. My suggestion to Government is, do not try to debit to ordinary revenues expenditure on capital account. When the capital works become productive, when they give you proper profits, deduct your expenditure with interest from those profits. Do not try to defray capital expenditure from ordinary revenues.

Then again, what have Government done ? In the first place they admit that so far as trade is concerned there is depression. That means all round people are poorer their purchasing power has been reduced. Yet they load them with the same amount of taxation as before. A man who has an income of Rs. 50 may willingly pay Rs. 5,—I am not giving any exact ratio, or any idea of the capacity of the people to pay taxation—and he may not feel the pinch. But if a man has only an income of Rs. 10 it would be criminal on your part to make him pay Rs. 5. According to the Finance Member's prophecy, trade is not going to improve very soon and he has provided for this contingency in his budget. That being the case in the case of trade, in the case of the agriculturist who has been reduced to a poor condition on account of the floods, how is it that Government is going to exact the same amount of taxation from them ? Is it not right that they should consider that the same amount of taxation cannot be taken from the agriculturists ? There has been a suggestion that so far as General Administration is concerned, and other departments are concerned, there is good scope for retrenchment, but that retrenchment has not come about. The argument that is thrown in our face, is, there is the Imperial Services, we cannot touch them, there are so many things which are untouchable, we cannot touch them. If they are untouchable go and see the Government of India and make them touchable. That is no reason why the poor ryot should suffer ; that is no reason why people already taxed to their utmost capacity must be reduced to poverty. No steps are taken ; the only step so far taken is to get a revision of the Meston settlement. They feel that there is some injustice in it. Although everybody feels that that injustice should be removed, that has not yet been removed. If Government care for the welfare of the people they must try to save the people from the economic thraldom. It is the economic thraldom that has brought us to this position. The Bombay Government ought to have approached the Government of

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India and told them that the 1/6 ratio ought not to be maintained, as it has brought crores of loss to this presidency. Industry after industry has been adversely affected, and the trade depression is mainly due to this ratio. It is this ratio again that has brought into being this frightful demon of unemployment. Has any step been taken by this Government to approach the Government of India in regard to that ? On the contrary they would try to defend that ratio and say that nothing has taken place. It has been admitted by all India that the 1/6 ratio is really at the bottom of the trade depression, and I think of all the provinces of India, Bombay has been most adversely affected by it. Still the same amount of tax is to be exacted from the people of this presidency. Then, what is Government really doing to ameliorate the condition of the people of the presidency ? I say None. There are certain things for which the Central Government is responsible—for example, the Imperial Services and the 1/6 ratio and as regards those things representation ought to have been made to the Central Government. The Bombay Government says : " We will tax the people. " The Honourable the Finance Member has proposed that the Stamp Act and the Court-fees Act should stand for ever. Those Acts were opposed by this House from time to time, and last year they were extended on the specific promise given by Government that they were going to be in force only for one year. One is really surprised that, having given that promise, Government are attempting to put them permanently on the statute book. I think this will be resented by this House, and surely the House will ask Government to keep their promise. If Government do not keep their promise, this House will be justified in throwing out the proposal of Government. I think that is the thing that ought to be done.

The next remedy that I would suggest to the Government is to adopt the suggestions made by this House. I would advise honourable members to organise themselves and, when they find that Government are not giving proper heed to their suggestions, refuse the grants that Government ask for. Let them tell Government " You adopt our suggestions otherwise you will go without a grant. " Let the Governor certify if he likes : we do not mind. That ought to be the real position.

Then, we have so many irons in the fire, and the moneys that have been taken as revenue have been dissipated in various ways. Take land revenue, for instance. The Honourable the Finance Member says : " Oh, after the floods conditions have improved ; although crops were washed away and crops had to be re-sown, everything is all right. Not only can you have the whole assessment of the year but also a part of the assessment of the previous year. " Those who have come into contact with the people, those who have moved in the villages, know that that statement is not correct. People have suffered immensely, people have been deprived of their properties by the floods, and nothing is left to them except to remain on the charity of the outside people. Yet, the Finance Member says that everything is all right, the crop is all right and you can have revenue. In certain of the villages of Mehmedabad wherefrom it has been resolved by Government to take the

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full assessment *plus* the assessment of the last year, people have had no crop whatsoever, they have suffered immensely, and yet they are made to pay the assessment which under ordinary circumstances they ought not to have been made to pay. Even the ladies appealed to His Excellency to remit and suspend revenue. When the calamity was acute, everybody felt that there ought to be remission of land revenue. What do we find now ? What is the real situation ? We find that orders are sent to the Collector to collect revenue. And the result is that the poor ryot suffer in this way. What I submit, Sir, is that Government should try to find out the real state of affairs and then collect revenue from the ryot. But what do we find ? We find that the Government are trying to exact as much money as they possibly can. We should, therefore, put a stop to such things. It is the duty of this honourable House to make Government reduce the land revenue assessment. My honourable friend, Mr. Swaminarayan, just now told us that people were made to pay assessment in defiance of the new regulations. We should try to stop such "Zulum" from being practised by Government. That is the real state of affairs and we should not only rest satisfied by merely saying that the budget is not satisfactory. We must take action to avoid the presentation of such an unsatisfactory budget in future.

Another item that I find in the budget is the provision of Rs. 30,000 made for the Simon Commission. I am not going to say anything at this stage with regard to the Simon Commission, but I would say this much that Government ought not to have made that provision without ascertaining the wishes of this House in regard to that provision for the Simon Commission. From what has happened in the whole country and what has happened in different quarters, Government ought to have known that practically the whole Indian opinion is combined against the Simon Commission, which Commission, I am sure, no sensible and respectable Indian will ever try to associate with. Under these circumstances, Government ought to have thought twice before making this provision in the budget. They have done so without consulting this honourable House as to what they are going to do with the Commission. But they have already made this provision without caring for what decision this Council may arrive at. I may submit, Sir, that if this House had the power of throwing out the budget *in toto*, it would have done so, but as it is, we must express our feeling that this is not a body which should be exploited in any way Government may like.

Dr. B. R. AMBEDKAR: Sir, the budget is no doubt an unsatisfactory budget in so far as it is really a deficit budget. But if it was only unsatisfactory on account of the fact that it discloses a deficit, I do not think it would have been necessary for me to take any serious notice of it. The budget however is not merely unsatisfactory but it is, I think, Sir, a deplorable budget and the state of affairs is indeed a very serious state of affairs.

You know, Sir, that we are practically coming to a close of the first decade of the Montagu-Chelmsford Reforms. That being so, it is certainly worth our while to take stock of the situation as from the year

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1921 up to now. Now, Sir, these Reforms were introduced in order that the transferred subjects may receive greater consideration at the hands of the Government than the subjects which are called "Reserved." But, Sir, if you analyse the expenditure of this presidency from the year 1921 up to now, what do we find? We find that the hopes that were entertained, that under the new regime objects of expenditure which help progress will receive preference over subjects which merely help the maintainance of law and order, have failed to come true.

I shall now show how it is so. I have collected some figures of expenditure incurred in various provinces on the "transferred" and "reserved" departments and with your permission, Sir, I beg to present those figures to this House, so that the House may know how deplorable the situation is. The figures I am giving show the percentage increase or decrease of expenditure in 1925-26 as compared with the year 1921-22 over the transferred and reserved departments in the various provinces. These figures are as under :—

	Reserved Department		Transferred Department	
	Increase, per cent.	Decrease, per cent.	Increase, per cent.	Decrease, per cent.
Madras	1·21	..	14·26	..
Bombay	6·33	..	5·82	..
Bengal*	..	..	6·11	..
United Provinces* ..	..	..	12·57	..
Punjab	10·40	..	29·41	..
Burmah	34·36	..	6·44	..
Behar and Orissa ..	5·89	..	44·66	..
Central Provinces ..	6·24	..	18·15	..
Assam	8·24	..	12·75	..

* (Decrease of expenditure on Reserved Department)

Sir, if we look at these figures what do we find? I am sorry to find, and I am sure every one in this House will be sorry to find, that such an important province as Bombay should occupy the very lowest place in the order of its relative expenditure on the reserved and transferred departments. Even the province of Burma, which appears to have been so badly managed, stands higher than Bombay in this respect. I, therefore, submit, Sir, that that is a grave scandal. Surely this is not the way in which the finances of an important presidency like the Bombay Presidency should be managed. I wish the Honourable the Finance Member had paid more attention to the "transferred" departments than he seems to have actually paid to them. From the figures

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it is evident that the reserved departments are systematically over-fed and the transferred departments are systematically starved. Sir, what good is an Indian Finance member if he is not to respond to the wishes of his countrymen. There is a general clamour for progress on all hands. The Honourable the Finance Member knows how very insistent the clamour is. But unfortunately he has so far done nothing to lead us to hope for anything at his hands in the future.

Then, Sir, not only are the finances badly managed, but I submit that the financial position of this presidency is indeed very serious. Sir, if you examine the financial position year by year from 1921-22 to the present day, you will find that every year there is a reduction of the surplus; so much so that instead of having surplus budgets we have exhausted our surpluses and we have now reached a period where the budget discloses a series of deficits. In 1922-23 there was a surplus of Rs. 64 lakhs. In 1923-24 the surplus came down to Rs. 29,38 lakhs. In the year 1924-25 there was a further reduction of Rs. 26 lakhs. In the year 1925-26 the year was closed with a deficit of Rs. 91 lakhs; and we know what has been the state of affairs since then. You see, Sir, from these figures that the financial position of this presidency is deteriorating year by year, and I submit, Sir, that having regard to the commitments made by Government, the position in time to come is indeed going to be very serious. Sir, you know the loans borrowed by the Government under the provincial loan arrangements will have soon to be paid off. Some arrangement shall have to be made for the repayment of that loan, and if you do make an arrangement for repayment of the loan, that is bound to cast a heavy burden on the already exhausted finances of the presidency. Sir, this Council and the Government have been committed to universal compulsory primary education. This Council and Government are also committed to the carrying out of the policy of prohibition. These three items, I do not think any honourable member of Government is going to deny, are going to make a very heavy call upon the finances of this presidency. And when our finances are deteriorating year by year even without these three items, I cannot quite imagine what will be the state of affairs when we begin to give these items a practical shape. Finding myself in this situation what surprises me most is that all this does not seem to trouble the Honourable the Finance Member at all. He does not disclose that he is aware of all these commitments. In the financial statement he has submitted he does not show that he is conscious of these obligations. He is merely, if I may say so, carrying through a hand-to-mouth policy, a policy for the day without any thought for the morrow. There is no outline of a general policy which will improve the future exigencies of the situation. After me the deluge seems to be his watchward. He is merely trying to meet the deficit of the budget. He is calculating upon what he might be able to gain out of the reduction in the famine insurance grant, and in the Meston contribution. But I ask him in all seriousness whether these small, paltry gains, as I call them, are going to really take us a long way in the financial stabilization of the presidency?

[Dr. B. R. Ambedkar]

I think, Sir, it would be a mistake to suppose that they can. Either the Honourable the Finance Member must assure us that there are sufficient possibilities of economy in the administration of this presidency which will carry us through, or he should tell us definitely that we shall not get what we want unless we have recourse to taxation. I respectfully refer to the speech made yesterday by His Excellency the Governor. In that speech His Excellency pointed out that the Legislative Council was entirely responsible for taxation, that it was within its powers to impose such taxation as was necessary. I admit that the Legislative Council has the power of taxation. But I also submit that the initiation in the matter must come from Government. It is the Government that must suggest what taxation it wants. Has the Government done so ? The Government on the contrary is absolutely sitting silent. It does not propose to tell us what it is going to do. It cannot be said that Government has not got the data to work out a plan. We all know that the Taxation Enquiry Committee has submitted a most exhaustive report, with endless recommendations which ought to suffice for the initiation of a new and adequate financial policy. These, I am sure, are lying on the table of the Honourable the Finance Member, but nothing seems to have been done in the matter at all. I say, Sir, that the situation is indeed very serious and it is high time the Honourable the Finance Member make up his mind to deal with it in a statesmanlike manner.

Mr. K. M. MUNSHI (Bombay University): Mr President, I rise to join in the mournful chorus which is dignified by the name of general discussion on the budget. In doing so, Sir, I must congratulate the Honourable the Finance Member for the extraordinary cleverness which he has shown in introducing before this House a budget which appears to be nicely balanced. His position, perhaps at the time when he is presenting to us his last budget, appears to be invested with tragic grandeur. Since the reforms he has served this presidency in many offices with great distinction. Though he has very often defied public opinion and criticism—very often openly, equally often, very slyly,—one thing is certain that he has always retained the respect of this House and has never forfeited the confidence of the presidency. By his presence in the Executive Council of this Presidency, most of us have always felt that the Executive Council consists of public men and not of mere officials. And this is a meed of praise which for any Indian who accepts office under this constitution is really great praise indeed. But it appears his abilities and energies have been wasted in all these years in trying to balance a budget which from its very nature is unbalanceable on account of causes over which this provincial Government has very little control and circumstances for which certainly he cannot be held responsible. His efforts are, therefore, heroic and we must admire them. But the situation which has called forth those efforts is certainly very grave and this House is perfectly justified in giving a warning not to him, for he will soon be out of office, but to the Government of Bombay, as to the very very serious situation which stares in their face.

[Mr. K. M. Munshi]

Before I say a few words on the budget, I may say, with great respect, and with the hesitation of an amateur, a few words on the form in which the budget is presented. Sir, I do not know the mystifying peculiarities of public finance. But looking at this budget I wish a little clearer statements, ampler comparative statements, were given for the edification of the uninitiated.

I will only give one instance. I daresay that the experts behind the Honourable the Finance Member can give twenty-seven valid reasons for the existence of statements which I am pointing out. But look at page iv and you will find the interesting item, *viz.*, "the ordinary revenue 13,99 lakhs." Look at page 15. I do not say the statement there is inaccurate, but I say that surely some mercy could be shown towards a man who is not initiated into the mysteries of high finance. On page 15 you find that the ordinary total revenue is 15,25 lakhs. Then come to page 29 the report of the Secretary. It shows that ordinary revenue as 14·36. Surely there must be some reasons other than mysterious references which should be given in these places to indicate why these figures fluctuate in this interesting manner.....

Mr. G. WILES: They are there.

Mr. K. M. MUNSHI: They ought to be made clearer. We ought not to be made to waste an hour and half to find out what the reasons are. A comparative study becomes impossible. A little more printing expense is all that would be necessary. I am not conversant very much with the ways of this House but I am afraid in the case of a statement prepared in the High Court and placed before a Judge, the man who submits such a statement will have to bear his own costs and pay the costs of the other side.

I will now deal with the situation as regards this presidency as disclosed by this budget. It has already been dealt with and dealt with, as I said, in a very mournful manner. I do not want to add any further tinge of sadness if I can help it, but it strikes me that if you will look at it, as you would look at an ordinary financial concern, this presidency is tottering on the very verge of bankruptcy. You may call it by a polite name; as it is a Government it is not liable to be taken into compulsory liquidation; but there are all possible materials appearing in the budget which, in the case of a joint stock company, would fully entitle it to that privilege. I will mention just a few figures that I have taken partially from the elaborate speech of the Honourable the Finance Member and partially from the budget. In 1926-27 we opened with a balance of 664 lakhs. Then we spent 92 lakhs in revenue deficit, a deficit which ought to have been made up from the ordinary revenues of the presidency. Then we spent 115 as ordinary loans which certainly ought to have been met from the general receipts of the presidency. In this way 207 lakhs are taken away and the result is that we had an opening balance on 1st April 1927 of 5·08 and the closing balance on the 31st March 1928 as given by the Honourable the Finance Member is 254. So in this way in one year 254 lakhs disappear. As regards 156 lakhs the Honourable

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the Finance Member explains in paragraph 9 that the expense has been the result of the extraordinary floods in Gujarat and Sind. But the balance of 98 lakhs is the revenue deficit. In this way the result is that on the 1st April 1928 we will have the opening balance of 254 lakhs and in the budget before us 169 will be the closing balance on the 31st March 1929. Looking at the fact that we started with an opening balance of 664, four crores have been used up from this balance. Out of that expenditure the real expenditure for unforeseen contingencies is only 156.

The Government of India has prescribed the maintenance of certain credit balances by the provincial Governments. The object of it is really two-fold, first, the preservation of some kind of minimum financial strength in the provinces and the second is to create a fund to meet extraordinary and unforeseen contingencies. I can understand that where a case arises of really great need to meet an extraordinary contingency, the balance may be drawn upon. But what we have done is that, in order to make up the deficits of the ordinary expenses, we have swallowed up a considerable part of the balance which was at our disposal in 1926-27. What is the position ? The position therefore is this, that in 1926-27 we had locked up as credit balance certain mobile liquid capital of the presidency and a considerable part of it is gone in meeting the ordinary deficits of the presidency and not in meeting any extraordinary deficit arising from an unforeseen contingency. That is against the policy of this credit balance.

In addition to this we have also got the benefit of remissions. Again and again we were told in past years that the contributions remitted by the Imperial Government would be used for the purpose of nation-building departments. What we really find is that we have taken advantage of the remissions but instead of using them for nation-building departments, we have used them for the ordinary expenditure of the presidency.

In the same way we have also tried the experiment of additional taxation. As has been mentioned before in this House, there is no margin for further expenditure. Take the head of Land Revenue : we find that there is a progressive decline in Land Revenue. We further find that revised settlements have been fixed on the basis of inflated prices. Already protests are being made whether the question of protests is one which the Government is inclined to listen to or not is a different matter, but the fact remains that the resentment which is being felt at these revised settlements is sure to result in a further decline of this heavy taxation.

Then, take the next head Excise. It is the acknowledged policy of Government that taxation from this source should diminish in the future. So far as we know, it is impossible to ever introduce prohibition of any sort or kind in this presidency and to carry out that policy. If the promise which has been so often given in this direction is to be carried out, this heavy taxation will also diminish to a considerable extent.

Then there is the entertainment-tax. There is also the proposal of the Government to have perpetual taxes on court-fees and stamps. When

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the proposal for these taxes comes before the House, it will be time enough to consider what grounds are made out by Government for making these taxes permanent. But Sir, we have taxed the presidency to the utmost limit to which it could be taxed. Of course the present Finance Member has not, like his predecessor, flirted with the Inheritance Tax and the Estate Tax, and not introduced extreme socialism, as it was thought was going to be introduced into this presidency.

An Honourable MEMBER : Who did it ?

Mr. K. M. MUNSHI : Sir Henry Lawrence did it. That is the one thing left,—estate duty and inheritance duty. If you levy it, it does come to this, that you are taxing the one and only source left to this presidency for replenishing its treasury, and there is no further margin of taxation left.

Then, let us turn to the expenditure. Is there anything to show that in the coming years expenditure will be brought within such limits as to put the finances of this presidency on a decent financial footing, apart from a flourishing basis. My honourable friend Dr. Ambedkar has pointed out the difference between the expenses incurred for the reserved and the transferred departments. But let us take the expenditure of this presidency which has been growing every year. In 1921 Rs. 8 crores was the expenditure on the reserved side and Rs. 4,53 lakhs for the transferred departments. In the revised estimate for 1927-28, the figure has increased to Rs. 9·43 crores for the reserved departments and Rs. 5·48 crores for the transferred departments. Now, you find again a rise, Rs. 10·85 crores for the reserved departments and Rs. 5·64 so far as the transferred departments are concerned. The increase is, therefore, roughly 40 per cent. in the reserved departments and 25 per cent. in the transferred departments. Now, if the expenses grow in this way, when are we going to attain position when the finances can be considered stable ? Therefore, unless this expenditure is controlled in some way, the future offers gloomy prospects. I know full well that the question of curtailing a considerable part of the expenditure is not in our hands, but still it is a case which does require very serious consideration, and it is no use the present Finance Member or any Finance Member coming before the House for additional taxation, unless an effort is made to curtail the expenditue. The honourable member who preceded me (Mr. Balubhai Desai) stated that Government is at fault. Unless the Provincial Government makes a heroic effort to see that this expenditure is kept down and the pressure of taxation is relieved to a certain extent, the position will be worse year after year.

Sir, only one word more and I have done. A reference was made in this connection by His Excellency the Governor as well as the Honourable the Finance Member to the Meston settlement. I only wish to add this. I am sure, whatever we do the Government is sure in its executive capacity, to go before the Simon Commission, and therefore it must make up its mind to fight on this question, because unless the Meston settlement is revised, we will be very soon not only on the

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verge of bankruptcy but in bankruptcy itself. That is all that I have to say.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Sir, in considering the budget that is placed before us for our consideration, I wish to bring to the notice of honourable members last year's budget and the speech of the Honourable the Finance Member in introducing it. At that time honourable members in giving expression to their opinions on the matter, stated that the budget is not prepared in the way it should be done. It was then stated that consideration ought to be given, in the preparation of the budget, to the conveniences and the opinions of the people who pay the taxes, but that has not been done. Since the year 1923, I have been repeatedly bringing to the notice of Government this fact, and I am sorry it has remained unheeded.

If we look to the figures of revenue for the last five years, it will be seen that the major portion of the revenue is from land revenue. Now, if we see how much of that revenue is spent for the benefit of the people who pay it, we can get an idea as to how the budget is prepared. We have been complaining that there is wastage of expenditure, and if we examine how this income from land revenue is being spent, we will have a fair idea of the wastage. Instead of spending money for the benefit of the agriculturists, it is wasted on the Sukkur Barrage and the Development Department. If we compare the balances at our disposal five years ago with those that are estimated in this budget, it will be seen that our balances are getting less and less. It is a well known fact that no consideration is paid to the needs of the people who pay the taxes.

Taking the Revenue Department, we have been saying for the last three or four years that the expenditure in this department is growing, and that the salaries of the European officers should be reduced, but nothing has so far been done in this direction.

With regard to the Irrigation Department, I say that the new rules for distribution of water should be revised. The charges for water are also being increased, and yet the income is shown as less and the expenditure as more. I fear that in the *khudda* (pit) of the Development Department and the Sukkur Barrage the whole of our revenues will be swallowed up. As regards forests the income from the forests should be increased by improving the forest produce and realising the full value for it. Instead of that the Government have gone the wrong way in levying more grazing fees and putting obstacle in the way of the agriculturists using the forest produce for their agricultural implements and manure. In the Mawal Taluka there is a vast area of forest. The agriculturists are being put to great hardship for want of facilities for grazing and for utilizing the forest produce for their agricultural purposes. Government appointed the Forest Grievances Committee which made enquiries and submitted a report. Government have issued a resolution on that report which has not in the least solved the difficulties under which the agriculturists are suffering. Government are incurring expenditure very heavily in directions which will not in any way improve the

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condition of the agriculturists, for whose benefit, it is stated by the Honourable the Finance Member, this budget has been framed. Like myself other representatives from rural areas will represent their grievances which I hope will be heard and redressed by Government.

I now come to sanitation, on which the Honourable the Finance Member has stated a large expenditure has been incurred. In the city of Bombay there is a very big hospital known as the J. J. Hospital. There if people go in ragged clothes they are not allowed to see the medical officer in charge and are forced to come better clothed which we cannot expect poor agriculturists to do. If that is the condition in Bombay, I leave the condition in the districts to be imagined by honourable members. It has been time again represented to Government to encourage Ayurvedic dispensaries in the rural parts so that medical aid may reach the remotest villages. In Madras they have already adopted this method and opened many dispensaries. But the Bombay Government have not taken any steps so far and they do not seem to adopt this method of giving medical relief by opening Ayurvedic dispensaries.

Now, I come to education. An Act has been passed by this House that every child of this presidency should be educated and primary education must be made compulsory. Only the Act is there and nothing fruitful has been done so far. The Honourable the Finance Member has stated that they cannot provide more money for education for want of funds. Only when the question of providing money for education comes Government plead want of funds. What we find is that they are able to provide money for Sukkur Barrage and other big schemes. Government have appointed a physical training committee which I hope will submit its report shortly. Even if the report is submitted without delay Government will take at least 50 years to give effect to their recommendations. These are the ways of Government.

MOULVI RAFIUDDIN AHMED: The honourable member is dealing with physical training. Is he in order, Sir ?

The DEPUTY PRESIDENT: I think he is in order.

Mr. N. R. GUNJAL: Government must take up the subject of physical training seriously and give effect to the recommendations of the committee without any undue delay. In the Kedgaon taluka there is a great need for English education. At present an institution known as Saraswati is carrying educational work in the rural areas in the Poona district. There may be similar institutions in the other districts also. If Government give them financial help they will be able to do much better work.

Mr. G. 1. PATEL (Ahmedabad Millowners' Association): Sir, looking at the figures presented to this House in the two big budget books, and taking into account the fact that this is the last budget to be presented to us by the present Finance Member, we are rather tempted to offer our congratulations to him with one hand and at the same time to withdraw these congratulations with the other hand. That is the position in which, Sir, this side of the House finds itself to-day. We very much appreciate

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the energies, the abilities and the keen sense of adjustment which are possessed by the Honourable the Finance Member Sir Chunilal Metha, but at the same time we feel aggrieved over the manner in which the whole case has been placed before us and summarized by him in his budget speech delivered yesterday.

Sir, as a businessman I will refer to the general principles of drawing up and settling budgets. The items which one has to consider consist of the revenue side, the expenditure side, the debt position, and the surplus or deficit or what a businessman would call profits or losses incurred in conducting this "*political business.*" Scrutinizing the budget on its revenue side, we find from the introductory note in the Blue Book that our ordinary revenue which was 12 crores in the year 1921-22 has gone up in the estimates for 1928-29 to 14 crores. Now as to the ordinary expenditure, it is mentioned that in 1921-22 it was 14·84 crores. What do we find ? In the budget for 1928-29 the figure is practically the same, 14·62 lakhs. So, as a businessman I would appeal to the Honourable the Finance Member to consider whether when our ordinary revenue has increased from 12 crores to 14 crores, it is proper to keep the standard of ordinary expenditure at the same level of 14 crores. This is a very clear point in which we find ourselves justified in levelling serious criticism against the expenditure side of Government. Government have not been able to reduce expenditure to any extent, although enhanced revenue has been realised by way of taxation from the public; the revenue has gone up by 2 crores from 1921-22 to 1928-29, while the expenditure side has remained practically stationary at 14 crores. Hence, the position is this: that our revenues have increased while Government have failed to rise to the occasion and reduce their unprecedentedly heavy expenditure incurred from 1921-22 to this day. Therefore, there is a strong case for us to ask Government on the lines of my resolution to retrench or to satisfy this side of the House as to why expenditure has remained stationary so far. Unless this side of the House is satisfied on that issue, it will not be possible under any circumstances to allow Government to run into the gamble of always suggesting and imposing taxes and even continuing those which have been temporarily levied.

Secondly, after examining the "revenue" and "expenditure" side of the budget, we have to take into consideration the "debt" position. What do we find from the statement which has been placed before us in regard to our debt position ? At page 25 the Statement E clearly shows that the debt outstanding on 1st April 1927 was Rs. 46,46,00,000, that is about 50 crores of rupees, and the estimated borrowing during the year 1927-28 was about 3 crores, and the accumulations up to 31st March 1928 are mentioned as Rs. 78·70. Now, I would ask the Honourable the Finance Member to consider whether when our sources of revenue remain uniform and our expenditure is at the highest top level, it is possible for us to maintain this policy of incurring heavier and heavier debts running into crores and crores ? If we do so, what will be the position of the Bombay Government when they are called upon to pay up those debts with interest and sinking fund ?

[Mr. G. I. Patel]

Now, Sir, I shall try to discuss a few points which have been touched by the Honourable the Finance Member in his budget speech yesterday. He says :

" There is also a fall of 18 lakhs in Stamps owing to slackness of trade."

Here the Honourable the Finance Member refers to the ' trade depression' that has been rampant in this presidency for the last two or three years. He further says :

" Of these 18 lakhs, 10 lakhs is accounted for non-judicial stamps and 8 lakhs by Court-fees stamps."

If that is the situation, I do not see the reason why the Honourable the Finance Member should come forward for the sanction of additional taxation. If he admits that there is serious trade depression, why should he have additional expenditure ? When we proceed further, in paragraph 6 of his budget speech we find " the decrease in revenue was counterbalanced by a decrease in expenditure of 51 lakhs." These are the crucial words of the Honourable the Finance Member. When there was a decrease in revenue, Government thought it wise to make a decrease at a stroke in expenditure by 51 lakhs. But I submit, Sir, that we very much doubt the *bona fides* of Government in this respect. It is most surprising that Government, who were never willing to accept a single cut in their demands for grants, have accepted a decrease to the extent of 51 lakhs in the expenditure. I can cite many instances where Government have refused to meet the demands of this side (non-official) of the House in regard to any cuts. There was practically no occasion when Government have accepted our suggestions to reduce the high level of expenditure. We, therefore, doubt the *bona fides* of Government. I say that only when they are in the light corner, they themselves make it convenient to decrease the expenditure. But when they are asked to do so by the non-official side, they do not see their way to accept any of their proposals. I, therefore, request the honourable members from the Government side to take into their consideration these facts and figures and to try to effect retrenchment as may be possible for them by a mutual understanding. If that is not possible, I may say that one section of this House will always be opposed to any action of Government in regard to new taxation, may it be to-day or year after year hereafter. If this presidency is to be launched into a sound financial condition, this Government ought to try to review and re-organise the whole situation as it stands to-day. We all know that a very heavy loss has been suffered by this presidency with regard to the Back Bay scheme and we are compelled to bear that burden for 60 years. Such acts ought to be avoided in future. We also find that the Honourable the Finance Member admits that during this year there has been serious damage by floods to crops in Gujerat and Sind. Although this has been admitted, what do we see ? We find that there has been a campaign started at some places against the heavy assessment levied on the agriculturists. At present, I cannot see where that campaign will lead us to. Government admits, on one hand, that the agriculturists have suffered much owing to the floods and they have been also granting loans to them, but,

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on the other hand, Government Officers have been pressing for the recovery of assessments from the agriculturists in a very merciless manner. I am afraid that the movement started in the Bardoli Taluka may result in the end in the loss of revenue to Government and the people. I am glad to find that the Honourable the Finance Member has paid compliments to Mr. Vallabhbhai Patel and some other people. I wished the the Finance Member had consulted Mr. Patel in respect of granting loans before he made a reference to him. I know it for certain that Mr. Patel has many grievances in regard to the method of granting loans adopted by Government officers. I would ask the Honourable the Finance Member to lay on the Council table the amount of loans granted by Government. If the figures are placed on the table, this House will be in a position to know how much money has been actually distributed by Government out of the amount originally sanctioned.

On going further we find it mentioned in the speech of the Honourable the Finance Member—a reference to the depression in trade. He says :

"That the depression in trade and commerce seems to be the cause of the decline in Stamp revenue is also borne out by the fact that it is in the industrial provinces that the estimates have declined while in the agricultural provinces there seems to have been indeed some slight improvement."

Here he admits, Sir, that Bombay is an industrial province. He also admits that there is trade depression. If that is the case, I do not understand how he maintains the same level of taxation in an Industrial Province where there is continued trade depression. On the one hand he admits that there is, no doubt, trade depression in Bombay, but on the other, he wants to keep up the same level of expenditure. That is, in my opinion, quite contrary to each other. These two things are diametrically opposite to each other. I, therefore, say that Government should, in the circumstances, better reduce further the level of taxation than to maintain it at such a high figure.

The Honourable the Finance Member further adds :

"For the Development it is intended to borrow 77 lakhs inclusive of 2 lakhs for advance."

He also states :

"General revenues will give a subsidy of 32½ lakhs, to write off the loss on the Back Bay, the Suburban Schemes and the Housing Schemes."

I may tell the Honourable the Finance Member that these figures will go up year by year. We do not know whether the figure of Rs. 32½ lakhs may not go up to 50 lakhs after three or four years. That is a question of great apprehension and fear to us. This very system of miscalculating the loans and adjusting the deficit by way of subsidy will one day lead this presidency into a heavy loss of crores and crores of rupees and which loss this presidency will find it difficult to meet ultimately. I, therefore, warn Government against this proverbially wrong system of miscalculating our debts, loans and losses. On the presidency as a whole he admits the present debt to be to the extent of over 50 crores, and the total expected borrowings will make it 78 crores, as has been stated in Statement E of the Blue Book. Now, may I know whether a presidency with an ordinary regular revenue of 15 crores on an average is

[Mr. G. I. Patel]

likely to keep up its level of borrowings to such a high figure ? And when is the presidency going to be able to pay back its borrowings with its ordinary revenue of 13 crores ? I am referring to the last column " Accumulations up to 31st March 1928—78,70."

The Honourable Sir CHUNILAL MEHTA : That is the statement of debts. What is 78,70 ? Crores or lakhs ?

Mr. G. I. PATEL : Yes ; it is 78 lakhs not 78 crores. Sir, as stated in the Statement E, the total outstandings are 50,72,18 thousand ; annual charges for interest are 2,96,25 thousand. So, we have already at present the debt to the extent of 50 crores on the one hand with our liability to pay interest to the extent of 3 crores as annual charges. I think I am correct ; at present we have already a debt of 50 crores.

The Honourable Sir CHUNILAL MEHTA : First of all, it is not 78 crores. That, I presume, the honourable member now admits. Secondly, the 50 crores contains borrowings by the local bodies. These are all detailed above on the same page in the note, and they amount to :

Port Trust 2,47,84 thousand

Bombay Improvement Trust 4,34,50 thousand.

Bombay Municipality 8,22,30 thousand.

That comes to over 15 crores. So, the total debt is 50 *minus* 15, that is, 35 crores. Out of this again the Development loan taken on behalf of the same bodies amounting to about 7 crores shown in the note below on the same page has to be deducted. So the total debt is reduced to about 28 crores.

Mr. G. I. PATEL : This much can be adjusted against the debts to be recovered from these other bodies. I do understand that. Is not the presidency liable for these debts also ? Then, why do you include.....

(Interruption from Government Benches).

The Honourable the PRESIDENT : Will the Honourable member proceed ?

Mr. G. I. PATEL : Very well Sir. I will speak on the statement mentioned by my honourable friend Sir Chunilal. The figure he gives is 50,72,18 thousand with annual interest charges of 2 crores 96 lakhs, and he has separated all these debts. By analysing the position he says our total debt borrowings up to the end of the next year will amount to 28 crores 9 lakhs. I think he will further admit that when Government will complete their other schemes, it will go to the extent of 50 crores or much above that.

The Honourable Sir CHUNILAL MEHTA : The honourable member will find that on the previous page the balances required in the future are also stated. They do not amount to anything like 78 crores. They are 11 crores.

Mr. G. I. PATEL : The honourable member may also very well know that we have no faith in these figures, because last time the figure given as subsidy was 27½ lakhs ; this time it is 32½ lakhs. Thus we can always discount the correctness of all these camouflaged figures.

The Honourable the PRESIDENT : The honourable member's time is up.

Mr. G. I. PATEL : I want only two minutes more, if you can kindly give them. I will refer to one point which the Honourable the Finance Member refers to on page 17, where he says " The departments have all been goaded to extreme economy and retrenchment and as last year been severely rationed." This sentence very clearly shows that once having resolutely determined he has been able to reduce expenditure. May I ask him why did he not take up the same position two years back, and why did he not save 2 crores to this presidency, by reducing expenditure as he has tried to do this year ? Is it because he finds at the fag end of his career that he has to present his last budget this year ? I may very honestly tell him and the House that because we strongly insisted on " no-taxation " and " rigid economy " that he was compelled to practise these by retrenchment from every source. Therefore, I again charge him that the same acumen ought to have been used by him two years ago, in which case we would have saved the presidency another crore of rupees.

The Honourable Sir CHUNILAL MEHTA : The honourable member forgets that I was not the Finance Member two years ago.

Mr. G. I. PATEL : At least last year he was the Finance Member. With this compliment, I would again congratulate my honourable friend for his best efforts and I further urge that he will apply his mind to the problem with a view to reduce the debt charges, the high level of taxation and the abnormal expenditure. As has been pointed out by me, 14 crores by way of expenditure have remained stationary from the year 1921-22 up till to-day, despite all the so-called retrenchment so far effected by Government.

Rao Bahadur B. R. NAIK (Surat District) : Mr. President, sufficient has been said by the honourable members who preceded me about the unsatisfactory nature of the budget, and, therefore, I will not trouble the House with figures given on the various pages of the budget. I only want to bring one or two points to the notice of the honourable members, that the highest pitch of taxation has been reached in this presidency and that there is no further scope for making any further enhancement in taxation.

Now, Sir, since the year 1921-22, that is after the introduction of the reforms, people have been expecting, and I think rightly expecting, that the transferred departments, the nation building departments under the Ministers, would be adequately served with funds to carry on the departments under their charge. My honourable friend Dr. Ambedkar has already given the figures to show what percentage of increase has been given to the nation building departments in last ten years, and by my association with the local bodies, I know something about this. During the last five years no progress has been made. I will take one instance of my own district, Surat district - it was admitted by the Honourable the Education Minister this morning that the expenditure on primary education in the district of Surat has been on the decrease during 1924-25 and 1925-26. That is, after the introduction of primary education

[Rao Bahadur B. R. Naik]

Act the expenditure on primary education has decreased ! Sir, if you will find the figures of taxation of this district, you will find that it is paying a revenue of Rs. 11 per head to the provincial Government, and that the district local board is getting, for primary education, communications, medical relief and everything, only Rs. 1-1-0 per head !

The Honourable the Finance Member and his predecessor were repeatedly requested by this side of the House to retrench. He says that he has tried his utmost to do so and that he is unable to retrench further. I do not know how he likes his budget. But if any joint-stock Company had such a budget the High Court would have, as said by one of my honourable friends, declared it a bankrupt budget.

As regards communications, so far as the districts of Gujarat are concerned, no adequate grants have been made after the reforms. Take the instance of Surat. The District Local Board of Surat had received a grant after communications of Rs. 89,000 in the year 1922-23 which was reduced to Rs. 50,000 and 56,000 in subsequent years, though it has again been increased to Rs. one lakh in the last two years.

As regards primary education, communications or water-supply, I find no progress is being made. After the present Finance Member took over the Revenue Portfolio he toured round the districts of Gujarat and introduced a system of irrigation works such as tanks, wells and bandharas and grants were given from the Famine Insurance Fund after their repairs, but this year unfortunately no famine grant has been provided and in future, as has been arranged with the Imperial Government, instead of 33 lakhs only 12 lakhs would be provided and that too for direct famine works and not for preventive or protective famine works.....

The Honourable Sir CHUNILAL MEHTA : So long as it is 75 lakhs only. Any amount in excess can be utilized for preventive or protective works.

Rao Bahadur B. R. NAIK : It is true that if the surplus of Famine Insurance will exceed 75 lakhs the excess would be utilized after small irrigation works. I am afraid that if sufficient amount is not sanctioned from this fund, it will be very difficult to provide small irrigation works out of the General Fund. So I say in spite of the increase of taxation in the rural areas the people are not getting the amenities of life which they ought to get.

The total expenditure on education for the whole of the presidency is about 14 per cent. of the total revenue, but we find that not more than 7 per cent. is spent on primary education. I am told that about 25 per cent. of the total revenue is spent on education in Philippines and that a major portion of it after primary education.

I notice that both the Revenue and the Finance Members count upon getting 538 lakhs as the anticipated land revenue for the coming year. I am doubtful, looking to the condition of the crops in rural areas in Gujarat, and other factors, the anticipated revenue will not be realised. The agriculturist's income is not enough to enable him to maintain himself and his family, as whatever profit is realised from agriculture is

[Rao Bahadur B. R. Naik]

swallowed by Government. The land revenue policy of this Government has been condemned by eminent European and Indian statesmen, and I will here refer the Honourable the Revenue Member to a statement made by a former Secretary of State in the sixties of the last century that the system of land revenue and the ownership rights of Government are unjust. In 1875, Lord Salisbury admitted that ownership rights should be restored to the ryots. I do not want to take the valuable time of this House by quoting more authorities, nor I am going into the ancient history on this subject; but in spite of a resolution of this Council and in spite of the recommendations of the Land Revenue Assessment Committee, Government have given orders to levy enhanced assessment in certain talukas of my district and also of the presidency. I refer to Chorasi and Bardoli. The Honourable the Finance Member in his speech paid a tribute to Mahatma Gandhi and his followers under the leadership of Mr. Vallabhbhai Patel. He said that it was a pleasure to work with him. I hope that the Honourable the Revenue Member will also find occasion to express similar sentiments in respect of the work that Mr. Vallabhbhai has now been doing in Bardoli and that he will find out a way which will be acceptable both to the people and the Government alike. It is in the interest of Government themselves that this matter should be handled in a very careful calm and cool manner. I know that the Government are powerful to exact revenue, but in doing so, I am sure they will only be impoverishing the ryots still further. The ryots are not at all prosperous, they are going from bad to worse year after year. I am sure that if the Honourable the Revenue Member will cause careful andi mpartial enquiries to be made into the real condition of the ryots, he will find that I am stating nothing but the plain truth when I say that the ryots are going from bad to worse from year to year, and that this is the reason why they are not able to pay the enhanced assessment. I hope that Government, resourceful as they are, will be able to find out some means of easing the situation and meeting the difficulty that is now facing them in Bardoli and other talukas and that no question of prestige will be allowed to stand in the way of their doing so.

The Honourable the Revenue Member, last year, has admitted that abnormal years are to be excluded when revising the land revenue assessment of the presidency. It has been suggested by the Honourable the Finance Member, when he was a member of the Agricultural Commission, that abnormal years are not to be taken into consideration. In 1924, the then acting Revenue Member, Sir Lalubhai Samaldas, had admitted that abnormal years were to be excluded; and yet, we see that in the case of the Bardoli and other talukas these very abnormal years from 1918 to 1925 have been taken into consideration in basing the assessment. When I made a representation on this subject to the Honourable the Revenue Member last year, it was stated that the members of this House were irresponsible critics, and they did not say which years were abnormal years. I think the Honourable the Revenue Member and his colleagues ought to know better which years were

[Rao Bahadur B. R. Naik]

abnormal years. Were not the years 1918 to 1925 abnormal years ? Had not during these years the Hon'ble the Finance Member of the Government of India to gamble on exchange to balance his budget ? Up to the year 1917 everything was normal. After the war, prices went up not only in India, but all over the world ; there were great fluctuations in prices during those years, and therefore those years ought to have been excluded, as has been declared by the Honourable the Revenue Member, the Honourable the Finance Member and the acting Revenue Member in 1924. A Land Revenue Assessment Committee was appointed to look into this question, as a result of a resolution passed by this House and another resolution on the same subject was passed last year, to stop the revision of assessments till the Land Revenue Code is amended. But in spite of that resolution, Government are going on enhancing the assessments without listening to the resolutions. What is more strange is that the Settlement Commissioner is taking the rental as the basis for assessments, although it is not laid down by law.

The hon'ble member the Settlement Commissioner is nodding his head ; but let me, Sir, tell him that Government have been exacting 46½ per cent. of rentals as assessment till the year 1914 on dry crop land and 80 per cent. of the rentals on rice land. Government say that rent should be the main basis for revising assessments, in spite of the protests of this House. It may perhaps be said that I come from a rural area, that I have got my own lands, and therefore I do not like to pay more taxes. But let me tell the honourable members frankly that when I put anything before them, I am putting the real facts. I told the Revenue Commissioner of Northern Division the other day that I was prepared to go round with him and examine a few villages in order to find out the truth, and I further stated that if it was proved that Government were in the right, I would be the first man to move round in the taluka from village to village, and advise the people that we must pay the enhanced assessments and if Government were convinced of the justness of the case why should they not accept my offer ? The hon'ble member Mr. Smart, in the year 1924, when tendering his evidence before the Land Revenue Assessment Committee, said that it was quite unsafe to levy the assessment on the basis of rent. But another Commissioner —I mean the Settlement Commissioner—says that it should not be so, and that rent is the proper basis. Whom are we to listen to ? I have got the committee's report here, and I see from it that Mr. Smart has said that the rents are not real economic rents, and half of them are the rentals of interest for lands mortgaged, and yet Government say that rent is the safest guide and it is the only guide and the only basis on which land revenue assessment can be levied. Sir, this is an important subject and therefore I hope the Honourable the Revenue Member will take the necessary steps in the matter. It is the duty of Government to see that the relations between them and the ryots are not strained.

The Honourable the PRESIDENT : The honourable member's time is up.

Rao Bahadur B. R. NAIK : I do not want to say anything on other items of the budget, because sufficient has been said with regard to them. I really wonder what will be the fate of the successor of the present Finance Member. I am quite sure that the little surplus in the Famine Insurance Fund that we have will decrease next year, and it will come to the vanishing point the year after. I therefore say that Government should retrench as much as possible.

The Honourable the PRESIDENT : The House is now adjourned till 2 p.m., to-morrow, Wednesday, the 22nd February 1928.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Wednesday, the 22nd February 1928

The Council re-assembled at the Town Hall, Bombay, on Wednesday, the 22nd February 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR, Mr.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BALAK RAM, Mr.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE

JADHAV, Mr. B. V.
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALJI NARANJI, Mr.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. G. I.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHIVDASANI, Mr. H. B.

SMART, Mr. W. W.

SMYTH, Mr. J. W.

SOLANKI, Dr. PURUSHOTTAMRAI G.

SURVE, Mr. V. A.

SWAMINARAYAN, Mr. J. C.

SYED MUNAWAR, Mr.

THAKOR OF KERWADA, the

THORNBER, Mr. J. P.

TURNER, Mr. C. W. A.

VANDEKAR, Rao Saheb R. V.

WASIF, Mr. G. A. D.

WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

SHOLAPUR-BARSI ROAD

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Will Government be pleased to state—

(*a*) whether it is a fact that regular motor traffic has been started between Sholapur and Barsi:

(*b*) whether it is a fact that the whole length of this road does not lie in British territory; if so, how many miles of this road are in British territory and how many miles in that of His Exalted Highness the Nizam's?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes.

(*b*) Yes; a length of 32 miles and 3 furlongs is in British Territory and the remaining length of 8 miles is in His Exalted Highness the Nizam's territory.

EDUCATIONAL INSPECTORS: CLERKS

MOULVI RAFIUDDIN AHMAD (Central Division): Will Government be pleased to give in a tabular form the following:—

the number of clerks (1) Brahmin, (2) Non-Brahmin and (3) Muhammadan in the offices of the Educational Inspectors, Northern Division, Bombay Division, Central Division and Southern Division, together with their salaries and period of service?

The Honourable Dewan Bahadur HARILAL D. DESAI: The accompanying statement gives the information required:—

STATEMENT

Name of office	Total number of clerks in the office	Number of clerks			Pay	Total period of service (approximately) on 1st October 1927	Remarks
		Brahmin	Non-Brahmin	Muhammadan			
1	2	3	4	5	6	7	8
					Rs.	Y. m. d.	
Educational Inspector, Bombay Division.	12	1	..	..	160	25 2 0	
		1	..	..	165	24 9 0	On deputation to the Elphinstone College, Bombay, and a Muhammadan has been appointed to officiate for him on Rs. 40 per mensem.
		1	..	..	140	25 4 0	
		1	..	..	135	19 9 0	
		1	..	..	130	18 9 0	
		1	..	..	120 *plus* 1 P. A.	19 3 0	
		1	..	..	100	18 3 0	
		1	..	..	100	19 8 0	
		1	..	..	95	14 11 0	
		1	..	..	75	13 3 0	
		1	..	..	60	9 1 0	
		1 Ag.	..	..	45	3 8 0	
		12					
Educational Inspector, Central Division.	13	1	..	..	185	26 11 13	
		1	..	..	185	25 10 17	
		1	..	..	140	23 9 16	
		1	..	..	140	20 6 0	
		1	..	..	140	20 3 16	On deputation as Head clerk to the Administrative Officer, District School Board, Kolaba.
		1	..	..	100	15 8 26	
		1	..	..	80 *plus* 30*	13 6 0	*Stenographer's allowance.
		1	..	..	75 *plus* 10†	12 4 7	†Typing allowance.
		1	..	..	65	11 4 15	
		1	..	..	65	10 2 0	
		1	..	..	65	9 4 1	
		1Ag.	..	..	75	4 0 28	A graduate.
		..	1‡	..	40	1 2 15	‡Maratha.
		12	1				

Name of office	Total number of clerks in the office	Number of clerks			Pay	Total period of service (approximately) on 1st October 1927	Remarks
		Brahmin	Non-Brahmin	Muhammadan			
1	2	3	4	5	6	7	8
					Rs.	Y. m. d.	
Educational Inspector, Northern Division.	14	..	1	..	185	32 1 26	
		1	..	..	155	26 8 4	
		..	1	..	140	30 11 16	
		..	1	..	140	25 4 21	
		1	..	..	140	24 10 15	
		..	1	..	100	20 8 29	
		1	..	..	100	16 6 13	
		..	1	..	100 *plus* 40*	15 7 19	*Stenographer's allowance.
		..	1†	..	100	8 3 1	†Is a Christian.
		1	..	..	80	13 11 11	
		1	..	..	80	12 6 22	
		..	1	..	80	14 5 8	
		..	1	..	60	8 6 11	
		..	..	1	50	6 3 1	
		5	8	1			
Educational Inspector, Southern Division.	10	1	..	..	170	28 9 18	
		1	..	..	160	25 1 1	
		..	1	..	140	22 5 24	
		..	1	..	105	24 9 1	
		1‡	..	..	100	15 7 0	‡On deputation to the office of the Director of Public Instruction.
		1	..	..	95	14 10 11	
		1	..	..	75	14 1 24	
		1	..	..	75	13 3 29	
		1	..	..	70 *plus* 10§	10 5 4	§Typing allowance.
		1	..	..	55	7 1 2	
		8	2	..			

MUNICIPALITIES IN CENTRAL DIVISION : NOMINATED MEMBERS

MOULVI RAFIUDDIN AHMAD (Central Division): Will Government be pleased to give in a tabular form how many nominated members have been appointed in each of the municipalities in the Central Division from among the Muhammadan, the Brahmin and the Non-Brahmin communities during the last three years ?

The Honourable Sir GHULAM HUSSAIN : The accompanying statement gives the information required :—

Statement showing the figures of nominated councillors on the Municipal Boards in the Central Division from the communities noted for the years 1924, 1925 and 1926

Name of Municipality	1924			1925			1926			Remarks
	Muhammadans	Brahmins	Non-Brahmins	Muhammadans	Brahmins	Non-Brahmins	Muhammadans	Brahmins	Non-Brahmins	
Ahmednagar										
Ahmednagar ..	1	1*	6	1	1	5	1	1	5	*New nomination on one Non-Brahmin having resigned.
Sangamner ..	.	1	1	..		2	..	.	2	New elections.
Vambori@ ..	1		1	1		1	1	.	1	@ These nominations were made in 1923 and continued till 1927 when the Municipality was abolished.
Total ..	2	2	8	2	1	8	2	1	8	
East Khandesh										
Dharangaon ..	..	.	2	..	..	2	..	..	2	
Faizpur ..	1	..	2	1	..	2	1	..	2	
Erandol ..	.	.	2	..	1*	1	..	1	1	*New nomination on one Non-Brahmin having been disqualified.
Raver ..	1	.	2	1	..	2	1§	..	2	§New nomination owing to new elections.
Chopda ..	1	..	1	1	.	1	..@		2	@New nomination owing to new elections.
Chalisgaon ..	.	..	2	..	..	2	.		2	
Parola ..	..	1	1	..	1	1	1†	.	1	†New nomination owing to new elections.
Yawal ..	..	..	3	..	..	3	..		2‡	‡The change was due to one more *ex-officio* being appointed.
Amalner ..	2	..	1	2	.	1	1§	..	2	§New nominations owing to new elections.
Jalgaon ..	2	..	1	..‖	..	3	..	.	3	‖New nominations owing to new elections.
Savda ..	1	..	2	1	..	1¶	1	..	1	¶New nominations owing to new elections. Change due to one more *ex-officio* being appointed
Bhusawal ..	1	..	2	1	..	2	1	..	2	
Total ..	9	1	21	7	2	21	6	1	22	

Name of Municipality	1924			1925			1926			Remarks
	Muhammadans	Brahmins	Non-Brahmins	Muhammadans	Brahmins	Non-Brahmins	Muhammadans	Brahmins	Non-Brahmins	
West Khandesh										
Dhulia ..	1	2	1	1	2	1	1	2	1	
Sind Kheda ..	1	..	1	..*	..	2	1†	..	1	*Deceased. †New nominations owing to new elections.
Shirpur ..	..	1	1	..	1	1	..	..‡	2	‡New nominations owing to new elections.
Shahada ..	..	..	2	..	..	2	..	..	2	
Taloda ..	1	..	2	1	..	2	1§	..	2	§New nominations owing to new elections.
Nandurbar ..	1	..	1	1	..	1	1‖	..	1	‖New nominations owing to new elections.
Betawad ..	1	..	2	1	..	2	..¶	..	3	¶New nominations owing to new elections.
Total ..	5	3	10	4	3	11	4	2	12	
Nasik										
Nasik ..	2	..	1	2	..	1	2	..	1	
Yeola ..	1	1	1	..*	1	2	..	1	2	*New nominations owing to new elections.
Malegaon ..	..	2	..	..	2	..	..	2	1†	†New nominations owing to new elections.
Sinnar ..	1	..	1	1	..	1	2‡	..	..	‡New nominations owing to new elections.
Igatpuri ..	..	..	2	..	..	2	..	..	3	One more non-official was nominated as the *ex-officio* member resigned.
Nandgaon ..	1	..	1	..§	1	1	..	1	1	§New nominations owing to new elections.
Bhagur ..	..	..	..	1	..	2	1	..	2	The Municipality was established in 1925.
Trimbak ..	1	..	1	..$	..	2	..	..	2	$New nominations owing to new elections.
Total ..	6	3	7	4	4	11	5	4	12	

Name of Municipality	1924			1925			1926			Remarks
	Muhammadans	Brahmins	Non-Brahmins	Muhammadans	Brahmins	Non-Brahmins	Muhammadans	Brahmins	Non-Brahmins	
Poona										
Alandi ..	..	..	2	..	..	2	..	..	2	
Baramati ..	..	1	2	..	1	2	..	1	2	
Indapur ..	..	2	..	..	1	1*	..	1	1	*New nomination on one Brahmin having resigned.
Jejuri ..	..	2	..	..	2	..	..	2	..	
Junnar ..	1	1	1	1	1	1	1	..†	1	†New nominations owing to new elections. One more member appointed as an *ex-officio*.
Lonavla ..	..	..	2	..	..	2	..	..	2	
Poona City ..	2	3	2	2	2‡	2	2	2	2	‡Change due to new elections. One member was appointed as an *ex-officio*.
Poona Suburban	..	..	3	..	..	3	..	..	3	
Saswad ..	..	2	..	..	2	..	..	2	..	
Sirur ..	..	..	2	..	..	2	..	..	2	
Talegaon Dabhade.	..	..	3	..	..	3	..	..	2§	§New nominations. An *ex-officio* was appointed in place of the Non-Brahmin.
Total ..	3	11	17	3	9	18	3	8	17	
Satara										
Satara Suburban.	2	1	4	2	1	4	2	..‖	4	‖New nominations. Government reduced the number of nominated members from 14 to 12 and 6 of them were *ex-officio*.
Mahableshwar ..	1	1	4	1	1	4	1@	1	4	@New nominations owing to new elections.
Ashta ..	..	..	2	..	..	2	..	..	2	
Islampur ..	..	..	2	..	..	2	..	..	2	
Karad ..	..	..	2	..	..	2	1	..	1	New nominations owing to new elections.
Mhaswad ..	..	..	2	..	..	2	..	..	2	
Panchgani ..	..	..	1	..	..	2¶	..	..	2	¶New nominations owing to new election. There was no *ex-officio* as in the previous year. Both the nominated members were officials.

Name of Municipality	1924			1925			1926			Remarks
	Muhammadans	Brahmins	Non-Brahmins	Muhammadans	Brahmins	Non-Brahmins	Muhammadans	Brahmins	Non-Brahmins	
Satara—contd.										
Rahimatpur ..	..	..	2	..	..	2	..	1*	1	*New nominations owing to new elections.
Satara City ..	1	1	2	1	1	2	1	2†	1	†New nominations owing to new elections.
Tasgaon ..	..	..	2	..	..	2	..	..	2	
Vita ..	..	1	1	..	1	1	..	..@	2	@New nominations owing to new elections.
Wai ..	..	..	2	..	..	2	..	..	2	
Total ..	4	4	26	4	4	27	5	4	25	
Sholapur										
Sholapur ..	..	1	6	..	1	6	1	1	5	The general elections took place in 1923 and continued in 1924 and 1925. New elections took place in 1926.
Barsi ..	..	..	3	..	..	3	..	..	3	
Karmala ..	..	1	2	..	1	2	..	1	2	
Pandharpur ..	..	1	2	..	1	2	..	1	2	
Sangola ..	..	1	2	1*	..*	2*	1	..	2	*The original nominated members were disqualified and 1 Muhammadan and 2 Non-Brahmins nominated instead.
Total ..	..	4	15	1	3	15	2	3	14	
Grand Total ..	29	28	104	25	26	111	27	23	110	

"YATRAS": PRESENCE OF LEPERS

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) whether they have issued any orders to the authorities concerned at Pandharpur, Alandi and Nasik to prevent persons suffering from leprosy from moving in the "Yatra;"

(*b*) if the reply to (*a*) be in the negative, what action they are going to take?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) The Lepers Act has already been applied to the Nasik City Municipal District and the Cantonment of Deolali, and the question of applying it to Pandharpur is under consideration. The advisability

of making section 39 of the District Police Act applicable to the Jatra area at Alandi from the 10th day of the latter half of Kartik to the end of that month is under consideration.

Mr. R. S. ASAVALE : How long will it take for consideration in an important matter like this ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is not an easy matter and consequently it will have to take some time.

The Honourable the PRESIDENT : I request honourable members to speak much louder than they do, because it is impossible for me to follow.

VILLAGE BURNING GROUND, BAG : DEPOSIT BY VILLAGERS

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) whether it is a fact that the Collector of Ratnagiri has asked the villagers of Bag, a part of Guhagar in the Ratnagiri District, to deposit a sum of Rs. 400 in connection with the burning ground of the village ;

(*b*) if so, why ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) The site applied for for use as a burning ground is situated in the middle of a Casuarina plantation maintained by the Forest Department. In view of the danger of fire, the Collector asked the villagers to deposit a sum of Rs. 400 as security that they would carefully attend to the pyres and would prevent sparks from spreading to the plantation. They declined to deposit the money, and the Collector in consequence refused to grant the site.

Mr. S. K. BOLE : Are Government aware that the villagers are not in a position to pay the required amount ?

The Honourable Mr. J. L. RIEU : I am not so aware.

Mr. S. K. BOLE : Is it not a fact that this action of Government will cause great hardship on the poor villagers ?

The Honourable Mr. J. L. RIEU : I believe not.

PRIMARY EDUCATION : GOVERNMENT GRANTS

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) the amounts provided for in the provincial budgets for 1925-26 and 1926-27 for grants to local authorities for expansion of primary education as well as the expenditure incurred during those two years separately ;

(*b*) the names of local authorities and the amounts of grants paid to them during 1925-26 and 1926-27 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) The sub-joined statements marked A and B give the information required.

A

Year	Amount provided in the Provincial budget for grants to Local Authorities for expansion of primary education	Expenditure incurred from the provision on account of expansion of primary education
	Rs.	Rs.
1925-26	6,76,750	1,67,603
1926-27	8,50.000	2,38,108

B

	Name of Local Authority	Grants paid on account of expansion of primary education during	
		1925-26	1926-27
		Rs.	Rs.
1.	District Local Board, Thana	....	1,680
2.	Do. do. Satara	66,306	1,17,210
3.	Do. do. Sholapur	10,474	15,200
4.	Do. do. Ahmednagar ..	16,269	15,608
5.	Do. do. East Khandesh ..	38,172	37,696
6.	Do. do. West Khandesh ..	7,500	8,060
7.	Do. do. Belgaum	12,466	24,526
8.	Do. do. Karachi	1,633	2,174
9.	Do. do. Hyderabad ..	1,228	1,354
10.	Do. do. Nawabshah ..	1,474	1,670
11.	Do. do. Thar and Parkar ..	3,676	3,168
12.	Do. do. Upper Sind Frontier ..	3,837	4,202
13.	Do. do. Larkana	4,568	5,560
	Total ..	1,67.603	2,38,108

In addition to the expenditure shown above grants were paid to Local Authorities to the extent of Rs. 2,16,346 and Rs. 2,48,721 (for details *vide* sub-joined statement C) during the years 1925-26 and 1926-27, respectively, for items other than expansion of primary education resulting directly or indirectly on account of the introduction of the Bombay Primary Education Act, 1923, *e.g.*, grants to aided schools under Primary Education Rules 89 to 91.

C

Statement showing expenditure from the allotments of Rs. 6,76,750 and Rs. 8,50,000 on items other than expansion of primary education

1925-26

	Rs.
(*i*) Grants to certain District Local Boards on account of non-Local Authority Municipal Schools ..	2,16,346

1926-27

(*i*) Additional allotment for grants to approved schools	70.749
(*ii*) Grants to District Local Boards on account of non-Local Authority Municipal Schools at 2/3rds instead of 1/2 rate	1,00,466
(*iii*) Increase in grants to District Local Boards equal to 1/12 of local assets for non-recurring expenditure...	77,506
Total ..	2,48,721

TOLL BAR: GUHAR-DABHOL ROAD

Mr. S. K. BOLE: Will Government be pleased to state—

(*a*) whether it is a fact that a lower bid of Rs. 800 was accepted at the auction sale of the toll on the road between Guhar and Dabhol in the Ratnagiri district when there was an offer of Rs. 2,000 as stated in the *Navayuga* Marathi weekly dated the 3rd July 1927;

(*b*) whether one of the toll nakas has been abolished and, if so, why?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes: an offer of Rs. 2,000 was made by telegram on certain conditions which were unreasonable and could not, in the interests of the people of Guhagar, be accepted by the Local Board.

(*b*) There was no second toll naka on the road in question, and hence none was abolished. A checking station was, however, discontinued: presumably, this is referred to by the Honourable Member.

KALYAN MUNICIPALITY: IRREGULARITIES

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) whether they are aware that there are serious irregularities in the accounts of the Kalyan Municipality;

(*b*) whether they are aware that the Collector of the Thana District refused to investigate the matter even though he was informed of the irregularities by a councillor of the said municipality;

(*c*) whether they are aware that complaints were lodged against two councillors of the Kalyan Municipality;

(*d*) whether they are aware that the papers relating to the said complaints were called for by the Collector of Thana and were kept by him for several days;

(*e*) the reasons why the Collector of Thana refused to investigate the matter relating to the irregularities in the accounts of the Kalyan Municipality;

(*f*) why the papers relating to the criminal complaints against the councillors were called for by the Collector?

The Honourable Sir GHULAM HUSSAIN: (*a*) The alleged irregularities are not in the municipal accounts proper but in the preparation of the muster roll of daily workers and the unauthorised use of bullocks hired by the Municipality. It cannot at present be stated that the alleged irregularities are serious.

(*b*) Certain Municipal Councillors verbally represented to the Collector that money was spent on coolies without any proper muster rolls being maintained and requested the Collector to investigate the matter. The Collector did not consider it necessary to interfere at that stage and informed them that the proper course was to bring the matter up before the Municipality. It is reported that the Managing Committee of the Municipality was then moved by one of the Members of the Committee which promptly appointed a sub-committee to inquire into the matter. The report of the sub-committee is under the consideration of the Managing Committee.

(*c*) Yes.

(*d*) No such papers were called for by the Collector.

(*e*) The Collector would not have been justified in taking action on the verbal representation of the two councillors who had not even approached the President, especially as he was aware that a factious spirit exists among the members.

(*f*) Does not arise.

TRAINING COLLEGES

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether there is a training college in the Southern Division;

(*b*) if the reply be in the affirmative, the proportion of the first year trained, second year trained and third year trained teachers to the total number of teachers in that Division;

(*c*) similar figures for the Northern Division and the Central Division?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) There is a Government Training School (formerly Training College for Men) at Dharwar.

(*b*) and (*c*) The accompanying statement gives the information required:—

Name of the Division	Proportion of trained teachers to the total number of teachers			Remarks
	1st Year	2nd Year	3rd Year	
	per cent.	per cent.	per cent.	
Southern Division	24	24	22	
Northern Division	33	13	19	
Central Division	26	16	9	

WATER SUPPLY, KARAD : HOUSE CONNECTIONS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) the number of house-connections in Karad town that was anticipated at the time of preparing the water-supply project, Karad (Satara District);

(*b*) the number of house-connections in the beginning of the year 1927-28 ?

The Honourable Sir GHULAM HUSSAIN: (*a*) 600.

(*b*) 504.

Mr. L. M. DESHPANDE: May I know whether this answer is correct or the one given on page 50 of Volume XX ? There it is stated that the reason is that the number of house connections in the town has increased beyond that anticipated at the time of preparing the project. Now, the number anticipated is 600 and the number at the beginning of the year 1927-28 is 504.

The Honourable Sir GHULAM HUSSAIN: I want notice.

Mr. L M. DESHPANDE: Sir, the answers are there. What sort of notice is required ?

The Honourable the PRESIDENT: The Honourable Minister wants notice in order to see how the discrepancy, if any, has occurred.

Mr. L. M. DESHPANDE: Am I again to give notice ?

(No reply.)

ENTERTAINMENT TAX : RACE COURSES

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) (*i*) the names of the companies, firms, or individuals who hold licenses under the Bombay Race Course Licensing Act, 1912; and

(*ii*) the names of places where the races are held;

(*b*) the total income derived by these license holders from every course in the two preceding years;

(*c*) the amount of entertainment tax paid by each of them for every race course during the two preceding years;

(*d*) the amount of totalizator tax paid by each of them for every race course during the two preceding years;

(*e*) the amount of entertainment tax paid by such of them as were in existence for every race course in the second year of the imposition of the entertainment tax ?

The Honourable Sir CHUNILAL MEHTA: (*a*) and (*b*) Already answered.

(*c*)

Race course	1925-26	1926-27
	Rs. a.	Rs. a.
Mahaluxmi (Bombay)	1,83,526 12	1,90,610 2
Cantonment of Poona	85,650 11	55,131 2
Cantonment of Karachi	1,357 8	1,325 1

The entertainment Duty Act does not apply to the Cantonments of Hyderabad and Kirkee.

(*d*)

Race course	1925-26	1926-27
	Rs. a. p.	Rs. a. p.
Mahaluxmi (Bombay) . ..	7,27,032 0 0	10,52,799 0 0
Cantonment of Poona	*Nil.*	4,28,472 3 0

The Totalizator Betting Tax does not apply to other race courses.

	Rs.	a.
(*e*) Mahaluxmi (Bombay)	2.88,328	5
Cantonment of Poona	95,924	11
Cantonment of Karachi	1,340	10

PANCHGANI MUNICIPALITY

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether there is any person from the depressed classes on the Panchgani Municipality in the Satara district either elected or nominated;

(*b*) whether it is the declared policy of Government to make nominations from the minority communities especially depressed who are unable to send their representatives in the election;

(*c*) whether it is a fact that a person from the depressed classes is nominated to the Municipalities and local boards in the Satara district;

(*d*) whether it is a fact that the Mahalkari, an *ex-officio* nominated member of the Panchgani municipality has lately resigned;

(*e*) whether it is a fact that the nomination of a non-official European member was made in his place within almost a week of the resignation of the Mahalkari although there is one elected and one nominated member of the European community on the Panchgani municipality;

(*f*) if there is no person from the depressed classes on the Panchgani municipality why such a nomination was not made although there was representation from the inhabitants of Panchgani;

(*g*) whether there is any other municipality in the Satara district where there is no *ex-officio* member;

(*h*) the reasons for the resignation of the Mahalkari?

The Honourable Sir GHULAM HUSSAIN: (*a*) No.

(*b*) The policy of Government in making nominations is to adjust anomalies of representation of all communities whether separately represented or otherwise.

(*c*) Yes. A member of the Depressed classes has been nominated on the boards of seven Municipalities, the District Local Board, and eight Taluka Local Boards.

(*d*) Yes.

(*e*) The Mahalkari tendered his resignation on the 5th June and a non-official European member was nominated on the 22nd June 1927.

(*f*) A representation was received but not till two days before the Commissioner sanctioned the new nomination. There are special grounds for the nomination made. Panchgani is a hill station dependent for its very existence on (1) various public institutions, *e.g.*, the European, Parsi, Hindu and Muhammadan boarding schools and the sanitorium for consumptives (2) available residential facilities for a comparatively well-to-do class of persons. It is essential that the municipal administration of Panchgani should be definitely representative of these interests.

(*g*) There is no Municipality in this District where there is no *ex-officio* member.

(*h*) The Mahalkari was unable to attend the meetings of the Panchgani Municipality regularly especially in the rains. He is required to supervise the municipal work of the Mahableshwar Municipality being the Vice-President of the Board. As it was inconvenient for him to attend to the Municipal affairs of Panchgani in addition, he tendered his resignation.

LAND REVENUE, TASGAON TALUKA

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether it is a fact that a proclamation was published in Tasgaon taluka, district Satara, on 27th January 1927 calling on the landholders to pay the Government dues before the 10th February 1927;

(*b*) what is the time prescribed by rules for the payment of the first instalment in Tasgaon taluka;

(*c*) whether any fines were imposed under section 148 without issuing any notice of demand under section 152;

(*d*) the total amount of fines so collected?

The Honourable Mr. J. L. RIEU: (*a*) A circular was issued by the Mamlatdar of Tasgaon on 18th January 1927 calling upon landholders to pay their land revenue before 10th February 1927.

(*b*) In the case of the 37 kharif villages the time prescribed for the payment of the first instalment is 5th January, and in the case of the 12 rabi villages, 5th February.

(*c*) Yes, in four cases.

(*d*) Rs. 60.

Mr. L. M. DESHPANDE: With regard to (*a*) when the date fixed was the 15th of February, how was it that the people were asked to pay the land revenue before the 10th February?

The Honourable Mr. J. L. RIEU: Presumably the mamlatdar was aware of the fact that people were not paying promptly.

Mr. L. M. DESHPANDE: So, people who paid after the 10th February were fined?

The Honourable Mr. J. L. RIEU: Presumably so.

S. M. S. OFFICERS : G. T. HOSPITAL AND C. J. OPHTHALMIC HOSPITAL

Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister of Education be pleased to state—

(1) the number of officers of the subordinate medical service employed at the Goculdas Tejpal Hospital and at the Cowasji Jehangir Ophthalmic Hospital, Bombay, respectively ;

(2) the actual salary drawn by each officer with allowances, etc. ;

(3) the duties performed by each officer ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (1) Four permanent S. M. S. officers at each of the two hospitals. At present there are two additional officers at the G. T. Hospital and one at the Sir C. J. Hospital on general duty.

(2) and (3) The information is contained in the accompanying statement :—

Statement

——	Pay per mensem	Allowances	Duties
G. T. Hospital	Rs.		
One Officer ..	179	Compensatory allowance Rs. 10 *plus* Duty allowance Rs. 30 and free quarters.	In charge of the Casualty Department, Medical and Laboratory stores.
One Officer ..	102	Compensatory allowance Rs. 10 *plus* free quarters.	Ward work and duties of an Anæsthetist.
One Officer ..	151	Compensatory allowance Rs. 10 *plus* X-Ray allowance Rs. 15 *plus* free quarters.	In charge of the X-Ray Department stores and is an assistant to the Radiographer.
One Officer ..	102	Compensatory allowance Rs. 10 *plus* free quarters.	Ward work and anæsthetical work in the Outdoor Department or second theatre.
Two Officers (on general duty).	102 (each).	House rent allowance Rs. 30 (each).	On general duty and as leave reserve. *Note.*—All the officers take a turn of day and night duty together with the Resident Medical Officer.
Sir C. J. Ophthalmic Hospital			
One Officer ..	151	Charge allowance Rs. 30 *plus* free quarters.	The duties performed by each officer by rotation—
Two Officers ..	102 (each).	Compensatory allowance Rs. 10 *plus* free quarters (each).	1. Day and night duties by turns, to attend to casualty department and wards.
One Officer ..	123	Compensatory allowance Rs. 10 *plus* free quarters.	2. Writing clinical notes on indoor and outdoor case sheets. 3. Training and preparing patients for operations.
One Officer (on general duty).	102	Compensatory allowance Rs. 10 *plus* Rs. 30 house-rent allowance.	4. Administering anæsthesia, local and general. 5. Assisting at major operations. 6. Performing all minor operations. 7. Helping in post-operative treatment to in-patients until discharge, for which they take duty by turns. 8. General work in out-patient department such as washing, dressing-, vision testing, etc. 9. The senior officer does general supervision of the work of all departments, medical, clerical, menial, etc., and performs all medico-legal court work.

MOTLIBAI HOSPITAL : RESIDENT LADY REGISTRARS

Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister of Education be pleased to state—

(*a*) whether it is a fact that for some years no lady graduate in medicine has been appointed as a *resident* registrar at the Motlibai Obstetric Hospital, Bombay ;

(*b*) whether it is a fact that some years ago ladies were appointed as residents and were provided with quarters on the premises ;

(*c*) why the change has now been made and for what purposes the quarters occupied by the last lady registrar are now being used ;

(*d*) whether it is a fact that the quarters are now used for private patients ;

(*e*) whether he intends to arrange for such quarters in the new extension to the hospital which is under consideration and in the meantime make arrangements with the nursing association (to which the Government contributes) every year to house the lady registrar ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) No. On one occasion a woman fellow was provided with a room in the hospital and that too for about three months.

(*c*) and (*d*) The premises were not designed nor are they suitable for a resident registrar. They are now used for hospital patients (not private patients), the purpose for which they were constructed.

(*e*) This will be done as part of the general scheme for accommodation of resident staff. Arrangements cannot at present be made with the nursing association, as that body is now unable to house the full strength of the nursing staff.

Dr. M. D. GILDER : Is the Honourable Minister aware that the men and women pay the same fees and attend the same classes ? Why should the room be monopolised by men and lady resident registrars should not be appointed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : This is only a case of want of accommodation.

Dr. M. D. GILDER : When will accommodation be provided ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It will take about two years.

Dr. M. D. GILDER : Can some arrangement be made in the meantime ?

The Honourable Dewan Bahadur HARILAL D. DESAI : When there are no rooms the question will be how to provide rooms. That too will take some time.

LIQUOR LICENSES

Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister of Excise be pleased to state—

(*a*) the difference between—

(*i*) " temporary refreshment stalls,"

(*ii*) " temporary licenses for foreign liquors,"

(*iii*) all other special retail licenses for foreign liquors,"
as tabulated in the excise administration report for 1925-26 ;

(*b*) the fees charged for each such license per day ?

The Honourable Mr. G. B. PRADHAN : (*a*) and (*b*) The Honourable Member presumably refers to columns 25 and 26 of Imperial Return No. III appended to the Excise Administration Report.

(*i*) Temporary refreshment stalls are stalls licensed in Bombay City for the sale of foreign liquors on occasions such as dances, sports, etc., on payment of a fee of Rs. 5 per diem.

(*ii*) Corresponding to the temporary refreshment stall licenses in Bombay, short-term licenses are issued in the mofussil on similar occasions on payment of a fee of Re. 1 per diem. These are the ' other temporary licenses for foreign liquors ' mentioned in column 25 of Imperial Return III.

(*iii*) The Special retail licenses included in column 26 of the Return are :—

(1) Auctioneer's licenses.

(2) Military Canteen licenses.

(3) Licenses for the sale of essences.

(4) Licenses for the manufacture of perfumed spirits by admixture.

(5) Licenses for the manufacture of flavouring essences by admixture.

The Honourable Member is referred to paragraphs 191, 194, 195, 197 and 162 of Volume I of the Bombay Excise Manual for a description of these licenses and for the fees prescribed in respect thereof.

Mr. P. R. CHIKODI : Is this policy in furtherance of the policy of prohibition ?

The Honourable Mr. G. B. PRADHAN : It does not interfere with the policy of prohibition at all.

TALATIS FROM WATANDAR FAMILIES

Mr. B. V. JADHAV (Satara District) : Will the Honourable the Revenue Member be pleased to state, with reference to his reply to my question printed at page 65 of Volume XX of the Bombay Legislative Council Debates, how many of the 12 talatis who have been in charge of the same saja for more than ten years belong to the watandar families ?

The Honourable Mr. J. L. RIEU : Ten.

IRRIGATION TANKS

Rao Bahadur S. T. KAMBLI on behalf of Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(*a*) how many irrigation tanks there are for the village Chabbi, taluka Hubli ;

(*b*) what is the irrigation cess per year on the Tari lands under these tanks ;

(*c*) whether it is a fact that the irrigators below the tank have not been getting sufficient water for the last ten or fifteen years for Tari crops and in spite of this they have been paying the water cess in addition to the land revenue ;

(*d*) whether it was contemplated that two feeder channels, one through black soil to the east of the tank and the other from the Benni Nala near the village, were to be constructed before the war ;

(*e*) whether the ryots of the village have made several applications in this respect to construct these feeder channels ;

(*f*) when will Government take steps to construct these feeder channels ?

The Honourable Sir COWASJI JEHANGIR : (*a*) There are three irrigation tanks in the village of Chabbi in Survey Nos. 123, 190 and 193.

(*b*) The irrigation share of the consolidated assessment on these tanks is Rs. 1,566-0-10 as detailed below :—

		Rs.	a.	p.
1.	Tank in survey No. 123	1,167	3	7
2.	Do. No. 190	160	9	6
3.	Do. No. 193	238	3	9
	Total ..	1,566	0	10

(*c*) In bad years crops under these tanks suffer from deficiency of water. In such years remissions of water rates are granted.

(*d*) In 1903 investigations were made for the construction of feeder channels from Bennihalla to the Hirekeri tank in survey No. 123 ; but the scheme was abandoned as the cost was prohibitive. However, other improvements to the tank consisting of repairs to the existing channels and provision of three outlets were carried out in 1910 and 1912.

(*e*) Three petitions were received in 1925.

(*f*) Government consider that the scheme of constructing feeder channels is not a practical proposition. The tanks have been surveyed and estimates for general repairs are being prepared.

SUBORDINATE JUDGE'S COURT, KARAD : WORK AND STAFF

Mr. S. C. JOSHI : Will Government be pleased to give a statement showing the number of suits, Darkhasts and other miscellaneous applications in the Subordinate Judges' Court at Karad and the strength of the staff employed there, year by year, since 1920 up-to-date ?

The Honourable Mr. J. E. B. HOTSON : A statement giving the information is placed on the Council Table :—

Statement showing the number of suits and Darkhasts and other miscellaneous applications and the strength of the staff since 1920 to the end of September 1927, in the Subordinate Judge's Court, Karad

Year	No. of Suits	No. of Darkhasts	No. of Miscellaneous Applications	Strength of the Staff
1920 ..	768	838	92	1 Clerk of the Court,
1921 ..	704	757	91	1 Nazir,
1922 ..	739	796	87	13 Clerks,
1923 ..	760	875	82	13 Process Servers,
1924 ..	836	944	95	8 Menials.
1925 ..	983	964	101	
1926 ..	1,044	1,040	112	
1927 (to the end of September 1927).	896	853	88	

KHOTI TENURE, KOLABA

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) whether the customary form of the Khoti kabulayat has been prepared as contemplated in the decision of the Honourable the High Court of Bombay in the case of Ganapati Gopal *versus* the Secretary of State, published in Indian Law Reporter 48 Bom. 599—26 Bom. L. R. 754;

(*b*) if not, in what form, and under what condition, Khoti kabulayats are taken in the Kolaba district since the decision quoted above;

(*c*) how long do Government intend to continue to take kabulayats in a temporary form;

(*d*) what compensation has been paid to the khots of Kolaba up till now for the illegal attachment of their villages by Government;

(*e*) what is the total expenditure incurred by Government for the litigation with the khots of Kolaba up till now;

(*f*) whether they intend to bring in legislation as regards Kolaba Khoti?

The Honourable Mr. J. L. RIEU: (*a*) No.

(*b*) Khoti kabulayats are prepared in the form which was current from the original survey till 1914-15 with the omission of clause 16 and with a change in the preamble to the effect that the kabulayat is passed in this form as a temporary measure, without prejudice to the rights of the parties pending the settlement of the final form.

(*c*) Until the new form is ready.

(*d*) Rs. 1,13,691-3-6.

(*e*) Rs. 1,22,675-6-11 since 1922-23. Figures prior to 1922-23 are not available.

(*f*) No.

Rao Bahadur R. R. KALE: With regard to (*c*) may I know how long it will take to get out the new form? It is nearly two years already.

The Honourable Mr. J. L. RIEU : I am afraid I cannot say. The question is a difficult one.

ACADEMY HIGH SCHOOL, KARACHI

Mr. M. S. KHUHRO (Larkana District): Will Government be pleased to state—

(*a*) whether they are aware that there is an aided Academy High School in Karachi (started through the efforts of Mr. Tayabali Alani, a Borah gentleman of Karachi) since many years ;

(*b*) whether it is a fact that 250 boys are receiving education at present in this school, out of whom 200 are Muhammadans, most of whom belong to Gujarathi and Urdu speaking families ;

(*c*) whether it is a fact that in the Sind Madressah, Karachi, over 1,200 boys (Muhammadans) are being educated and that it is not possible for this institution to accommodate many more boys ;

(*d*) whether they are aware of the importance of encouraging more institutions for secondary education of the Muslim boys, when owing to the spread of primary education the need of such institutions will invariably be great ;

(*e*) if the reply to (*d*) is in the affirmative, the reasons why substantial help is not being extended to this Academy School when the Hindu Model School and the Gujarathi Middle School, both started recently at Karachi, receive large grants from Government ;

(*f*) whether it is a fact that this Academy only received about a couple of thousand as grant-in-aid from Government whereas the Model School gets Rs. 10,000 (ten thousand) and the Middle School rupees five thousand (Rs. 5,000) from Government as an Annual Grant-in-aid ;

(*g*) what steps they propose to take in encouraging this institution (Academy School) ;

(*h*) whether it is a fact that the secretary of the Karachi Academy school has requested Government for a grant of Rs. 6,000 annually ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes. The Karachi Academy has been in existence since 1924-25.

The school originally started by Mr. Tayabali in 1909 was the Madressah Hussany which was closed in 1924-25 and the same school was given a new name, the Karachi Academy.

(*b*) There are in all 216 boys in school, of whom 177 are Muhammadans.

The majority belong to the Borah Community, speaking Gujarati.

(*c*) Yes.

Boys in the High School section of the Sind Madressah	1,023
Boys in primary section	238

The primary branches of the Sind Madressah are likely to be abolished to secure more accommodation for the secondary classes.

(*d*) At present there is no need of additional institutions for secondary education of Muslim boys in Karachi.

(*e*) (1) The Model High School was started at the direct invitation of Government at a very short notice to meet an urgent demand and was awarded grant under rule 6 of the Grant-in-aid Code.

(2) The Karachi Middle School did not get the grant due according to the Code.

(*f*) The grants received were as under :—

	Rs.
(1) Model High School, Karachi	8,227
(2) Karachi Academy	2,015
(3) Karachi Middle School	1,514

(*g*) and (*h*) The Secretary has applied for a grant of Rs. 5,000 in the current year. The expenditure in 1926-27 being Rs. 12,012, the school is eligible for a grant of Rs. 4,004 in the current year if funds permit.

Mr. M. S. KHUHRO : May I know if the grant will be made this year ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The answer shows that the Secretary has applied for a grant of Rs. 5,000 in the current year ; that the expenditure in 1926-27 being Rs. 12,012, the school is eligible for a grant of Rs. 4,004, and that that will be paid in the current year if funds permit.

AGRICULTURAL LANDS : HOLDINGS OF MUSSALMANS AND HINDUS

Mr. M. S. KHUHRO (Larkana District) : Will Government be pleased to state separately for each district and for each of the following periods, *viz.*, in 1843, 1864-65 the period of first settlement, in 1879-80 the period of irrigation settlement, and in 1927-28 the area of the agricultural land possessed by Mussalman zamindars and Hindu zamindars separately ?

The Honourable Mr. J. L. RIEU : Even if the information were available, it could only be procured with an undue expenditure of time and labour. Government, therefore, regret their inability to answer the Honourable Member's question.

LAND SALES, VADRAD : CONDUCT OF CIRCLE INSPECTOR

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) whether any inquiry has been made against the conduct of the Circle Inspector in the auction sale of the survey numbers 632, 634, 635, 636, 637, 638, 639, 647, 648, 649 of Vadrad, taluka Prantij ; if not, why has it not been made although more than about eight months have passed ;

(*b*) if his conduct was suspicious, what action has been taken against him ;

(*c*) if his conduct was found suspicious, why is he retained in his present post of Circle Inspector ;

(*d*) whether they intend to take any action against him, and if so what action ?

The Honourable Mr. J. L. RIEU : (*a*) An inquiry was made.

(*b*) The honourable member is referred to the reply given to clause (*b*) of the question put by him on 21st February 1928.

(*c*) Disciplinary action was taken and was considered sufficient by the Collector and the Commissioner.

(*d*) No.

CIVIL COURT KARKUNS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) whether it is a fact that karkun Gulamrasul Bannumia who has been working as an acting karkun for nearly one and half years and was lastly working as an acting karkun in the leave vacancy of Pahadsing Dalsing at the Dohad sub-court was replaced by the District Judge, Broach and Panch Mahals Districts, on the eve of the last vacation which commenced from the 13th April 1927, while karkun Champaklal T. Gambhiwala who was working as an acting karkun in the leave vacancy of Hiralal Jagannath whose leave was for a month or so was allowed to work in the vacation up to 21st April, while Pahadsing Dalsing took charge on the 1st May 1927 ;

(*b*) if so, why karkun Gulamrasul was not given chance of acting during the vacation as karkun Champaklal was given ;

(*c*) whether it is a fact that the last three Muslim karkuns who have been working as acting karkuns in the sub and district courts of Broach and Panch Mahals district courts are not yet made permanent ;

(*d*) whether it is a fact that in the Judicial Department of the Broach and Panch Mahals Districts only four Muslim karkuns have been appointed since the passing of the resolution (about the recruitment of 50 per cent. backward classes and Muslims in Broach and Panch Mahals Districts) of whom one is permanent and the other three are acting ;

(*e*) whether it is a fact that no Muslims are appointed to act when any leave vacancies occur ?

The Honourable Mr. J. E. B. HOTSON : (*a*) and (*b*). Karkun Ghulam Rasul was displaced at the beginning of the Easter holidays because Karkun Pahadsing Dalsing during whose leave he was acting was expected to rejoin immediately after the Easter holidays. Karkun Pahadsing, however, applied for 15 days' extension, but as these 15 days fell in the vacation it was unnecessary to recall karkun Ghulam Rasul. Karkun Hiralal's substitute Mr. Champaklal was not disturbed because the period for which he was acting was to end only 8 days later.

(*c*) and (*d*). Owing to the reduction of 6 posts in the cadre of the District, there have been no permanent vacancies since 1924, and so no permanent appointments have been made.

(*e*) It is not a fact that no Muslims have been appointed in leave vacancies. They have had their full share of all such vacancies.

PRIMARY SCHOOLS IN AHMEDABAD, KAIRA, BROACH AND SURAT DISTRICTS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) how many villages have applied to the officers of the Educational or the Revenue Department for getting primary schools in their villages in the districts of Ahmedabad, Kaira, Broach and Surat from 1st April 1923 to 31st March 1927;

(*b*) how many villages have been given schools during these four years ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The following table gives the information required :-

District	No. of villages that applied for schools	No. of villages which were given schools	No. of villages which were given classes only
Ahmedabad ..	56	11	7
Kaira ..	88	8	6
Broach ..	42	12	9
Surat ..	66	9	19

TODDY TRAFFIC IN SURAT DISTRICT

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state—

(*a*) whether it is a fact that more toddy trees than are necessary for the requirements of the Surat City and talukas are given out for tapping in the Surat District;

(*b*) whether it is a fact that some of the trees assigned to the licensees are left untapped for want of consumption;

(*c*) whether it is a fact that more toddy than is necessary for the requirements of Surat City is brought for sale and consequently stale toddy remains in balance;

(*d*) whether it is a fact that in spite of the reduction in the number of toddy shops as it stood before 1920 by about 25 per cent., there is considerable increase in the number of trees now given out for tapping in the Surat District;

(*e*) whether it is a fact that the rationing fixed in the Surat District for liquor is more than the consumption of the district;

(*f*) whether it is a fact that in spite of the consumption in 1926-27 being less than the rationing fixed for the year, the rationing fixed for the year 1927-28 is higher than even that of the preceding year;

(*g*) if so, whether it means that Government want to have the consumption raised to the extent of the rationing.

The Honourable Mr. G. B. PRADHAN: (*a*) No.
(*b*) Yes.
(*c*) No.
(*d*) No.
(*e*) Yes.

(*f*) No. The ration of individual shops may be greater than the previous year's ration, but for the district as a whole it is less.

(*g*) Does not arise.

PRIMARY EDUCATION : TRANSFER TO LOCAL BOARDS

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) the approximate dates of transferring the control of primary education to the various district local boards in the Presidency ;

(*b*) the figures of the permanent grant (*i.e.*, datum line) fixed for each district local board that has taken over the control in the Bombay Presidency ;

(*c*) the actual date on which the datum line in each case has been fixed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The accompanying statement gives the information required.

(*b*) and (*c*) Datum Line grants to District Local Boards have not yet been fixed, the matter being still under consideration.

Name of District Local Board.		Date of transfer of control.
	Central Division	
Satara	..	1st June 1925.
Sholapur	..	1st August 1925.
Ahmednagar	..	1st June 1925.
East Khandesh	..	1st July 1925.
West Khandesh	..	1st December 1925.
Poona	..	1st September 1926.
	Southern Division	
Dharwar	..	1st March 1926.
Belgaum	..	1st February 1926.
Bijapur	..	1st January 1927.
Kanara	..	1st March 1926.
	Bombay Division	
Bombay Suburban	..	1st September 1925.
Thana	..	1st July 1925.
Nasik	..	1st October 1925.
Kolaba	..	1st April 1927.
Ratnagiri	..	1st June 1926.

Northern Division

Ahmedabad	..	Control not yet transferred.
Surat	..	
Broach	..	
Kaira	..	
Panch Mahals	..	1st April 1926.

Sind

Hyderabad	..	1st September 1926.
Nawabshah	..	1st November 1926.
Karachi	..	1st April 1926.
Larkana	..	1st March 1926.
Sukkur	..	1st July 1926.
Thar and Parkar	..	Control not yet transferred.
Upper Sind Frontier	..	1st April 1926.

Rao Bahadur B. R. NAIK : May I know why the datum line grants have not yet been fixed for those local boards which have taken over the control of primary education ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There are several difficulties and Government have to take time to come to a final decision.

Rao Bahadur B. R. NAIK : May I know on what basis primary education was transferred to the local authorities ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That question is under consideration and Government have not come to a decision.

Rao Saheb D. P. DESAI : The Government transferred control in 1925, and they are still considering the matter though three years have elapsed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Rao Bahadur B. R. NAIK : My question is on what basis the grants are at present made to the local authorities ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The question of basis is also under consideration.

Mr. J. C. SWAMINARAYAN : Were grants paid in 1925, 1926 and 1927 without determining the datum line ?

The Honourable Dewan Bahadur HARILAL D. DESAI : At present grants are provisionally given.

LLOYD BARRAGE : CONTRACTS TO MR. NARSINGDAS

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased—

(*a*) to give a list of the contracts given to Mr. Narsingdas Pessumal and the nature and amount of each contract;

(*b*) to state how many of the contracts were completed by him and how many were left uncompleted and how many of the uncompleted ones were subsequently completed departmentally;

(*c*) to state what payments were made to Mr. Narsingdas Pessumal for each of the contracts completed and left uncompleted by him;

(*d*) to state what is the amount spent by Government to complete the contracted works taken by Mr. Narsingdas Pessumal and whether it has been recovered? If so, how and from whom? If it has not been recovered what steps are being taken for its recovery?

The Honourable Sir COWASJI JEHANGIR: A statement containing the information required is placed on the Council table.

LLOYD BARRAGE AND CANALS CONSTRUCTION

Statement showing the contracts given to Mr. Narsingdas Pessumal and the nature and amount of each contract, etc.

Serial No.	Name of work	Amount of contract	Whether the work was completed or left uncompleted	Payment made to the contractor	Amounts spent by Government to complete the contracted works and whether it has been recovered		Remarks
					Amount spent by Government	Amount recovered by deduction from the contractor's bills	
1	2	3	4	5	6	7	8
		Rs.		Rs.	Rs. a. p.	Rs. a. p.	
1	Constructing II class Inspection bungalow at Bhorti ..	19,302	Practically completed	19,638	95 4 0	48 6 0 7 4 0 39 10 0 95 4 0	Rs. 88 for supply of materials. Rs. 7-4-0 for minor details.
2	Constructing Sub-divisional Officer's Rest house at Tharushah ..	8,308	Do.	9,550	44 13 0	18 6 0 26 7 0 44 13 0	Rs. 71-4-0 for pulleys and wiljon lock bolts, and Rs. 51 7-0 for site clearance.
3	Constructing Sub-Divisional Officer's office at Tharu hah..	9,340	Do.	8,495	77 14 0	51 7 0 26 7 0 77 14 0	
4	Constructing I class Inspection Bungalow at Kandiaro (Masonry only)	5,236*	Do.	4,859 (For labour)	101 12 0	101 12 0	Supply of water and other minor details, *e.g.*, site clearance, finishing parts, etc.

* Approximate value of the portion given to Mr. Narsingdas.

DEVELOPMENT CONTRACTS

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to place on the table lists containing in tabular form the following information about contracts over Rs. one lac for each of the years from 1922-23 to 1926-27 regarding the Bombay Development Department :—

(*a*) the names of the contractors ;
(*b*) the date of contract ;
(*c*) the amount of sum under the terms of the contract ;
(*d*) the amount actually paid to the contractors against the contract ;
(*e*) penalties or excess payment if any with reasons for the same ?

The Honourable Sir COWASJI JEHANGIR : A statement giving the necessary information is appended.

Statement showing contracts of over one lakh

Serial No.	Contractor's name	Name of work	Date of contract
1	2	3	4
1	The Tata Construction, Ltd...	For supply of sand and shingle ..	28th November 1922; 10th March 1923.
	Do. ..	Do.	18th July 1923 ..
	Do. ..	For transportation of materials, etc., including supply of sand and shingle.	27th November 1923.
	Do. ..	Dredging of sand and shingle from the dredger "Drudge" and supplying, etc.	10th May 1924 ..
2	Shivbalak Adamalli and Company.	Supply of sand and shingle ..	23rd February 1923 .
3	Messrs. Shalebhoy Tyebji and Sons, Bombay.	Supply of reinforced steel bars ..	6th January 1923 ..
4	Mr. Bhishambharnath Kapoor.	Manufacture of bricks in Vasind ..	8th September 1921 .
5	Messrs. J. C. Gammon, Ltd., Bombay.	Construction of reinforced concrete cement chawls in Naigaum plot "A."	15th February 1922.
			22nd November 1922.
			30th January 1923 ..
			23rd May 1923 ..
			30th July 1923 ..
			21st May 1924 ..
6	Messrs. The Indian Construction Company, Bombay.	Do. bo. ..	....
7	Messrs. Chotani and Company.	Do. Plot "B" ..	1st March 1923 ..
			1st May 1924 ..
			1st June 1924 ..
			11th June 1924 ..
			30th April 1925 ..
			4th December 1925
8	Mr. V. M. Hassan ..	Construction of reinforced concrete cement chawls at *DeLisle Road.*	February 1922 ..
9	Messrs. Udesing and Brothers.	Do. do. ..	Do. ..

of rupees awarded during the years 1922-23 to 1926-27

Amount under the terms of the contract		The amount actually paid against the contract	Penalties or excess payments, if any	Reasons for same
5		6	7	8
Rs.		Rs.	Rs.	
1,10,000	K2	1,22,233	....	The amount of tenders was approximate and the excess payment of Rs. 12,233 is due to more material having been subsequently ordered.
1,00,000	K2	91,955	....	
2,50,000	K2	2,49,915	....	
*	K2	1,08,263	....	*There was no limit prescribed as the total amount of contract and the amount paid depended on the actual quantity dredged and supplied.
1,00,000	K2	32,175	....	The K-2 agreement was terminated as the sand, etc., could be obtained cheaper by the Department by direct dredging. Hence the saving on the contract amount.
†	K2	2,13,485	‡ 6,000	†This was not prescribed in the contract as the payment was to be for actual weight of bars received. ‡Penalty for late delivery of materials.
§	K2	2,10,433	....	§This was not prescribed in the tender as the payment was to be made on the number of bricks turned out and approved.
8,60,770				
90,000‖				
4,020‖	K2	9,94,816	226	The excess is very small. ‖ These amounts relate to supplementary agreements for certain works in connection with the original contract.
2,850‖				
32,000‖				
4,950‖				
9,94,590				
12,77,120	K2	83,923	....	The Indian Construction Company shortly after went into liquidation. The contract therefore came to an end.
20,32,717				
3,67,000¶				
1,30,200¶				
20,000¶	K2	23,06,697	....	¶ These amounts relate to supplementary agreements for certain works in connection with the original contract.
1,60,000¶				
23,000¶				
6,900¶				
27,48,817				
6,02,539	K2	1,16,115	....	As the contractors did not make the necessary progress, their contracts were rescinded and given over to Messrs. J. C. Gammon, Ltd.
5,16,462	K2	46,605	. ..	

Serial No.	Contractor's name	Name of work	Date of contract
1	2	3	4
10	Messrs. J. C. Gammon, Ltd. ..	Construction of reinforced concrete cement chawls at *DeLisle Road.*	15th February 1922 ..
			13th November 1922.
			30th January 1923 ..
			4th May 1923 ..
			6th July 1925 ..
			30th July 1923 ..
			21st May 1924 ..
			21st August 1924 ..
			9th January 1926 ..
11	Messrs. The Bombay Concrete Construction and Engineering Company, Ltd.	Do. *Worli* ..	February 1923 ..
			December 1923 ..
			16th January 1924..
			18th March 1924 ..
			31st July 1924 ..
			10th September 1924.
			16th April 1925 ..
			7th May 1925 ..
			Date note available .
12	Messrs. C. A. Gaya and Company.	Do. do.	February 1923 ..
			18th September 1923.
			1st February 1924 ..
			25th March 1924 ..
			22nd June 1924 ..
			27th May 1925 ..
			5th June 1925 ..
			28th January 1925 ..
13	Messrs. The Ferro Concrete Construction Company.	Do. *Sewri*	January 1924 ..
			30th April 1924 ..
			16th March 1925 ..
			11th March 1926 ..

Amount under the terms of the contract		The amount actually paid against the contract	Penalties or excess payments, if any	Reasons for same
5		6	7	8
Rs.		Rs.	Rs.	
17,21,540				
95,000				
4,020				
3,500				
4,700	K2	28,90,424	9,90,424	The increased payment was due to the additional work done by the contractors on account of the failure of Messrs. V. M. Hassan and Udesing Brothers.
30,000				
8,410				
25,000				
8,000				
19,00,170				
70,77,280				
9,81,040*				
10,000*				
55,000*				
3,50,000*	K2	80,79,233	....	*These amounts relate to supplementary agreements for certain works in connection with the original contract.
65,000*				
40,000*				
7,000*				
9,000*				
85,94,320				
23,19,616				
10,000†				
2,00,000†				
30,000†				
25,000†	K2	25,35,404	....	Savings on items 11 and 12 are due to the amount of the K-2 agreement being really approximate.
50,000†				†These amounts relate to supplementary agreements for certain works in connection with the original contract.
4,000†				
13,000†				
26,51,616				
14,96,800				
1,36,000‡				
35,000‡	K2	12,15,722	....	Saving of about Rs. 5 lakhs due to curtailment of four chawls. The contract was for sixteen chawls, but only twelve were built.
42,000‡				‡These amounts relate to supplementary agreements for certain works in connection with the original contract.
17,09,800				

Serial No.	Contractor's name	Name of work	Date of contract
1	2	3	4
14	Messrs. Gannon Dunkerley and Company, Ltd., Bombay.	1. Closed sewerage works at DeLisle Road.	21st February 1924.
		2. Closed sewerage work at Worli ..	8th November 1924.
			21st January 1926 ..
		3. Storm-water drain at Worli ..	18th March 1925 ..
		4. Permanent water-supply scheme at Worli.	19th March 1925 .
15	Messrs. Pallonjee Eduljee and Sons.	Construction of closed sewrage work at Worli.	8th May 1924 .
			2nd October 1924 ..
		2. Collecting and carting, etc., from Little Malabar Hill quarry.	17th May 1923 ..
16	Messrs. Tejoo Kaya and Company.	1. Construction of pavements round chawls at Worli.	6th October 1924 ..
		2. Construction of subsidiary roads and footpaths at Worli.	6th October 1924 ..
		3. Filling in the area between the Bandra-Ghodbunder Road and B.B. & C.I. Railway near Khar.	28th April 1922 ..
		4. Constructing roads, etc., in Town Planning Scheme No. 2—Ville Parle.	1st July 1925 ..
17	Mr. V. V. Ranade ..	Resurfacing the Sion-Trombay Road ..	18th October 1921 ..
18	Mr. M. L. Dahanukar ..	1. Tannery area project Suburban Scheme No. 2—Trombay North-East.	22nd July 1922 ..
		2. Earth-work for parts I and II of Kurla-Trombay Railway, Suburban Scheme No. 22.	6th July 1923 ..
19	Messrs. Vishram Narsi and Brothers	Constructing fifth road in Suburban Scheme No. 3—Chembur.	9th November 1922 .
20	Messrs. Jivraj Vasta and Company.	Earth-work, etc., in connection with Central Salsette Railway.	6th November 1922 .
21	Messrs. Raoji Sojpal and Company.	Formation bridges, etc., for Central Salsette Railway.	16th March 1923 ..
22	Mr. Karimbhoy Shamsuddin.	Supplying sleepers in connection with Central Salsette Railway.	30th June 1922 ..
23	Mr. R. A. Becher ..	Earth-work in formation and construction of bridges and culverts on two miles length from Kurla to Vadavli of the Central Salsette Railway.	22nd November 1921.

Amount under the terms of the contract		The amount actually paid against the contract	Penalties or excess payments, if any	Reasons for same
5		6	7	8
Rs.		Rs.		
1,40,200	K2	1,28,034	....	
3,21,500	K2	3,12,896	....	Savings on items 14 (3) and 14 (4) due to curtailment of work given out on contract.
1,17,160	K2	88,423	....	
1,13,389	K2	58,234	....	
3,00,000	K2	41,023	....	As the contractors failed to make the necessary progress the contract was cancelled and work given to Messrs. Jannon Dunkerley and Company.
(F) 4,400				(F) This amount relates to supplementary agreement for certain works in connection with the original contract.
3,04,400				
*		1,17,066	.. .	*This was not described in the tender.
1,75,000	K2	1,58,493	....	
1,72,000	K2	1,72,886	886	The excess is small.
1,13,000	F2	1,09,668	....	
1,36,600	F1	1,33,850†	....	†The final bill for this work is not paid for, but the amount of the final bill would be Rs. 1,35,850. The delay is due to the contractors' having put in some claims which are under consideration.
1,00,242	F2	69,903	....	Saving due partly to lower tendered rates and partly to curtailment of work.
2,20,997	F2	1,88,275	....	Saving due largely to curtailment of work.
1,87,800	F2	1,81,100	....	
1,06,900	F2	1,06,828	....	
2,15,169	F2	1,72,562	....	Saving due to curtailment of estimated quantities of work.
2,37,384	F2	1,77,322	....	
2,84,109	F2	2,84,026	....	
2,27,613	F2	26,685	2,276‡	‡Penalty recovered at 1 per cent. of the contract amount for failure to execute the contract which was therefore cancelled.

Serial No.	Contractor's name	Name of work	Date of contract
1	2	3	4
	Badlapur Water-Supply Works		
24	Mr. R. A. Becher ..	1. Barrage including abutment and pier waste weir reservoir widening at Badlapur. 2. Protection wall and filter-house .. 3. Reservoir ..	19th January 1923 ..
25	Messrs. Paterson Engineering Company.	Construction of Peterson filters ..	2nd September 1922 ..
26	Messrs. Glenfield and Kennedy, Limited.	Construction of barrage at Badlapur ..	16th May 1922 ..
27	Messrs. Turner Hoare and Company.	Supplying and laying delivery main at Ambernath.	10th October 1922 ..
28	Mr. R. K. Patkar (Quarries) .	Quarrying stones	11th September 1922.
29	Messrs. Burn and Company, (Dredging).	Suppling dredging craft	20th March 1923 ..
30	Messrs. Forbes, Forbes, Campbell and Company, Ltd. (Marine Lines).	Supplying oregon pine timber ..	17th September 1923.
31	Messrs. Simons and Company (Dredging).	Supply of floating pipe line 2,000' 42" diameter.	....
32	Messrs. Alcock Ashdown and Company (Dredging).	Supplying one steam tug ..	....
33	Mr. R. K. Patkar (Quarries)..	Sending murum to Bombay ..	21st April 1924 ..
34	Messrs. Braithwaite and Co. (Dredging).	Supplying 286 shore pipes, 42" diameter.	6th November 1924 ..
35	Do. do. ..	Supplying 1,000' floating pipe line ..	26th February 1925..
36	Messrs. Patel and Co. (Quarries).	Sending murum to Bombay ..	23rd October 1925 ..
37	Messrs. Alcock Ashdown and Company (Dredging).	Supplying 45 units of floating pipe line.	16th April 1926 ..

Amount under the terms of the contract		The amount actually paid against the contract	Penalties or excess payments, if any	Reasons for same
5		6	7	8
Rs.		Rs.	Rs.	
2,18,567	F2	2,18,045	....	
1,93,326	K2	2,06,307	12,981	
2,59,416	K2	2,66,818	7,402*	*Excess due to additional items of work having been subsequently found necessary.
4,08,723	K2	4,09,334	611*	
2,18,470	F2	2,12,801	....	
3,40,152	F2	3,39,295	....	
5,50,000	F2	5,47,067	....	
....	..	5,90,824	....	K-2 form and hence no quantities and amounts specified. Payments made for works actually done according to rates agreed upon.
2,40,512	..	2,40,512	....	
....	..	1,64,981	....	Special agreement form.
....	..	£28,037-12-0 equivalent to Rs. 4,01,954.	....	
....	..	1,38,567	....	
....	..	1,01,547	...	K-2 form. Payment made for works actually done according to rates agreed upon.
2,36,808	..	2,36,808	....	Special form of agreement.
1,88,640	..	1,88,640	....	Do.
....	..	3,33,946	....	K-2 form. Payments made for works actually done according to rates agreed upon.
5,48,200	..	5,48,868	Rs. 668 excess.	Special form of agreement. Excess payment due to extra work of cutting buffers on 45 cast steel ball and socket joints.

Mr. G. I. PATEL : There is an item of Rs. 9,90,424 mentioned at page 63, column 7, against item No. 10. May I know whether this amount was spent because the old contractor did not finish the work and excess payment was required to be made by Government ?

The Honourable the PRESIDENT : The note in the last column explains it : " The increased payment was due to the additional work done by the contractors on account of the failure of Messrs. V. M. Hassan and Udesing Brothers."

Mr. G. I. PATEL : Was any amount recovered from the old contractor as penalty against the failure ?

The Honourable Sir COWASJI JEHANGIR : I will ask for notice of that.

Mr. J. C. SWAMINARAYAN : When Messrs. V. M. Hassan and Udesing Brothers failed to execute the work, why were not tenders invited from other contractors for doing the work ? Why was the work given away to Messrs. J. C. Gammon, Ltd., without inviting tenders ?

The Honourable Sir COWASJI JEHANGIR : I am afraid I cannot reply off hand. If the honourable member gives me notice, I will find out.

Mr. H. B. SHIVDASANI : Is this additional work for which payment is made included in columns 4 and 5.

The Honourable Sir COWASJI JEHANGIR : How can it be included in columns 4 and 5 (" date of contract " and " amount under the terms of the contract ") ?

Mr. H. B. SHIVDASANI : I want to know whether this additional work is included in columns 4 and 5.

The Honourable Sir COWASJI JEHANGIR : You mean to say, was the additional work included in the total of Rs. 19,00,170 ?

Mr. H. B. SHIVDASANI : Yes.

The Honourable Sir COWASJI JEHANGIR : I will ask for notice.

Mr. H. B. SHIVDASANI : Payment is made for the works mentioned in columns 4 and 5. Twenty-eight lakhs have been paid against contracts mentioned in columns 4 and 5. Then, where does the additional work come in ?

The Honourable Sir COWASJI JEHANGIR : I must ask for notice.

Mr. G. I. PATEL : Will Government be pleased to state whether any specifications are prepared before the contract is given ?

The Honourable Sir COWASJI JEHANGIR : I shall require notice for all such questions. It will be necessary for me to look up the records. I may tell the honourable member that the system of Government is to prepare specifications.

Mr. G. I. PATEL : Were the specifications prepared in this particular case ?

The Honourable Sir COWASJI JEHANGIR : I shall ask for notice. I can say in general. But if the honourable member will refer to any particular case, I want notice as I have to see previous records.

Mr. G. I. PATEL: May I know what are the reasons for the heavy payment of Rs. 28,90,424 ?

The Honourable Sir COWASJI JEHANGIR: The reasons are given in column 8 of the statement put on the Council table.

MINISTERS' CONFERENCE, DELHI

Mr. R. G. PRADHAN (Nasik District): Will the Honourable the Senior Minister be pleased to state—

(*a*) whether a conference of Ministers was held at Delhi in November 1927 under the presidency of the Home Member of the Government of India;

(*b*) if so, whether he and his colleagues in the ministry were invited to attend it;

(*c*) if so, whether they attended it; if not, why not;

(*d*) what business was transacted at this conference ?

The Honourable Sir GHULAM HUSSAIN: (*a*) A Conference of representatives of the different provinces was held from 16th to 19th November 1927 at Delhi. The Honourable the Home Member of the Government of India presided on the opening day, and the officiating Member of the Government of India in the Department of Industries and Labour on the final day, of the Conference. During the intermediate days the Conference transacted business in committees.

(*b*) No: as no indication was given that provincial representatives of the status of Minister were expected to be present.

(*c*) In view of the answer to (*b*) this question does not arise.

(*d*) The Conference discussed the rates of pay, standards of qualifications, method of recruitment and conditions of service to be prescribed by the various local Governments for the new provincial services which are to take the place of All-India services in the Transferred field of Administration.

Mr. R. G. PRADHAN (Nasik District): Will the Honourable the Minister be pleased to state whether any decision was arrived at by the Conference on the question mentioned in his reply (*d*) ?

The Honourable Sir GHULAM HUSSAIN: No decision was arrived at.

Mr. R. G. PRADHAN: Was the conference abortive ?

(No reply.)

FOREST AND EXCISE MINISTER: CANCELLATION OF SIND TOUR

Mr. R. G. PRADHAN (Nasik District): Will the Honourable the Minister of Forests and Excise be pleased to state the reasons which led him to cancel his tour to Sind fixed for November 18 onwards ?

Honourable Mr. G. B. PRADHAN: There was work in Bombay to be done in connection with the budget, and moreover Sind had recently been visited by the Honourable the Finance Member and the Honourable the Minister for Local Self-Government.

SCHOOLS : GRANTS-IN-AID

Mr. RAJMAL LAKHICHAND (East Khandesh District) : Will Government be pleased to state—

(*a*) whether there is any rule as to when a school is given a Government grant ;

(*b*) after how many days from its application the school should expect the grant ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) If the honourable member refers to new schools, their names are entered on the list of institutions to which grant is payable as soon as it has been recognised for grant.

(*b*) An advance grant may be given to a school which is on the list and has previously received grants, but the final grant is not paid until after the inspection of the school. All the grants are subject to funds being available.

LIQUOR SHOP : VANZANA

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) whether the liquor shop in Vanzana, taluka Chikhli, district Surat, was closed a few years back ;

(*b*) whether steps are being taken to re-open this shop ;

(*c*) if so, what are the special reasons for deciding to re-open this shop ;

(*d*) what is the distance of the nearest existing liquor shop from Vanzana.

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

(*d*) Three miles.

VASVANI (VASAVANIA ?) VILLAGE TANK

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the tank in the village of Vasvani (Vasavania ?) in the taluka of Olpad in the Surat District :—

(*a*) the area of the tank ;

(*b*) the area of the land assessed to it for Himayat ;

(*c*) the Himayat assessment on the tank ;

(*d*) whether the embankment of the tank is in good condition ;

(*e*) the number of pipes on the tank and the condition in which each is at present ;

(*f*) whether the tank is at present deep enough ;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs ;

(*h*) what is the condition of the tank at present ;

(*i*) whether complaints have been received from the people about the tank ;

(*j*) whether Government have decided to put this tank in a good state of repair ;

(*k*) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR : (*a*) The area of the Gam tank in R. S. No. 130 of the village of Vasavania is 7 acres and 5 gunthas.

(*b*) The area of the land assessed to himayat is 38 acres and 21 gunthas.

(*c*) The himayat assessment on the tank is Rs. 62-8-7.

(*d*) The earthen bund of the tank has sunk at several places and requires raising.

(*e*) The tank has 3 masonry outlets which are damaged and are proposed to be renewed.

(*f*) The tank is not deep enough to hold sufficient water for irrigating the full area assessed to himayat. The local officers have therefore been instructed to enquire into and deal with any applications for remission or reduction of irrigation rates which may be justified by shortage of water.

(*g*) It was last repaired in 1889-1890, when the bund was strengthened and 3 outlets and waste-weir were renewed at a cost of Rs. 525.

(*h*) The tank at present is in a fairly good condition.

(*i*) Yes.

(*j*) and (*k*) Yes. Plans and estimate, the latter amounting to Rs. 2,800 for necessary repairs such as raising the bund and renewing the outlets, etc., have been prepared and after they are approved by the Collector the work will be put in hand as soon as possible in the order of urgency.

Mr. H. B. SHIVDASANI (Surat District) : In the reply to (*h*) it is stated that the tank at present is in a fairly good conditin. In (*d*) it is stated " The earthen bund of the tank has sunk at several places and requires rising." In (*e*) it is stated " The tank has 3 masonsy outlets which are damaged and proposed to be renewed." In (*j*) and (*k*) it is stated that the repairs to the tank will cost Rs. 2,800. Will the Government state whether all these answers are consistent ?

The Honourable Sir COWASJI JEHANGIR : They are consistent. When it was in bad condition, it was repaired. If it is absolutely in good condition, no repairs would be necessary at all. The honourable member has asked for full details, and we have, therefore, supplied them.

PRIMARY SCHOOL, PAL VILLAGE

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) whether there was a Government Primary School in Pal Village in Chorasi Taluka in the Surat District ;

(*b*) the year in which the school was opened ;

(*c*) when was the school closed and why ;

(*d*) what was the number of pupils in this school when this school was closed ;

(*e*) what is the population of the village ;

(*f*) how many pupils would attend the school if the school is re-opened ;

(*g*) whether the people of the village have petitioned for re-opening the school ;

(*h*) what decision have Government come to on this petition ;

(*i*) if Government have decided to re-open this school, from what date will the school be re-opened ;

(*j*) if Government have decided not to re-open the school, what are their special reasons for refusing to re-open the school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) No, there was a Local Board primary school in the village.

(*b*) 1869.

(*c*) It was closed on 1st September 1921, on account of non-co-operation.

(*d*) One.

(*e*) 977.

(*f*) 75 as estimated in March 1927.

(*g*) Yes.

(*h*), (*i*) and (*j*) The school cannot be re-opened as the District Local Board, Surat, refuses to bear its own share of the additional expenditure involved.

Rao Bahadur B. R. NAIK (Surat District) : Will the Honourable the Minister be pleased to state whether th school referred to in his replies to (*h*), (*i*) and (*j*) was closed before the Primary Education Act was passeed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The answer to (*c*) states that the school was closed on 1st September 1921 on account of non-co-operation. That is quite clear to the honourable member I hope.

Rao Bahadur B. R. NAIK : May I know if such schools will only be opened, if the District Local Board agrees to bear its own share ? May I also know if such a school has been opened by Government without the district local board's share ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes. Up to now no school has been opened.

Rao Bahadur B. R. NAIK : Will the Honourable Minister be surprised to learn that this school has already been opened a month and a half ago ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It was not opened when the reply was sent to Government.

Mr. B. V. JADHAV (Satara District) : Is the Government prepared to open all the schools, if the different local boards are ready to bear their own share ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Certainly, if funds permit ; Government is prepared to bring that rule into effect as far as possible.

Mr. H. B. SHIVDASANI (Surat District) : Is it the intention of the Government not to reopen the school until the local board agrees to bear its share ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes. It is so.

PRIMARY SCHOOL, LILAPORE, TALUKA BULSAR

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) what is the population of Lilapore, taluka Bulsar, Surat District;

(*b*) what is the number of standards in the Primary school in this village;

(*c*) what is the number of pupils in this school;

(*d*) what is the distance of the nearest school the boys of this village could go to attend classes higher than those taught in this school;

(*e*) what would be the number of pupils attending the primary school in this village in case the school contains VII standards;

(*f*) whether they have received a petition from the people of this village requesting that the number of standards in this village school be increased to VII;

(*g*) if so, what decision they have arrived at on this petition?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) 1,008.

(*b*) Four as a second grade school. Standard V has been allowed to be taught provisionally.

(*c*) 125 (94 boys+31 girls) as reported in March 1927.

(*d*) The school at Bhadeli is the nearest school situated at a distance of one mile and a half from Lilapore.

(*e*) 130 as estimated in March 1927.

(*f*) Yes.

(*g*) If standard V, which has been permitted to be opened provisionally succeeds, standard VI will be permitted and that standard succeeds standard VII will be opened. The progress of the school cannot be forced.

KHAMBHEYU AND VAGHALIYU TANKS, NOGAMA VILLAGE

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to give the following information about the Khambheyu and Vaghaliyu tanks in the village of Nogama in the taluka of Chikhli, in the Surat District—

Khambheyu Tank and Vaghaliyu Tank

(*a*) the area of the tank;

(*b*) the area of the land assessed to it for Himayat;

(*c*) the Himayat assessment on the tank;

(*d*) whether the embankment of the tank is in good condition;

(*e*) the number of pipes on the tank and the condition in which each is at present;

(*f*) whether the tank is at present deep enough;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs;

(*h*) what is the condition of the tank at present;

(*i*) have complaints been received from the people about this tank ;

(*j*) have Government decided to put this tank in a good state of repair ;

(*k*) if so, when will they repair the tank and what repairs will be done to the tank and how much amount will be spent on these repairs.

The Honourable Sir COWASJI JEHANGIR :

Khambheyu Tank

(*a*) 18 acres and 39 gunthas.

(*b*) 24 acres and 22 gunthas.

(*c*) Rs. 55-14-0.

(*d*) The embankment of the tank is generally in good condition. It has subsided slightly at one or two places but not to the extent of its being over-topped by water.

(*e*) There are three outlets, all of old masonry pattern. As these are not working as efficiently as pipe outlets, they are proposed to be replaced by the latter type.

(*f*) The tank holds at present sufficient water for irrigation purposes and does not require deepening.

(*g*) It was last repaired in 1907-08 when the bank was raised and three masonry outlets provided at a cost of Rs. 441.

(*h*) The tank fulfils its functions with fair efficiency.

(*i*) Yes.

(*j*) Yes.

(*k*) Plans and estimate for repairs to the tank consisting of raising the bund, renewing the outlets and constructing a concrete bar waste-weir at a cost of about Rs. 1,000 are under preparation. The work will be taken in hand in the order of urgency after the plans and estimate are sanctioned.

Vaghaliyu Tank

(*a*) 13 acres and 11 gunthas.

(*b*) 43 acres and 5 gunthas.

(*c*) Rs. 82-10-8.

(*d*) The embankment is generally in good condition except in a small portion where it has subsided.

(*e*) There are two pipe outlets of standard type, which are in working order. Their rear walls, however, requires petty repairs.

(*f*) The tank holds at present sufficient water for irrigation purposes and does not require deepening.

(*g*) It was last repaired in 1902-03 when the bank and outlets were repaired and dry stone pitching at both ends of the existing concrete bar provided at a cost of Rs. 606.

(*h*) It fulfills so far its functions efficiently. However it is proposed to carry out certain petty repairs to the bund, outlets and waste-weir to avoid trouble in future—*vide* reply to clause (*k*) below.

(*i*) Yes.

(*j*) Yes.

(*k*) Plans and estimate for the work of raising and strengthening the bund where necessary and carrying out repairs to the outlets and the existing concrete bar waste-weir at a total cost of about Rs. 1,000 are under preparation. The work will be tak n in hand in the order of urgency after the plans and estimate are sanctioned.

Mr. H. B. SHIVDASANI (Surat District) : It is stated in the reply to (*k*) that the work will be taken in hand in the order of urgency, etc. May I know what is the exact meaning of this reply ?

The Honourable Sir COWASJI JEHANGIR : It means that if there are other tanks which are in a worst condition, they will be attended to first. All the plans and estimates are ready and we can put the work in hand whenever we can.

GHAN (DHAN ?) TANK, ABRAMA VILLAGE

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to give the following information about the Ghan (Dhan ?) Tank in the village of Abrama in the Taluka of Jalalpore in the Surat District :—

(*a*) the area of the tank ;

(*b*) th · area of the land assessed to it for Himayat ;

(*c*) the Himayat assessment on the tank ;

(*d*) whether the embankment of the tank is in good condition ;

(*e*) the number of pipes on the tank and the condition in which each is at present ;

(*f*) whether the tank is at present deep enough ;

(*g*) when was the tank last repaired, what repairs were done to it at the time, and what was the amount spent on those repairs ;

(*h*) what is the condition of the tank at present ;

(*i*) have complaints been received from the people about this tank ;

(*j*) have Government decided to put this tank in a good state of repair ;

(*k*) if so, when will they repair the tank and what repairs will be done to the tank and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR : (*a*) The area of the Dhan Tank in R. S. No. 562 of Abrama village is 16 acres and 23 gunthas.

(*b*) 42 acres and 29 gunthas.

(*c*) Rs. 122-9-7.

(*d*) Yes, except that it has subsided at places, but not to the extent of its being overtopped by water.

(*e*) It has two outlets, requiring repairs.

(*f*) No, it has somewhat silted up.

(*g*) It was last repaired in 1898-99 at a cost of Rs. 583. The repairs consisted of raising the bund and providing two outlets.

(*h*) The tank bund and the existing outlets are in need of repairs.

(*i*) Yes.

(*j*) and (*k*) Plans and estimate for repairs to the tank, which will roughly cost Rs. 2,200 and which will consist of restoring the bund to its proper height and section and putting the outlets in order, or under preparation and will be considered in due course.

TOLL BARS ON BILIMORA-BANSDA ROAD

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether there is a toll bar between mile 13 and mile 14 and another between mile 14 and mile 15 on the Bilimora-Bansda Road in Chikhli Taluka;

(*b*) whether as a result of this cultivators are made to pay toll even when they have to take their carts merely to their fields;

(*c*) whether one of these toll bars has been placed only recently;

(*d*) whether it is a fact that there is not much increase in Government revenue by having one more toll bar;

(*e*) whether it is a fact that the people regard this additional toll bar as a great nuisance and a grievance;

(*f*) whether it is not against their policy to have toll bars at such short distances of only a mile;

(*g*) whether it is a fact that having toll bars at such short distances have made the levy of toll very unpopular with the ryots?

The Honourable Sir GHULAM HUSSAIN: (*a*) There is a toll bar near Rankuwa between mile 13 and mile 14. There is no toll bar but only a checking station near Surkhai between mile 14 and mile 15.

(*b*) No cultivator has to pay toll when he takes his cart to his field.

(*c*) The toll bar near Rankuwa has been in existence for some years. The checking station at Surkhai was opened more recently, namely, in February 1924.

(*d*) If the checking station near Surkhai were closed, there would probably be a decrease of revenue by about Rs. 1,200 annually.

(*e*) The checking station at Surkhai was found absolutely necessary, as people drove their carts by side tracks joining Bilimora-Bansda Road and thus evaded payment of tolls. Its existence is naturally regarded by the people of Surkhai and surrounding villages as a grievance, because it foils their attempts to evade payment of tolls.

(*f*) There is not more than one toll bar within a distance of one mile. The necessity of the checking station in addition to the toll bar has been explained, see reply to (*e*) above.

(*g*) As explained in reply to (*f*) above only one toll bar exists. It is probable the existence of the checking station is unpopular, for reasons given in the reply to (*e*) above, but if so the fact indicates that the provision of such a station was necessary and justified.

Mr. H. B. SHIVDASANI (Surat District): Is it a fact that the cultivators are made to pay toll, when they take their carts to the fields?

The Honourable Sir GHULAM HUSSAIN: The reply is quite clear.

Mr. H. B. SHIVDASANI: I am told that the cultivators are made to pay toll. Is it a fact, I want to know?

The Honourable Sir GHULAM HUSSAIN : The reply given is quite clear.

The Honourable the PRESIDENT : The honourable member will find in the list the reply given to his question.

Mr. H. B. SHIVDASANI : May I know what is the arrangement regarding the recovery of toll ? Are Government undercontract ?

The Honourable Sir GHULAM HUSSAIN : The reply is quite clear.

PUBLIC PLACES : ACCESS TO DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state—

(*a*) whether they have taken any steps to put up Boards or Notices at public places, such as wells, tanks, dharamshalas, dispensaries, hospitals, schools, courts and many other such places which are constructed, managed and helped by grants from the Government or local bodies from local funds, notifying to the public at large and the depressed classes people in particular that these places are open for general use of all men including the depressed classes.

(*b*) (1) whether they intend to take steps against those who do not obey and act, according to the order in the notices issued by Government with the object of giving effect to the resolution passed by the Bombay Legislative Council at the instance of Mr. S. K. Bole, M.L.C., and circulated to all Government offices and local bodies and municipalities, (2) and also those who prevent and put hindrances and difficulties in the way of the depressed and untouchables from making use of these public places ?

The Honourable Sir GHULAM HUSSAIN : (*a*) No.

(*b*) (1) The question does not rise. (2) If hindrances are put forward by local bodies, Government will take action according to their decision on the resolution of Mr. Bole, but if the hindrance is from private persons it is for the aggrieved party to seek redress under the law.

Mr. S. K. BOLE : Will the Honourable Minister ask the local boards to put up such boards ?

The Honourable Sir GHULAM HUSSAIN : I am afraid my friends, the representatives of the people, will themselves rise against me, if I interfere with the liberties of the local bodies.

Dr. P. G. SOLANKI : Will Government see that boards and notices are put up at public places and tanks and dharamshalas stating that all human beings can use them including the depressed and untouchable classes ?

The Honourable Sir GHULAM HUSSAIN : I cannot do so as the property belongs to somebody else.

Mr. S. K. BOLE : Will the Honourable Minister be pleased to ask the local authorities to do the needful ?

The Honourable Sir GHULAM HUSSAIN : I would refer the honourable member to the representatives of the local bodies.

Dr. P. G. SOLANKI: Cannot Government decide the question whether the places are public or private? Otherwise, how are the people to understand?

The Honourable Sir GHULAM HUSSAIN: Government can decide; and those local bodies which do not give effect to the resolution of this Council are being compelled by Government to do so, and Government are not going to give them grants otherwise.

LOCAL BODIES, GUJARAT: NOMINATION OF DEPRESSED CLASSES

Dr. P. G. SOLANKI: Will Government be pleased to state—

(*a*) the number of municipalities and districts and taluka local boards with their names in detail to which members of the depressed classes are nominated in Gujarat;

(*b*) whether all the above bodies have representatives of the depressed classes nominated;

(*c*) if not, why these classes are excluded from nomination?

The Honourable Sir GHULAM HUSSAIN: (*a*) Members of the depressed classes are nominated on the following local bodies:—

District	Name of the local body to which members of the depressed classes are nominated
Ahmedabad ..	(1) Dhandhuka Municipality. (2) Taluka Local Board, South Daskroi.
Broach ..	(1) Broach Municipality. (2) Jambusar.

(*b*) No.

(*c*) There is no particular reason for members of the depressed classes not being nominated on all the local bodies except that fit and suitable persons from these classes are not generally available.

Dr. P. G. SOLANKI: Does this nomenclature of depressed classes apply to untouchables or to other submerged classes also?

The Honourable Sir GHULAM HUSSAIN: To all those who are known as depressed classes.

Mr. W. S. MUKADAM: Are Government aware that recently one depressed class person is nominated to the Godhra taluka local board.

The Honourable Sir GHULAM HUSSAIN: Yes.

PRIMARY SCHOOLS FOR DEPRESSED CLASSES: NORTHERN DIVISION

Dr. P. G. SOLANKI: Will Government be pleased to state—

(*a*) the number of primary schools set apart solely for the depressed class boys and girls in the villages of the Northern Division with the names of the villages in detail where these schools exist;

(*b*) the caste of the teachers and the remuneration they get;

(*c*) whether any religious education is given to boys and girls in these schools?

The Honourable Dewan Bahadur HARILAL D. DESAI : The accompanying statement gives the information required.

Name of the District	Number of Primary Schools for the Depressed classes	Name of the village, town or city where these schools exist	Caste of the teachers employed	Remuneration paid to these teachers	Whether any religious education is given in these schools
1	2	3	4	5	6
Ahmedabad ..	15	5 Ahmedabad	14 Indian Christians.	1 teacher at Rs. 36	No
		1 Sarkhej ..	7 Depressed (Dheds).	1 ,, ,, 35	
		1 Barcja ..	5 Muhammadans.	1 ,, ,, 34	
		1 Ghodhavi ..		1 ,, ,, 33	
		1 Dholka ..	26 ..	4 teachers at Rs. 32	
		1 Koth ..		4 ,, ,, 31	
		1 Paldi ..		5 ,, ,, 30	
		1 Viramgaon		6 ,, ,, 25	
		1 Mandal ..		2 ,, ,, 20	
		1 Barvala ..		1 teacher at ,, 12	
		1 Ranpur		26	
Kaira ..	3	1 Matar (Bhangi Class)	1 Dhed ..	1 teacher at Rs. 25 ..	No
		1 Borsad	1 Patidar ..	2 teachers at Rs. 15	
		1 Kaira ..	1 Indian Christian.		
			3	3	
Panch Mahals .	5	1 Jantral ..	3 Depressed ..	4 teachers at Rs. 25	No
		1 Kalol ..	4 Muhammadans.	1 teacher at Rs. 20	
		1 Jhalod ..	1 Indian Christian.	1 teacher ,, ,, 40 +10	
		1 Godhra ..		2 teachers at Rs. 30	
		1 Dohad.			
			8	8	
Broach ..	10	1 Dhej ..	7 Dheds ..	1 teacher at Rs. 37	No
		1 Gajera ..	4 Bhangis ..	4 teachers at Rs. 25	
		1 Amod ..	1 Muhammadan	2 ,, ,, 30	
		1 Kalak ..		3 ,, ,, 31 +5	
		1 Vedach ..		1 teacher at Rs. 25 +5	
		1 Kahawa ..		1 teacher ,, 15	
		1 Amod Bhangi class.			
		1 Broach ..			
		1 Ankleshwar			
		1 Jambusar.			
		12	12		
Surat ..	18	1 Katargaon	8 Dheds ..	10 teachers at Rs. 25	No
		1 Mota	4 Muhammadans	8 ,, ,, 30	
		1 Kodol ..	9 Indian Christians.		
		1 Abrama ..	2 Garodas ..	1 teacher at Rs. 36	
		1 Sari ..	1 Dhodia ..	1 ,, ,, 38	
		1 Kachholi ..	1 Kalpa ..	1 ,, ,, 35	
		1 Bhatal ..	1 Bhangi ..	1 ,, ,, 33	
		1 Gamdeva ..	1 Chodhra ..	4 teachers at Rs. 20	
		1 Lilapore ..	1 Soni ..	1 teacher at Rs. 31	
		7 Surat	1 Kunbi ..	1 ,, ,, 41	
		1 Bulsar ..		1 ,, ,, 32	
		1 Rander ..			
			29	29	

MOULVI RAFIUDDIN AHMAD: May I draw the attention of the Honourable Minister to the fact that there is not a single teacher of his caste, namely, Brahmin, in the whole of this list? Is it through accident or through design?

The Honourable Dewan Bahadur HARILAL D. DESAI: The honourable member my construe the statement as well as any other honourable member.

MOULVI RAFIUDDIN AHMAD: May I know if it is the order of the department or merely an accident? I think the question is quite clear.

The Honourable Dewan Bahadur HARILAL D. DESAI: The honourable member is free to construe it in any way he likes.

MOULVI RAFIUDDIN AHMAD: I must appeal to you, Sir. I simply ask whether this happens.....

The Honourable the PRESIDENT: What happens?

MOULVI RAFIUDDIN AHMAD: That there is no Brahmin among all these teachers of depressed class schools, and I want to know whether it is through the instructions of the department or whether it is merely by accident. I appeal to you, Sir, for protection.

The Honourable the PRESIDENT: I think a more definite reply might be given.

The Honourable Dewan Bahadur HARILAL D. DESAI: No instructions have been issued.

SCHOLARSHIPS FOR DEPRESSED CLASSES

Dr. P. G. SOLANKI: Will Government be pleased to state—

(*a*) whether they are aware of the fact that many of the secondary school and college scholarships reserved for the depressed class students are given away to students of intermediate classes, at the sacrifice of the interests of the depressed class boys without making proper inquiries about them;

(*b*) whether they intend adopting better and more effective means for circulating Government Education Department circulars and notifications among the depressed class people from time to time;

(*c*) whether they would be pleased to put a statement showing a list of communities regarded as depressed by the Government as also particulars regarding their sholarships on the Council table?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No scholarships are reserved for the "Depressed" classes exclusively as these classes are now included among the "Backward" classes (as distinguished from the "Intermediate" classes). The scholarships reserved for the pupils of the Backward classes in Secondary Schools and Colleges are awarded to the pupils of the Intermediate classes only after ascertaining that there are no suitable candidates of the Backward classes, and not at the sacrifice of the interests of the Backward classes.

(*b*) The procedure at present followed in advertising the scholarships is as follows:

As far as scholarships in Colleges are concerned, a notification is issued every year in the *Bombay Government Gazette* and copies of this notification are supplied (*i*) to all Educational Inspectors, with instructions to distribute them among the Deputy Educational Inspectors and Heads of Government and recognised High Schools, who bring the notification to the notice of the students, and (*ii*) to the Principals of all Colleges. The Director of Information has also begun to issue a Press Note in connection with these scholarships for the information of the general public.

As regards the scholarships in Secondary schools, a notification is published in the *Bombay Government Gazette* and *Sind Official Gazette* by the Educational Inspectors, Central Division, Northern Division and Sind, respectively, and the Managers of Secondary Schools and Local Authorities are supplied with copies of the notification, with a request to bring it to the notice of all students in their schools. The Educational Inspectors, Bombay Division, and Southern Division, issue circulars to all Secondary Schools.

In the opinion of Government the means adopted at present are sufficiently effective.

(*c*) As indicated in the reply to (*a*) above, the Depressed classes are not separately classified but included among the Backward classes. Two statements showing respectively (*i*) the castes included under the term "Backward" and (*ii*) the particulars regarding the scholarships reserved for them are laid down on the Council Table.

Statement showing the castes included under the term "Backward"

Advichinchar.	Chodhra.	Katkari.	Nandivale.
Alikar.	Chuhar.	Kapdi.	Nanga.
Bahurupi.	Das.	Kattai.	Nat.
Bajania.	Depala.	Khalpa.	Nath.
Balsantoshi.	Dhed.	Khati (Sind).	Od.
Bandi.	Dhodia.	Khavas.	Padharia.
Barda.	Dhor.	Kiliket.	Padiar.
Battal.	Dubla.	Kokna.	Pangul.
Bava.	Gamta.	Kalhati.	Patradavaru.
Bavcha.	Gandhrap.	Koli, Mahadev.	Patharvat.
Bazigar.	Garudi.	Koli, Malhar.	Paviaya.
Beldar.	Ghadshi.	Koli, Dhor.	Phanse Pardhi.
Berad (Bedar).	Ghisadi.	Kolgha.	Phudgi.
Bhambi.	Golla.	Korava.	Pomla.
Bhampta.	Gond.	Korchar.	Rachevar.
Bhand.	Gondhali.	Kori (Sind).	Rackari.
Bhangi.	Gopal.	Kotegar.	Ramoshi.
Bharadi.	Halsar.	Kucchria (Sind).	Ravalia.
Bhat or Barot.	Helav.	Lamani.	Sahadev Josji.
Bhavaya.	Haliya.	Mahar.	Salat.
Bhavin.	Jagaria.	Mairal.	Sangar.
Bhil.	Jagiasi (Sind).	Mang and Madig.	Sanjogi.
Bhisti.	Jajak (Sind).	Mang Garudi.	Sanyasi.
Bhute.	Jatia.	Mangela.	Sappali.
Burud.	Jogi.	Mc.	Saranig.
Chambhar.	Jogin.	Maina.	Sarodio.
Chamtha.	Joshi.	Menghwar.	Sarvade.
Chandlagar	Johari.	Mochi.	Shikari.
Chapparband.	Kahar.	Mukri.	Shindava.
Charan.	Kaikadi.	Murli Vaghaya.	Sochi.
Chitrakathi.	Kanjari.	Naikada.	Suler.

Suthria (Sind).	Turi.	Vaiti.	Vir.
Takari.	Udasi.	Vajantri.	Votolia.
Thakar (Ratnagiri).	Vaddar.	Valhar.	Zharekari.
Thakur (North Konkan).	Vadi.	Vanjari.	
Tirgar.	Vaghri.	Varli.	
Tirmali.	Vaidu.	Vasudev.	

Statement showing particulars regarding scholarships reserved for Backward Classes (including untouchables and Depressed Classes) in Educational institutions in the Bombay Presidency

Institutions	Number of scholarships	Remarks
1. Primary schools	300	100 each year at the rate of 5 per each district in the Presidency proper and Bombay City (including Bombay Suburban District) and tenable in standards V to VII of Primary Schools. Value Rs. 5, 6 and 7 per mensem.
2. Secondary schools	644	To be awarded at the rate of 92 per annum and tenable for seven years of the Secondary school course Value as under : — Per mensem Standards I to III Rs. 6 Standard IV Rs. 7. Standard V Rs. 8. Standards VI and VII Rs. 10.
3. V. J. Technical Institute ..	12	To be awarded at the rate of 3 per annum and tenable for four years. Value Rs. 35 per mensem.
4. Arts Colleges	90	To be awarded at the rate of 22 per annum and tenable for four years of the arts course *plus* 2 more in the First Year course. Value Rs. 20 per mensem.
5. Engineering College ..	9	To be awarded at the rate of 3 per annum and tenable for 3 years. Value Rs. 40 per mensem.
6. College of Commerce ..	3	To be awarded at the rate of 1 per annum and tenable for 3 years. Value Rs. 35 per mensem.
7. Law College	6	To be awarded at the rate of 3 per annum and tenable for 2 years. Value Rs. 35 per mensem.

LOCAL BOARDS, GUJARAT : NOMINATION OF DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state the names and respective castes of depressed class members nominated on various municipal councils, district local boards and school boards in all the districts of Gujarat ?

The Honourable Sir GHULAM HUSSAIN: The following statement gives the information required:

District	Local Body	Name of the person nominated	Caste
Ahmedabad ..	Dhandhuka Municipality .	Mr. Magha Mota	Dhed.
Do. ..	Taluka Local Board, South Daskrio.	Mr. Jeta Soma (now resigned) ..	Dhed.
Panch Mahals ..	Godhra Municipal School Board.	Mr. Laljibhai Hiralal	Garoda.
Broach ..	Broach Municipality ..	Mr. Lalji Bhagwan Sharma ..	Garoda.
Do. .	Broach Municipal School Board.	Mr. Bechar Bhagwan Sharma ..	Garoda.
Do. ..	Jambusar Municipality ..	Mr. Hira Dayal	Dhed.

SETTLEMENT OFFICERS' REPORTS, VIRAMGAM

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether Mr. Shivlal Harjivan Vyas of Viramgam applied on the 13th August 1927 to the Collector of Ahmedabad to supply him the copies of the reports of the Assistant Settlement Officer, the Settlement Officer and the Settlement Commissioner on the recent revision survey of Viramgam taluka;

(*b*) whether the Collector of Ahmedabad refused to grant the request of Mr. Shivlal Harjiwan Vyas in his letter, dated 18th August 1927;

(*c*) if the answer to (*b*) is in the affirmative, the reasons why those copies were not made available to Mr. Shivlal Harjivan Vyas though objections to the proposed increase of land revenue in Viramgam taluka were required by the Collector to be submitted before the 18th September 1927.

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) and (*c*) The application was refused as spare copies of the Assistant Settlement Officer's report were not available. It is not the practice to publish the reviews of the Collector and the Commissioner of Settlements till all the papers pertaining to the revision settlement have been printed in the form of a Government Selection.

Mr. J. C. SWAMINARAYAN: Why are not the reviews of the Collectors and Commissioners, Settlement Commissioners fully printed in the settlement report which is published by Government?

The Honourable Mr. J. L. RIEU: I have already replied that that is not the practice.

Mr. G. I. PATEL: Will Government be pleased to alter that practice, so that the public may know the facts?

The Honourable Mr. J. L. RIEU: I see no reason to do so.

CITY WALLS, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state whether they are aware that during the heav

rainfall and floods which caused great devastation throughout Gujarat, not a single brick of the city walls of Ahmedabad has been displaced from its position ?

The Honourable Sir GHULAM HUSSAIN : It is reported that portions of the City Walls in Jamalpur and in the vicinity of District Court were washed away in the floods.

Mr. J. C. SWAMINARAYAN : How were the reports received ?

The Honourable Sir GHULAM HUSSAIN : From the local officers.

Mr. G. I. PATEL : Will Government be pleased to enquire how far this is correct, because from our experience we know that it is quite incorrect ?

The Honourable Sir GHULAM HUSSAIN : All right, Sir.

TRANSFER FEES CHARGED BY TALATI OF KUJAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the Talati of Kujad, a village in South Daskroi Taluka of Ahmedabad District, is charging a fee of rupee one or two for transfer of land from the name of one khatedar to another by sale or inheritance without giving any receipt for the amount charged ;

(*b*) if so, what steps they have taken to prevent the practice mentioned in (*a*) ?

The Honourable Mr. J. L. RIEU : (*a*) The Mamlatdar enquired into this allegation but was unable to obtain any satisfactory evidence of its truth.

(*b*) With a view to preventing the possibility of any such malpractice the Inamdar has been requested to keep a close watch over the Talati's proceedings.

FOREIGN LIQUOR SHOP, AHMEDABAD : TEMPORARY REVIVAL OF LICENSE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they have issued orders to the effect that the foreign liquor " off " license of Messrs. E. R. Fanibanda & Sons should be revived for a period of six months to enable the licensee to dispose of his stock of liquor ;

(*b*) if the reply to (*a*) is in the affirmative the date on which the license was revived ;

(*c*) whether they took any undertaking from the licensee that he would only dispose of his stock of liquor and not increase it by fresh orders and receipts of consignments after the date of the revival of the foreign liquor " off " license ;

(*d*) if the answer to (*c*) is in the negative what were the reasons for not taking precautions against a similar plea of stock on hand being raised at the end of six months after the revival ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) 1st August 1927.

(*c*) No.

(*d*) No precautions were necessary as the risk, if any, is the licensee's.

Mr. P. J. MARZBAN: Will the Honourable Minister kindly state since the 1st August 1927 how many times this question has been asked in the Council ?

The Honourable Mr. G. B. PRADHAN: Fifty times at least.

FOREIGN LIQUOR SHOP, AHMEDABAD: ADDITION TO THE STOCK

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether Messrs. E. R. Fanibanda & Sons were allowed by the local authorities to make additions to the stock of " off " foreign liquor license after the date of the revival of the said license ;

(*b*) if so, under whose orders the local authorities permitted additions to the existing stock of the foreign liquor " off " license although that license was renewed only for disposing of the existing stock of that shop ?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) Under the Commissioner's orders. The license was sanctioned for a period of six months, and there was no stipulation that it should cease as soon as the stock in hand was exhausted.

Mr. P. J. MARZBAN: Will the Honourable Minister kindly inform this House what time and money it has cost this Council to answer this question ?

The Honourable Mr. G. B. PRADHAN: I have not computed the cost.

Mr. J. C. SWAMINARAYAN: When the license was renewed for the special purpose of disposing of old stocks, why was additional stock allowed to be purchased and added to the existing stock ?

The Honourable Mr. G. B. PRADHAN: There was no promise that the license would be renewed. It was at the licensee's own risk, if he purchased more stock. He paid the full license fee for six months, and within that time he expected to dispose of his stock; otherwise, the stock would remain on hand.

Mr. J. C. SWAMINARAYAN: Is it true that though Government mentioned that the license would be for six months, they intended to extend it after that ?

The Honourable Mr. G. B. PRADHAN: Not a bit; the license was extended because of the insistant demand for liquor in the station.

FOREIGN LIQUOR SHOP, AHMEDABAD: DISPOSAL OF STOCK

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether an " off " license of Mr. Naorojee Framjee Khambatta at Lal Darwaja, Ahmedabad, was ordered to be closed on or about 1st April 1922 ;

(*b*) if the answer to (*a*) is in the affirmative, what arrangements were made for the disposal of the balance stock of that license ;

(*c*) what were the reasons for not allowing the licensee any revival of his license to dispose of his balance stock ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) The balance of the stock was added to the stock of the Grand Hotel for which Mr. Khambatta held a license ;

(*c*) Does not arise.

FOREIGN LIQUOR SHOP, AHMEDABAD : DISPOSAL OF WINE STOCK

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether Mr. F. C. Athayde of Messrs. C. Fonseca & Sons, Ahmedabad, applied to the Collector of Ahmedabad making an offer of buying up certain kinds of high grade wines from the balance stock of the cancelled " off " foreign liquor license of Messrs. E. R. Fanibanda & Sons which would not be saleable at their refreshment bar license ;

(*b*) if so, why that offer was not accepted and why a new precedent of reviving a cancelled license was created ;

(*c*) whether that offer of Mr. F. C. Athayde was communicated to Government ;

(*d*) whether that offer of Mr. F. C. Athayde was considered by Government at the time of reviving the cancelled " off " foreign liquor license of Messrs. E. R. Fanibanda & Sons of Ahmedabad ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) It was not the business of the Collector to interfere in a private transaction of the kind. Mr. Athayde should have approached Messrs. Fanibanda direct.

(*c*) No.

(*d*) Does not arise.

FOREIGN LIQUOR : " ON " AND REFRESHMENT BAR LICENSES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state the exact difference between an " On " foreign liquor license and a refreshment bar license in both of which foreign liquors are sold in the Bombay Presidency ?

The Honourable Mr. G. B. PRADHAN : The Honourable Member is referred to Part III, Chapter XII, of the Bombay Excise Manual, Volume I, 1924 Edition, a copy of which has been placed in the Council Library.

GUJARAT COLLEGE : ADMISSIONS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) the number of students who applied for admission to the various classes of the Gujarat College in June 1927 ;

(*b*) the number of students who were refused admission in each class ;

(*c*) the reasons for refusing admission ;

(*d*) whether Government intend to increase the accommodation in the Gujarat College in view of the many refusals of admission in June 1927 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) The subjoined statement gives the information required :—

	Number of students who applied for admission in June 1927	Number of students who were refused admission
First Year Arts ..	468	164
Intermediate Arts ..	141	27
Intermediate Science ..	92	39
B.A. ..	154	8
B.Sc. ..	67	16
Total ..	922	254

(*c*) Want of sufficient accommodation in the College and in the Laboratories.

(*d*) It will not be possible to consider the question of increasing the accommodation until the financial situation improves.

LAND REVENUE ASSESSMENT : DADABHAI NAVROJI HIGH SCHOOL

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether it is a fact that the Dadabhai Navroji High School of the Charotar Education Society was exempted from all land revenue—agricultural and non-agricultuarl—before 1926 ;

(*b*) if the reply to (*a*) is in the affirmative, the reasons why land revenue assessment is charged from the said society since 1926 ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) Because one of the conditions upon which the exemption of land revenue is granted is that the owners of the school should have it recognized by the Educational Department, and the Charotar Education Society has declined to have this done.

Mr. J. C. SWAMINARAYAN : Supposing the school is recognised by the Educational Department, will the exemption be given by Government ?

The Honourable Mr. J. L. RIEU : That would be considered. I cannot give any definite promise.

Mr. G. I. PATEL : Is the recognition a condition precedent to the exemption of land revenue ?

The Honourable Mr J. L. RIEU : It is in this case ; yes.

Mr. G. I. PATEL : Before 1926 ?

The Honourable Mr. J. L. RIEU : I must ask for notice of that.

Mr. G. I. PATEL : Is there any writing, or a letter or a document which conveys this condition prior to 1926 ?

The Honourable Mr. J. L. RIEU : I do not know ; I have not seen the papers lately.

REVENUE DEPARTMENT GOVERNMENT RESOLUTION NO. 7567, DATED 27TH OCTOBER 1902

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to place Government Resolution, Revenue Department, No. 7567, dated 27th October 1902, on the Council Table ?

The Honourable Mr. J. L. RIEU : Government are not prepared to place a copy of the Government Resolution on the Council Table.

REVENUE DEPARTMENT GOVERNMENT RESOLUTION NO. 4798, DATED 18th MAY 1911

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to place Government Resolution, Revenue Department, No. 4798, dated 18th May 1911, on the Council Table ?

The Honourable Mr. J. L. RIEU : Government are not prepared to place a copy of the Government Resolution on the Council Table.

V. D. SAVARKAR : MARATHI LITERARY CONFERENCE, NAGPUR

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state :

(*a*) whether they were approached with a request to grant permission to Mr. V. D. Savarkar to attend a Marathi Literary Conference at Nagpur during the year 1927 ;

(*b*) whether it is a fact that the said permission was not granted by Government ;

(*c*) if so, the reasons for not granting the permission ;

(*d*) how long Government intend to continue such restrictions on the activities of Mr. V. D. Savarkar ?

The Honourable Mr. J. E. B. HOTSON : (*a*) No.

(*b*), (*c*) and (*d*) Do not arise.

AYURVEDIC DISPENSARIES : GRANTS-IN-AID

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) the names of Ayurvedic Dispensaries which are receiving grants-in-aid from Government ;

(*b*) the amount of grant-in-aid paid by Government to each of them during the years 1926-27 and 1927-28 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The Local Board Ayurvedic Dispensary at Vaduj, Satara District.

(*b*) Rs. 511 during each of the two years.

GUJARAT COLLEGE, AHMEDABAD : REPORT ON WORK OF GUJARATI LECTURER

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to place on the Council table the report of the

Principal of the Gujarat College on the work of Mr. Gajendrashankar Lalshankar Pandya, M.A., B.T., Lecturer in Gujarati in the Gujarat College, Ahmedabad, during the probationary period ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government regret that they are unable to lay on the Council table a confidential report which is submitted for the information of Government only.

URDU SCHOOLS IN THE PRESIDENCY

Mr. SAYED MUNAWAR : Will Government be pleased to state—

(*a*) whether the Urdu schools in the presidency have been showing signs of progress or decline during the last two years ;

(*b*) if progress, how ;

(*c*) if decline, why ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) The accompanying statement gives the information regarding Urdu Schools in the Presidency (excluding Sind) for the last two years. It will be seen from the figures given in the statement that these schools have been showing signs of progress.

(*c*) The question does not arise.

STATE

Name of Division	Year	Number of Urdu schools			Number of pupils		
		Boys	Girls	Total	Boys	Girls	Total
Bombay Division (including Bombay Municipality).	1926-26	290	63	353	18,781	4,624	23,405
Central Division ..		287	85	372	15,467	3,987	19,454
Northern Division ..		149	38	187	13,355	3,338	16,693
Southern Division ..		203	46	249	12,685	4,237	16,922
Bombay Division (including Bombay Municipality).	1926-27	311	66	377	19,638	5,269	24,907
Central Division ..		319	83	402	19,889	4,459	24,348
Northern Division ..		150	40	190	13,592	3,762	17,354
Southern Division ..		219	46	265	14,035	4,493	18,528

MENT

Number of teachers in Urdu schools						Results of the Urdu Vernacular Final Examination			
Men			Women			Boys		Girls	
Trained	Untrained	Total	Trained	Untrained	Total	Number appeared	Number passed	Number appeared	Number passed
257	379	636	6	118	124	83	44	17	13
308	304	612	26	43	69	143	70	21	8
332	251	583	18	14	32	121	38	3	2
354	169	523	18	8	26	113	38	..	..
295	386	681	9	123	132	88	56	27	14
316	329	645	27	46	73	134	63	16	7
358	253	611	15	17	32	125	53	8	2
351	205	556	18	12	30	156	79	2	..

Mr. SYED MUNAWAR : The number given under Trained and Untrained teachers shows such a large number of untrained teachers that I want to ask Government whether they consider the progress made to be satisfactory.

The Honourable Dewan Bahadur HARILAL D. DESAI : Comparatively speaking there is considerable progress over the previous year.

IRRIGATION, NASIK DISTRICT : BLOCK SYSTEM

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether it is a fact that the block system in the irrigated tracts of the Nasik District has been found by the irrigators very troublesome and they have complained against this ?

The Honourable Sir COWASJI JEHANGIR : In the Nasik District the block system is in vogue only on the Godavari Canals and no complaints have been received from the irrigators against it.

CROP PROTECTION : GUN LICENSES

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether they propose to give gun licenses freely to the cultivators for the protection of crops against wild animals.

The Honourable Mr. J. E. B. HOTSON : Government have in no way fettered the discretion of the officers who are empowered to grant licenses for the protection of crops, and have no reason to suppose that such licenses are not granted when the need for them is established ?

MASJID, PANDAW WADA, ERANDOL

Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state—

(*a*) whether they have taken under their control the Masjid known as Pandaw Wada at Erandol in the East Khandesh District ;

(*b*) what arrangements are made regarding its upkeep ;

(*c*) whether any permission was asked for by the local Mahomedans to repair it ;

(*d*) whether Government allowed them to do this ;

(*e*) if not, on what grounds ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Yes, as an ancient monument.

(*b*) A sum of Rs. 100 is proposed to be provided by the Superintendent of Archæological Survey, Western Circle, for current repairs to it this year.

(*c*) No.

(*d*) and (*e*) Do not arise.

MOULVI RAFIUDDIN AHMAD : Has the Honourable the General Member heard that prayers are interfered with in that musjid, for instance when facilities for ablutions in the shape of a cistern were asked for, they were refused by the officers concerned ?

The Honourable Sir COWASJI JEHANGIR : No, I have heard nothing of the sort.

(General discussion of the Budget resumed)

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Mr. President, the Honourable the Finance Member deserves credit for the able and clear statement with which he introduced the budget the day before yesterday, but we should have been glad if the copies of his speech could have been supplied to us along with the budget, so that we would have been in a better position to study the figures with some advantage. I would like to make a suggestion in this connection, namely, that the budget might be divided into two parts, one for the ordinary budget and the other for capital budget so that the items which are mixed could be separated and honourable members would be able to understand them a little more easily than at present.

Sir, the budget has been called an unsatisfactory budget. At page 29 we find a closing balance of seven lakhs as against the closing balance of 492 lakhs for 1924-25. Of course account must be taken of the 123 lakhs advanced to Sukkur Barrage Works, but I submit that the small working balance of seven lakhs for a presidency with a revenue of fourteen to fifteen crores is very meagre and quite inadequate.

I find that we are budgetting for a surplus of three lakhs expecting that we will not have to make any payment by way of provincial contribution and that no contribution is made to the Famine Insurance Fund. Failing this help, there will be a heavy deficit, in spite of the fact that this House has given Government a sum of about eighty lakhs by means of the Stamp Act, Court-fees Act, Transfer of Property Act, Entertainments Duty Tax and the Totalisator Tax. The cause attributed for the deficit is trade depression and the resultant financial stringency. May I know what steps Government have taken to remove the causes of trade depression and to start new industries thereby increasing the prosperity of the people and the taxable capacity of the people? Has anything been done in this direction? What is the use of pleading trade depression from year to year without doing anything to combat and to remove it?

The honourable member Dr. Ambedkar asked yesterday what new taxes Government proposed to levy in order to meet the demands of primary education. I submit, Sir, that this is not the time to levy fresh taxation, but it is the time to give relief to the people by a reduction of the heavy burden of the existing taxation. The only way in which Government can improve their financial position is by improving the condition of the people and increasing their prosperity and their taxable capacity.

I am surprised to find that Government intend raising the fees in Government colleges. If the expenditure on Government colleges is comparatively high surely the remedy is not to raise the fees but to reduce the expenditure, especially when Government themselves recognise that there is trade depression and therefore the people are not able to pay more. I do not know why Government want to penalise higher education by increasing fees in their colleges.

I must admit, Sir, that I am glad to notice that several years after the attention of Government was drawn, provision has been made in the budget for an improved police system in the City of Bombay.

[Mr. Hoosenally M. Rahimtoola]

During the last August session the Honourable the Minister for Education stated in reply to a question that Government proposed to open the Andheri College in June 1928. As far as I can see, the budget contains no provision for the opening of this college in Andheri next year. I would like to know from the Honourable Minister for Education if any provision has been made for it, and if not, why not.

Sir, we are told that we are spending increasingly on education. Looking to the budget of 1921-22, I find that the provision was Rs. 1,82,39,000 for education in that year. That was the first year of the reformed Council. For next year we are providing Rs. 2,09,26,000, an increase of Rs. 26,87,000. Now, if we deduct from this sum of Rs. 26,87,000, the sum of Rs. 21,37,000, which we got out of the Scheduled Taxes, we find that the increase is only Rs. 5,50,000; and yet we know that the Council gave Government taxation to the tune of Rs. 60 lakhs by the increased stamp duties, the transfer of property tax, and so on. The actual figures of the amounts realised from these taxes are not known but those were the estimates which were placed before the Council when those taxes were passed. We are told that we are spending larger sums on medical relief but what are the figures? In 1921-22 we find that we provided in the budget for medical relief and public health a sum of Rs. 82,29,000; for next year we are providing Rs. 84,39,000 an increase of Rs. 2,10,000. Taking all the three departments, Education, Medical Relief and Public Health together, we find that for the first year of the Reforms the provision was Rs. 2,64,68,000; for the next year for these three heads the amount is Rs. 2,93,65,000, an increase of Rs. 28,97,000. If we deduct the amount of the Scheduled Taxes, namely, Rs. 21,37,000 from this amount, we find that the extra amount is only Rs. 7,60,000. That means to say that out of the new taxes of Rs. 60 lakhs granted by the Council to the Government, the remission of the provincial contribution to the tune of Rs. 55 lakhs or Rs. 56 lakhs, and the reduction in the contribution to the Famine Fund, which is about Rs. 60 lakhs, giving a total of about Rs. 1¾ crores, only Rs. 7 lakhs are spent on education, medical relief and public health. These figures are very illuminating, and I hope to hear some explanation about it from the Government benches.

Another satisfactory feature of the budget is that, for the first time, provision has been made for paying pension equal to half of their pay to the servants of Government in inferior service.

Sir, it has very often been said that the province of Bombay leads among the provinces of India. Looking to the Auditor-General's report, we find several items in which the province of Bombay leads the other provinces of India. For instance, we lead in the matter of our loans. In the matter of our balances we were leading for sometime, but as regards the financial position, we are leading in the wrong direction. Then there is the complaint about over-budgetting. These are the complaints made by the Auditor-General in his report for the year 1925-1926. Then, as pointed out yesterday by my honourable friend Dr. Ambedkar, the percentage of our expenditure on the transferred subjects is

[Mr. Hoosenally M. Rahimtoola]

low as compared with the other provinces. Sir, we have been told that if we are spending more in the province of Bombay, we are giving better service. I would like to know in what respects we are giving better service. Is the population of the Bombay Presidency more literate than the people of other provinces? Are they in better health? Are they suffering from less diseases? In what way are they getting better service? I do not want to take the time of the Council by giving figures, but if the Honourable the Finance Member will look up the census figures, he will find that Bombay does not lead in the matter of health, education, etc., but lags behind many other provinces.

The excuse that is put forward is that the cost of living in Bombay is very high. If it is very high, why is it very high? Have Government made any enquiries why in the province of Bombay out of all provinces the cost of living should be high? What are the reasons? Have Government made any enquiries to find out ways for reducing the cost of living? What is the use of complaining? There must be causes for the high cost of living in Bombay, and those causes must be found out. Have Government done anything? Why is the cost of living in Bengal and Madras low as compared with the cost of living in Bombay? Why is the cost of living in Bombay so very high? There must be some causes.

Then, Sir, there is no doubt that the financial position of this province is very bad. We are closing with a balance of Rs. 7 lakhs, in spite of the remission of the provincial contribution and the reduction of the contribution to the Famine Fund. Government have tried departmentally to effect retrenchment, but that has not helped to put the finances of the province on a satisfactory footing. The only remedy therefore lies in Government appointing an outside financial expert to advise Government to find out ways and means to put the finances of the province on a satisfactory condition and to try to reduce the heavy burden of taxation on the people of this presidency, and to find out means for increasing their prosperity and thereby increase their taxable capacity. Of course, the Honourable the Finance Member is not entirely responsible for this condition, because he has received a bad legacy from his predecessor. But I am afraid, Sir, bad as the legacy was, he is leaving the finances in a worse condition. I hope, Sir, some steps will be taken to improve the financial position of this presidency. We are really in a very bad condition, and some means must be found to improve it. With these words, I resume my seat.

Rao Bahadur R. R. KALE (Satara District): Sir, I compliment the Honourable the Finance Member on the great ability and rare skill exhibited by him in making the best of a bad job in the preparation of the present budget, in the very precarious condition to which this presidency has been financially reduced. No doubt, as has been said, he has inherited a legacy, which is the result of various sins of commission and omission committed in the past. But while sympathising with him in the embarrassment with which he is confronted, in making the two ends meet, I am constrained to observe that we look in vain for any

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new indication, much less any enunciation of a bold policy by which the finances of this presidency will be placed on a sound and satisfactory basis. I know the old remedy suggested is fresh taxation, taxation of a very limited nature, just sufficient to make the budget balance ; but, as has been said, the capacity of the presidency for any higher taxation has been already reached, and, as has been pointed out oftentimes by eminent men like the late Dr. Dadabhai Nowroji, the presidency is really in need of a reduction in the taxation, and that could be done by reducing the very heavy expenditure that is incurred upon the several public services of this presidency.

Dadabhai Nowroji than whom there could not be a better friend of the British Government and a stauncher adherent of British connection, had shown from time to time that the taxable capacity of the people had been reached and pointed out that the reason for this should be removed, the reason being the topheaviness of the public services. With these few remarks I now wish to make a few suggestions, although I know that any proposals affecting the finances of this presidency must emanate under the present constitution from Government and that the non-official benches are debarred from putting forward any such proposals. But it might be asked what are the constructive proposals put forward on behalf of the non-official benches. Therefore I wish to offer a few remarks in that connection.

The way in which the finances can be improved is two-fold. First of all economy in the administrative expenditure and secondly finding out new sources of expansion of revenue. I wish to take up the two points separately. With regard to the economy, I am glad to be able to say that the retrenchment committee that was appointed at the very first session of this reformed Council, and the retrenchment officer who was appointed latterly by the Government, have both of them made recommendations and the tabular statements have been placed before the Council, which show that there is a great field for economy in that direction. I am glad to note that a beginning has been made in the direction of indianising the services and discontinuing the practice of promoting provincial service men to the Indian services and giving them salaries which do not suit Indian conditions—so to speak the indianisation of the services by making them provincial has already been started. The provincialisation and indianisation of the services should be resorted to not on racial grounds but on consideration of pure economy. I hope the practice will be extended to the various departments under the control of this Government. The reduction of the scale of pay for the new entrants to provincial judicial service has been approved and the same should be done in the case of the other branch of service.

MOULVI RAFIUDDIN AHMAD : Reduction in recruitment ?

Rao Bahadur R. R. KALE : No. no. Reduction in the scale of pay.

The Honourable Mr. J. E. B. HOTSON : I do not understand the reference by the honourable member to the judicial establishment.

Rao Bahadur R. R. KALE : I have taken down the reduction of the scale of pay of new entrants to the judicial branch of the provincial service.

The Honourable Mr. J. E. B. HOTSON : Where does this come from ?

Rao Bahadur R. R. KALE : From the statement given by the retrenchment officer, Mr. Shillidy. It is contained in the statement supplied to us some time back.

I only wish that the same treatment should be accorded to the other branches of the same service. I am also glad to find that some efforts have been made in the direction of making the travelling allowances permanent. I think that there are a large number of recommendations both in the report of the retrenchment committee and that of the retrenchment officer which deserve consideration and which are said to be under the consideration of Government. I hope they will be given effect to. The reason for my complaint is that these recommendations have again been sent to the heads of departments concerned. The heads of departments are inclined to view with disfavour any economy or retrenchment which will affect their departments. Here must come the courage of the Finance Department. I know that the Finance Department is being approached by various departments, but if the Finance Department shows courage and acts up to the recommendations of the retrenchment officer, I think a great deal of retrenchment can still be effected.

With these remarks about the retrenchment committee and the retrenchment officer we now come to a stage when perhaps it will be necessary to go into the history of this increase of expenditure which had to be done just at the time when the new reforms came into existence. It was owing to the after effects of the war, that the increments in the pay and scale had to be given. Last year I was told by the Honourable the Finance Member that if and when times changed and if the rupee appreciated and the prices were cheaper, the question of reduction of scale might be capable of being considered. Therefore I ask that if this increase in pay and scale was resorted to at the time when living was dear, whether it is not possible to do anything in the way of re-revision now when the time has changed ? I am referring to the salaries and the scales of the heads of the services. I do not for a moment suggest any retrenchment in the establishment of clerks or menial services, because retrenchment was effected in the year 1922 and any further reduction in the establishment would be prejudical to the efficiency of the administration. But I do suggest that a reduction in the number of heads or supervising officers should be resorted to, if our finances are dwindling down, and if no surplus balance is left as was the case before the year 1920. Certainly we must set ourselves to see whether reduction in the number of those officers cannot be effected. In this connection I may point out, as I have pointed out on a previous occasion, taking from the top the number of executive councillors as occasion arises should be reduced. I really wish to ask whether any effort has been made in that direction. I should like to know whether there is any justification for taking in a larger number of the I. C. S. officers than is absolutely provided for in the schedule of the Government of India Act.

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Any increase in their number will certainly entail additional expenditure to the already loaded finances of this country. I therefore submit that this is a matter which should also be taken into consideration.

This brings me to the question which I pressed on the attention of this Honourable House at the very inception of this reformed Council, namely, the provincialization and the indianization of the services. I repeated that question at the last session, when I was informed that provincialization has already begun and that rules were being framed by the Secretary of State under section 96B, whereby the services could be provincialized to a large extent. My only wish is that it should be done immediately. Delay has already occurred. If it had not been for this delay we should have seen signs of economy in that direction, and we should have also seen the services becoming subject to the control of the head of the transferred departments. With regard to this matter, we are now at the close of the old constitution and on the eve of the new constitution that is to be framed. This Government have appointed a special officer to prepare the case of this Government. I submit, Sir, that Government will do well to instruct their officer to place the case of the Bombay Government from the financial point of view. That point of view is, really speaking of a two-fold character. First of all, this presidency has been deprived of the expanding sources of revenue, and secondly there is the question about the heavy cost of the recruitment in a foreign country of a large number of officers. These are the two points which form the crux of the whole case, and in the budget debates as well as in the other debates of this Council ample material will be found to justify the case for this Government from that point of view. I know that the Indian point of view can be placed before the Statutory Commission very properly by Indians. So far as the non-official representatives of the people are concerned, as the Commission is at present constituted, it is not possible for them to co-operate with the Commission in these matters, for the simple reason that they cannot co-operate effectively. Unless and until equal status and equal privileges are accorded to such non-official representatives to take part in each and every proceeding (whether it be *in camera* or in public) as well as in the final shaping of the report by free and full discussion by sitting together, I do not think there is any hope of their being of any assistance, as is certainly desired by either side. In this connection I do appeal to all my honourable friends belonging to both communities, Hindu and Muhammadan, and to the different sections, backward, intermediate and forward classes, to stand together and be united, because I do feel that united we stand and divided we fall. I know that the Indian point of view and the ryots' grievances cannot be usefully put forward before the Commission by representative Indians unless they are placed in such a position as to be effective. If we look to the ultimate welfare of the masses at large and not be carried away by short-sighted vision, I have no doubt we will realise that if any good is to come out of the Commission, the Indian point of view should come to be felt and prove effective.

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With these remarks, I shall now pass to the second point, namely, the expansion of our sources of income. In this connection, I have already observed that the expanding sources of revenue have been taken away from us by the settlement, the so-called Meston settlement. That point has already been referred to by me. But so far as it remains in our power, I do urge upon the attention of the House the need of organising a Rural Development Department. We have heard of the Bombay Development Department, but I do feel that sufficient attention has not been paid to the need of organising a Rural Development Department. I am glad in this connection to note that the Department of Industries, which was kept in abeyance, is proposed to be revived in the present budget. The reason for this, Sir, is that if you want more revenue from the ryots, you should provide them with the means of improving their condition.

The time at my disposal is short, and I will only refer to one or two matters more. For instance, there is the possibility of utilising hydro-electric power for purposes of irrigation. At present I find that there are actually in existence some electric organisations which no doubt turn out electricity which is utilised as power, but the water that flows down into the valley or that is collected at the top of the hills runs into waste and no use is made of it. If, however, as is done in Mysore and in some parts of Madras, these waters are utilised for purposes of irrigation, I do think that the condition of the agriculturists will improve and they will be in a position to get more yield of crops and pay more in the shape of land revenue to Government. I submit, Sir, that there is a great possibility in that direction. In my district the Koyna Valley Scheme is under consideration. No doubt there is some opposition from the people, but that opposition proceeds from the fear entertained by them that although the electric power that is generated may be used for machinery, so far as their land is concerned it will be acquired and they will be deprived of it and no benefit will accrue to them. But I submit that if the water is to be utilised for storage and diverted into canals and then taken to small storage tanks, and utilised not for special crops like sugarcane but for ordinary food crops like wheat and gram which are imported for our consumption, if any arrangement of that sort is to be made, then I think it will be quite consistent with the needs of the country and Government will be in a position to get more revenue.

MOULVI RAFIUDDIN AHMAD : What will be the cost ?

Rao Bahadur R. R. KALE : It is for the Department concerned to work it out.

Mr. P. J. MARZBAN (Bombay city, South) : Mr. President, of all the various fine arts acquired by human ingenuity, intellect and intelligence—the most wonderfully fascinating fine art, to my mind, is the art of budget-making. In this particular direction, Sir, our Finance Member is undoubtedly a past master. The ease and dexterity with which he has twisted and turned a deficit of nearly a crore and a half into a surplus balance of 3 lakhs fill me with unmitigated admiration for his financial jugglery. Yesterday, Sir, I understand—(of course I was not

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present here)—that my honourable friend Mr. K. M. Munshi had showered a good deal of praise and congratulations on the Indian Finance Member, Sir Chunilal Mehta, for the masterly way in which he has shown black as white and white as black in his financial statement, and though I am fully aware that the Honourable Sir Chunilal is not very fond of Black and White—I beg to add my humble quota to that praise.

This year indeed the Honourable Sir Chunilal has outdone Sir Chunilal of past years. On page 15 of the Blue Book we find that there is distinctly a deficit of three-quarter of a crore (that is, 34 lakhs under ordinary and 42 lakhs under development department). Although 37 lakhs are calculated from Indian Government's remission, and 63 lakhs are polished off from the Famine Fund contribution, these small gaps do not worry the Honourable the Finance Member a wee bit. He coolly tells this honourable House that we need not worry about these trifling shortcomings, but must consider as no longer existing. On the other hand we must rejoice at the rest of the figures, namely, 3 lakhs of surplus. This reminds me, Sir, of the arithmetical calculation of a Pardeshi Bhaya who owed some one a hundred rupees. When pressed for payment of his dues, he said : (I will speak in his own language, Sir with your permission) :

" સોકા હુવા સાઠ—
ઇસમેંસે આધા ગયા નાઠ !
દસ દઉંગા—દસ દલેવાઉંગા—
તો પીછુ રહા દસ !
ઇસમેં દેનાભી કયા—ઔર લેનાભી કયા ? "

The Honourable Sir CHUNILAL MEHTA : May I ask one question to the honourable member ?

Mr. P. J. MARZBAN : Yes.

The Honourable Sir CHUNILAL MEHTA : Am I to understand from the honourable member's speech that he takes Rs. 42 lakhs as a deficit ?

Mr. P. J. MARZBAN : Yes.

The Honourable Sir CHUNILAL MEHTA : I am afraid he is incorrect in that respect.

Mr. P. J. MARZBAN : Well then I must admit that I must be a 'duffer' in budget problems (Laughter). The budget as I said is a very plastic article. You can give it—at a pinch—*any* shape you like. And it did require the handi-work of a master craftsman to alter a bankruptcy budget of 1½ crores with a surplus cheery budget of 3 lakhs surplus. I may submit, Sir, that during all my career in the Corporation and as a member of the Standing Committee of that Body, I have never been able to fathom the mysteries of budget-making. But my ordinary common-sense, after reading the Blue Book, tells me that in spite of the unparallelled optimism of the Honourable Sir Chunilal Mehta and in spite of his beautiful window-dressing, the situation of this presidency is now very desperate. I stand confessed that, like most of my

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honourable colleagues who have preceded me, I am so stupefied at the present financial *impasse* that I am not able to offer any very constructive practical criticism as to what should be done to improve our present financial condition. Sir, I am not one of those who like to cry in season and out of season hoarse over retrenchment and curtailment of expenditure, because I realise that there are limits to retrenchments and limits to jeopardising the efficiency of a big administration. But what I submit, Sir, is that it is not the province of this honourable House to suggest ways and means to Government to get out of this tight fix. It is for the Government alone to come with reasonable and practical suggestions of increasing the revenue and decreasing the expenditure before this House—suggestions which will be acceptable to it. It is for Government to say where repairs to the machinery of the administration are necessary. They are in close touch with every minor part of the machinery, and they are therefore quite competent enough to say exactly where the axe can be applied.

The Honourable the Finance Member, in his explanatory note on the budget, does not suggest any ways and means to tide over the present precarious position. After the Reforms this is the eighth year in which we find we cannot retrieve our financial position. The Government of Bombay depends on the doles of the Government of India to carry on the administration of this presidency: Let me say, Sir, in the words of a great financier, that this policy is nothing short of a financial heresy. The Honourable the Finance Member, so also the Government of Bombay, have failed to get the Meston Award revised. This is a very important question. I may submit, Sir, that it is the Meston Award that is at the bottom of the whole mischief which is working at our door. Now, any one who peruses the Blue Book of the Government of Bombay for the year 1928-29, can very easily see the worst side of the financial position in which we are at present. That our presidency has passed through three successive years of deficit is a thought that naturally must make every responsible officer of the Government pause and ponder. Even taking the Honourable the Finance Member at his own figures—a nominal closing balance of 3 lakhs (exclusive of famine fund) for a presidency which has a total of over 30 crores of ordinary transactions of receipts and disbursements, is hardly a matter of congratulations. Now, Sir, from the Budget Blue Book we can clearly see that our receipts fluctuate mildly, whereas the disbursements are jumping up higher and higher. But no attempt has been made to lessen the item of expenditure, especially in the "Reserved" Department. We all know and we are all aware that while the Reserved Departments are overfed, the Transferred Departments are actually starved. I am sure an axe will *have* to be applied—if not to-day or to-morrow, on some day it will *have* to be applied—to the Reserved Departments. The principal heads of revenue show no signs of expansion notwithstanding the policy of Government in increasing the taxation. People are already groaning under the heavy burden of taxation and any fresh taxation will really be resented by the public and will be, no doubt, very heavy for this presidency.

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Now, Sir, I come to the next head of Excise. The policy of temperance has not yet succeeded. Drunkenness is there, illicit distillation is also there, and the revenue of this department is increasing appreciably. I leave it to the honourable members on the other side to explain the reason why there is no drunkenness on a lesser scale.

Then, I come to stamps. In spite of the increase in the stamp duty, the stamp revenue has fallen considerably, owing to laxity of trade. Then, I come to the public department of Government, namely, the Development Department. In spite of the protests of this Council and in spite of the protests of the public and the press, Government have not seen their way to get rid of this department. This department is at the bottom, principally at the bottom, of our financial ruin. Sir, Government, in order to maintain their prestige, still keep it on, and I should say that this department shows a deficit of Rs. 41 lakhs. I said it was Rs. 42 lakhs, but I think it is Rs. 41 lakhs. On a point of information, Sir, will the Honourable the Finance Member say whether it is correct ?

The Honourable Sir CHUNILAL MEHTA : I have explained, Sir, in my speech that the subsidy to the Development Department is Rs. 32½ lakhs. To be accurate, 32·55 will be the subsidy that will be paid to the Development Department next year out of general revenue. That is, that will be borne by general revenues next year. And less has been borrowed. The loan balances have been depleted. That is the explanation.

Mr. P. J. MARZBAN : I am conscious, Sir, of indulging like others in futile destructive criticism. But what can members of this House do more than destructive criticism at this time of general discussion on the budget ? This is the utmost that we can do ; and I should say, Sir, that we are now reaping the harvest of the policy of the Government of Bombay of gambling in Utopian schemes and, as my honourable friend Mr. Swaminarayan said, wild-cat schemes, not of lakhs but crores. Sir, the Lloyd Folly has given us a heritage of two white elephants : One is the Development Scheme and the other is Sukkur Barrage. It is stated that a time may come, Sir, when we may collect money by the shoals ; but at present we are paying through the nose for the same. For the benefit of the future generations the present generation is bled white. And as it were this burden was less, the Bombay presidency is now burdened with hospital expenses. Hospital amenities for a city like Bombay is a thing much to be desired, certainly. But I submit there ought to be limits to everything. Sir, within the last five years, all of a sud en the citizens of Bombay are afflicted with a disease called "Hospitalomania". In this budget I find that the hospital charges are raised to Rs. 31 lakhs from Rs. 23 lakhs, and the medical charges as a whole have gone up to Rs. 52 lakhs from Rs. 47 lakhs.

Now, Sir, before I close, I say that I, like many other honourable members of this House, am simply filled with consternation at the rate we are rushing headlong to certain bankruptcy, and I do not see how on earth are you going to make more money, unless perhaps some future Governor may think of a few thousand Rao Bahadurships or a few hundred

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Knighthoods for sale and so get more money for helping our financial position. Otherwise, Sir, I cannot see any way out.

I understand, Sir, at the instance of the Government of India the Government of Bombay had to stop stamp duty on cheques. It comes to about a lakh and a half. But it is a pity, Sir, that that source of revenue has ceased. Nobody resented it, and it only affected those who had nice balances in the bank, and I should like the Government of Bombay even now to try again and induce the Government of India to allow them to levy this tax again. With these remarks, Sir, I resume my seat.

The Honourable Sir GHULAM HUSSAIN: Mr. President, I must express my gratitude to the non-official members of this Council for their solicitude for the transferred departments. I may assure them that we Ministers also do not lag behind them in asking for more money for the transferred departments, and I shall presently show this honourable House that we have not been failing in our duty in asking for more money, and in some cases we have got it.....

Mr. LALJI NARANJI: Are you satisfied with that?

The Honourable Sir GHULAM HUSSAIN: I am not satisfied with that; I still want more. But where is the money to come from? We have been told in this House during the last few days that the transferred departments have been starved, and that everything has been spent on the reserved departments, and especially one department that has come in for criticism and which is under my honourable colleague to the left, the Police. I heard divergent views on that department. A Muslim representative of Bombay congratulated the honourable member on the increased police expenditure in the city of Bombay. The mofussil representatives in this House were not satisfied with the additional expenditure on the city of Bombay. These are the two points of view that we heard yesterday. But there is a frequent complaint in the press and on the platform of Pathan terrorism in the city of Bombay. That in itself shows that Bombay city requires more police.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: What about the districts, then?

The Honourable Sir GHULAM HUSSAIN: At the same time, I have been hearing complaints from some of the representatives of the rural areas that the police in the mofussil is inadequate, and when my honourable colleague to my left tries to meet their wishes, the complaint is that we are spending more money on the police. I will presently show the Council that we have not spent more money on the police department. In 1920-21, the year before the reforms, the expenditure on the police department was Rs. 1,76,39,000. Now I would refer honourable members to the provision for the next year, 1928-29. What I find is Rs. 1,70,00,000 only. That means we are spending Rs. 6,39,000 less on the police after the reforms.

This further shows that all the money is not being taken away by the reserved departments.....

MOULVI RAFIUDDIN AHMAD : More ought to be given.

The Honourable Sir GHULAM HUSSAIN : No, no. I do not advocate that more ought to be given, but I want to meet the argument that more is given.

I will now take another department, Jails and Convict Settlements under the charge of the Honourable Member to my left. What was the expenditure in the pre-reform days on this head ? Rs. 21,15,000. What is it to-day ? 25 lakhs. That means there is an increase.....

Mr. L. M. DESHPANDE : The figures might have been apportioned under different heads since.

The Honourable Sir GHULAM HUSSAIN : These are the main heads. The honourable member can refer to them. There is the budget before him. I am informed that the figures have not been differently apportioned.

That means 4 lakhs increase. I now come to Education. What was the expenditure in 1920-21 on education ? Rs. 1,43,39,000. And to-day ? Rs. 2,09,00,000.....

Mr. R. S. ASAVALE : Is it sufficient ?

The Honourable Sir GHULAM HUSSAIN ; It is not sufficient. But that is not the question. We are now considering whether more money is being given to the transferred departments or not.

MOULVI RAFIUDDIN AHMAD : That might be due to a windfall.

The Honourable Sir GHULAM HUSSAIN : No, in spite of no windfall, we spend much more. The increase is nearly 66 lakhs.

Lastly, take Public Health. In 1920-21, the expenditure on Public Health was Rs. 18,15,000 and to-day it is thirty lakhs, nearly double....

Mr. B. G. PAHALAJANI : Are you fully satisfied ?

The Honourable Sir GHULAM HUSSAIN : I am not yet satisfied, but I am only meeting the insinuation.....

Mr. B. G. PAHALAJANI : On behalf of the Honourable the Home Member ?

The Honourable Sir GHULAM HUSSAIN : Not on behalf of the Honourable the Home Member, but just to show that Ministers do ask for more money and get it to a certain extent.

I now come to Agriculture. What was the expenditure in 1920-21 ? Rs. 23,62,000. To-day it is 29 lakhs.

Honourable members will thus see that the transferred departments are trying to get as much as they can. The figures I have quoted prove that. In fact, Education, Public Health and Agriculture have nearly got a crore more from 1920-21 to 1928-29, and still one of my honourable friends complains that the transferred departments are starved in spite of additional taxation to the tune of 60 or 80 lakhs. Out of that, the transferred departments are having their share. I would like to have still more, but my point is that it is not true that the Ministers do not ask for their share ; but, as I have shown you from figures which are on record, we are really getting more than before.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Sir, the remarks I am now about to make should really speaking come when the discussion on the police grant will take place, but I am afraid from past experience I may get no opportunity of discussing this matter then and therefore I propose to deal with this question now.

The punitive police has been set in Sholapur because of the serious Hindu-Mahomedan disturbances in the city. Which community is to be blamed for these disturbances I need not go into that question just at present as the findings of Government officials are clear in the matter. That extra police is needed for the city of Sholapur no one can deny. The Inspector General of Police in the annual police report for the Bombay Presidency for the year 1926 says:

"As the whole question of police strength is under consideration at present and Government are well aware of my opinion that we have retrenched to an unwise degree, I refrain from offering any criticism here."

But the policy of having punitive police is open to legitimate criticism.....

The Honourable Mr. J E. B. HOTSON: They are not called "punitive police" but "additional police."

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: That means the same thing because recoveries are to be made from the public.

Prior to 1909 we had in the city of Sholapur one sub-inspector, 12 head constables and 82 constables when the population was about 75,000. In 1909 the number of constables was increased to 90. In 1911 when the population was 89,000 the number of constables was raised to 115, and that of head constables was increased from 12 to 23. In 1921 the population was 114,000 and the police staff was 3 sub-inspectors, 23 head constables and 115 constables. While the next year four more head constables and six more constables were added. No addition to the staff was made after 1921, that is to say, the addition to the police staff, from the year 1911 when the population was 89,000 up-to the year 1925, was only two sub-inspectors, four head constables and six constables. The population at present is nearly 130,000. In other words, for over 40,000 additional people in the Sholapur city the increase is only 12 in the staff. Unfortunately figures for other cities are not available but only for districts. In this case these are of no value, but if the figures for the various other cities are available, I could prove to you by the rule of thumb that an additional strength of at least 100 police should in justice be given to Sholapur city. In this connection, I might draw attention to four important factors, *viz*:—

(1) Sholapur is an industrial town which stands third in the Bombay Presidency;

(2) The location in the city of the largest criminal tribes settlement in the Bombay Presidency;

(3) The contiguity of the district to the Hyderabad State;

(4) The unfortunate coincidence of the festivals and processions falling on the same day in Sholapur and Pandharpur. The latter necessitate a strong police force at two places in the district on the same date.

[Khan Saheb Abdul Latif Haji Hajrat Khan]

No observer can fail to ignore the fact that there is a strong wave of communal dissensions sweeping all over the country. For these reasons Sholapur city should be considered as a special case in its requirements of police protection. Taking all these things into consideration, the extra police Sholapur could claim is at least 100 more men. My first contention is, therefore, that one hundred out of the 150 men that are posted in Sholapur as punitive police should be considered as extra police and be paid for by Government in the usual course of events. The next point to which I would like to draw the attention of Government is this, who fixed the strength of the present punitive police at 150 I do not know, and it is quite possible that this figure might be an over estimate. The District Superintendent of Police of Sholapur in his report says :

"Again the Kartiki Ekadashi fair on which occasion the Rath procession at Sholapur is taken round the City and on which very occasion the year previous the well-known riot took place, a contingent of 8 head constables and 32 men had to be drafted into Sholapur from several districts in compliance with my request."

That shows that he managed by drafting 40 more men on that special occasion. Sir, is it then too much to doubt that the District Superintendent of Police, Sholapur, who is very good at his work, cannot preserve peace with 100 extra men? I therefore suggest that the remaining extra men should be withdrawn till circumstances prove that they are needed, unless Government wants to wreak vengeance on the city, where some interested *badmashes* created a series of disturbances. I appeal to the Government benches to accept my proposal.

Another point that I would like to touch upon is that I was one of those who paid a visit to the Sukkur Barrage works. The time at my disposal is very limited; otherwise I would have gone into greater detail, but I can say with authority that whatever I have seen goes to show that everything there is going on in a businesslike way, quite satisfactorily and economically. With these few words, I resume my seat.

Mr. R. G. PRADHAN (Nasik District): Mr. President, as references have already been made to the Statutory Commission, and as I see that the budget provides for some expenditure on account of the Commission, I hope I am not transgressing the bounds of relevancy if at the outset, I make a few remarks on the subject. It gives me very great pleasure to say that, of all utterances on the subject by responsible British statesmen and consuls and proconsuls, the utterance made by His Excellency the Governor in his speech on the opening day was the least offensive. I think I am not exaggerating if I say that it is the most persuasive, though it may not succeed in persuading most people. I therefore cordially echo the hope expressed by His Excellency that it is not too late for some mutual understanding to be arrived at, whereby the representatives of the British Parliament and the representatives of Indian political opinion can give each of their best to recommending such proposals as will have the result of evolving a constitution satisfactory to both and one which will advance the happiness and prosperity

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of the millions who live in this land. I heartily join in expressing that hope. To my mind, such mutual understanding even now is not an impossibility, provided first the Statutory Commission virtually enters on its high mission on the lines and in the spirit of a British delegation, anxious to place once for all the solution of the Indian constitutional problem on a satisfactory basis, and provided further the representatives of Indian political opinion of every school of thought or community face, as I have no doubt they will, when they seriously consider the matter across the table, the hard facts and conditions of the problem, and after having arrived at an agreement among themselves meet the British Delegation with the sole desire of devising a constitution which, while seeking to realise the goal of full responsible government at the earliest possible moment, will provide for every legitimate interest and meet every real, practical difficulty. Sir, we have found in the case of England, we have found in the case of Ireland, that when two parties are earnestly desirous of arriving at a satisfactory settlement, even the die-hards, who fortunately or unfortunately, will be found in the ranks of every party and in every circle, will be found reasonable enough to take into consideration vital questions arising from actual circumstances and conditions; and I would earnestly and respectfully submit that the British statesmen, Lord Birkenhead and other responsible statesmen, and the members of the Commission also should banish from their minds any suspicion or distrust of the capacity or the willingness of representative Indian public opinion to consider the Indian problem as a whole, in all its difficulties and complexity and also, I want to add, from the point of view of imperial interests. With these words on the Statutory Commission, I proceed to discuss the budget.

I feel considerable sympathy with the Honourable the Finance Member in his difficult situation. Nevertheless, making every allowance for his difficulties, I must say, and I say it with very great respect for the Honourable the Finance Member, that the budget and the speech with which he has introduced the budget are the budget and the speech not of a statesman with large policies and with the will to adopt requisite financial measures to carry out those policies but of a mere administrator, whose whole conception of his duties consists in somehow balancing the budget. I say it with very great regret, but I must say it. The financial problem with which we are confronted is not a new one. It is the same problem which we have had to face ever since the inception of the Montagu-Chelmsford Reforms. The problem, put in a nutshell, is this: how to provide for the development, as quickly as possible, at least up to a certain high level, of education and other progressive functions of the State. That is the problem which we have to face. This problem existed in 1921-22, and unfortunately exists to-day substantially as in that year. To solve this problem, our revenue must exceed our existing expenditure by at least three or four crores of rupees. What have the Government done to bring about this result?

They have failed to bring about this result for three reasons: first because they are not making every effort to develop the existing sources

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of revenue; secondly, they have not as yet, in the spirit of absolute detachment, tackled the problem of retrenchment and economy; and thirdly, they are suffering from the infirmity to which every Government is liable—the infirmity which makes them nervous in facing the problem of taxation—nervous that they might thereby incur the displeasure of the people, particularly of the powerful capitalistic and wealthy interests. The Honourable the Finance Member will thus see that in fact I am bringing forward against this Government a three-fold charge; and I say that on account of these three reasons our financial position is not as satisfactory as it otherwise would have been. I propose to discuss at what length the limits of time will permit me to consider each of these three points.

My first allegation is that the existing sources of revenue are not properly and sufficiently developed. Honourable members and particularly members on Government benches will refer to the budget where a full statement is given of our revenue since the year 1921.

MOULVI RAFIUDDIN AHMAD: What is the page number?

Mr. R. G. PRADHAN: Do not mind the page number. You have gone through these figures.

Take first of all the land revenue, which has not exceeded, I am speaking from memory, Rs. 5 crores. Now, I have endeavoured my level best to understand this problem of land revenue. (Mr. R. S. Asavale: Rs. 5·98 crores.) Say six crores. My study of this problem has led me to the conclusion that there is a good deal of inequality at present existing in the land revenue assessments. There are places where lands are under-assessed and there are other places where lands are over-assessed. I have come to the conclusion, subject of course to correction by the superior knowledge of Government officers, that if this problem of land revenue assessment is properly considered and the whole matter is thoroughly gone into, the amount of revenue which we are at present realizing may be increased at least by 30 to 40 lakhs of rupees without at the same time imposing any additional burden upon the poor agriculturists. In this respect, I submit Government are not doing their best in developing the existing sources of revenue. If they will just go into this matter more carefully we shall have more land revenue without at the same time imposing any additional burden on th poor agriculturists.

The Honourable Sir CHUNILAL MEHTA: How is it?

Mr. R. G. PRADHAN: I am afraid I cannot go into the details. My time is limited and I have not got the notes before me at present. If the Honourable the Finance Member desires, certainly I will be too glad to explain to him what I have got to say.

I come to forests. Here again I think that the income which we are deriving is very inadequate. If only attempts are made to work out the forests in a better way more revenue can be derived from forests. I remember to have read in one book—I forget the author of the book—in which the author has said that if our forests are properly worked out they can yield a revenue of Rs. 2 crores. I know at the same time the difficulties the Honourable Minister has to face in that direction.

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But our forests are good asset and they deserve to be properly worked. I do not wish to dilate further on this first point. I hope I have shown that even our existing sources of revenue have not been properly developed.

I now come to the second point—the point of economy and retrenchment. I am also one of those who do not wish to make a fetish of it. But in considering the question of retrenchment, one has got to consider whether the high level of efficiency at which we desire to maintain our administration is not too costly and above the means of the people to pay for. Certainly the present administration is carried on at a high level of efficiency. I do not question it, although some may. I gladly recognise that the existing administration is carried on at a high level of efficiency. But then we have also got to consider whether the expenditure we are incurring in order to maintain the administration at such a high level of efficiency is such that people are in a position to pay for it. If they are not, then there are only two alternatives: either you must develop the capacity of the people to pay the expenditure requisite for maintaining that high level of efficiency or you must bring down your expenditure even though to some extent the efficiency may thereby be impaired. These are the only two alternatives before Government; and Government must accept one of them. Personally I am in favour of maintaining the high level of efficiency. Then every effort must be made to develop the capacity of the people to pay for high expenditure by the development of industries and in other ways, so that people may be able to bear the cost of such a high level of administration. With regard to this question of retrenchment and economy I would ask Government to tell us categorically whether they think that the utmost limits of retrenchment are reached and that there is no further scope for retrenchment. If that is their view, let them state that view categorically, and we shall accept their categorical statement. But we want them to make that categorical statement that the utmost limits of retrenchment are reached. If not, they must do their best to apply the axe even now as much as possible.

I now proceed to the third point to which I have referred. Well, Sir, what a sad thing it is that the Government are compelled to refuse sanction to schemes of compulsory education simply because no funds are available! We are starving the soul of the people because we have got no money and we are doing nothing to get more money. Are we justified in refusing the people even the elementary demand of compulsory education when they are asking for it, simply on the ground that our present finances do not permit us? The right method of facing that question is not to refuse the demand of the people but to do our best to find out sources whereby we can meet that additional expenditure. Even at the risk, perhaps, of incurring the displeasure of some of my own countrymen, and even at the risk of drawing upon my devoted head the hostile criticisms of reckless and thoughtless newspapers and publicists, I will say that if we are anxious, as we ought to be anxious, to develop the transferred departments as quickly as possible, I for one do

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not see any possibility of our doing so unless we make up our minds to go in for additional taxation. I quite agree with my honourable friend to my left that the additional taxation should be earmarked. I for one do not see any way out of the difficulty. I am looking at the problem not from the point of view of a hand to mouth administrator, but from the point of view, if you will permit me to say so, of a patriot anxious that his country should progress as quickly as possible and become a self-governing nation as quickly as possible. It is from that point of view that I am looking at these problems, and, therefore, I feel that it is absolutely necessary that compulsory education should be achieved within at least a period of five years. In 1925 I drew up a bill and sent it to His Excellency for his previous sanction. The bill provided for the introduction of compulsory education within a period of seven years. If that bill had been accepted, the result would have been that compulsory education would have been effected throughout the length and breadth of this presidency within the short period of seven years. But the sanction was refused, and it was refused on the ground that it would entail on Government an additional expenditure of one crore of rupees. Well, what if it did ? If we are anxious about this matter, this additional money must be found, and with due deference to those of my honourable friends who are opposed to additional taxation, I respectfully submit that I for one see no way out of it unless we willingly and cheerfully bear the burden of additional taxation. (Bell rung.)

Mr. S. A. SARDESAI (Bijapur District): Mr. President, although I may congratulate the Honourable the Finance Member on his skill in finance, certainly I find it impossible to congratulate him on the deficit budget which he has presented to this honourable House. Deficit budgets are being presented year after year. Although suggestions are being made from this side of the House how to make good the deficit and how to improve the finances, those suggestions are overlooked and not given effect to, and the result is that there is always a deficit budget. In order to make good the deficit, the Honourable the Finance Member has assumed that the Stamp Act and the Court-fees Act will be continued and that the Government of India will remit the provincial contribution. I think that is a fallacy. In fact he does not know whether the Stamp Act and the Court-fees Act will be allowed to be continued by the honourable House, and it is not certain that the central Government will remit the amount due to them from this presidency.

Then, the indebtedness of this presidency has been referred to, and I think my honourable friend Mr. Lalji Naranji has made it quite clear that the indebtedness of this Government is very great. Looking to the fact that our revenue is something like 15 crores, the indebtedness of the Government is nearly four times our annual income. If an individual had brought his estate to that condition, of course Government would have declared that he was quite unfit to hold the estate, he could not manage it properly, and they would have assumed the management of the estate themselves. In this instance, the Government is vested with power and there is nobody else to take charge of this Government.

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As the Honourable the Finance Member has proposed to levy fresh taxation, I wish to tell him that the taxable capacity of the poor ryot has been fully reached and there is no room for further taxation. As stated by several honourable members, either the taxable capacity of the ryot should be increased or the expenditure of Government should be cut short. Those are the two alternatives. I think I can suggest a good many remedies. Retrenchment should be carried further and the pay of high officers reduced. In this way the finances can be very well improved. As has been stated by honourable members, and rightly too, there is no margin for reducing the pay of the poor clerks in these expensive days. I think, Sir, the poor ryot should not only be not taxed further but should be relieved even from the burden of existing taxes.

I may refer here to the policy of levying land rents. Although there is a section in the Land Revenue Code that the improvements carried out in the fields should not be taken into consideration at the time of a revision settlement, still whenever a revision is made after thirty years, the land rents are invariably raised taking into consideration also the improvements carried out in the fields. The time is very little at my disposal, and it is, therefore, not possible for me to dilate on the question very much.

I shall now try to offer my remarks on the question of Education. The educational policy of this presidency is very defective. As I have told this honourable House year after year, it would do well if the Government will commence henceforward to impart and try to improve the vocational industrial and technical education freely in this presidency. I know that a very good report on the technical education was made by Sir Visvesvaraya, but I am sorry to find that the Government did not carry out the suggestions made therein. I may say, Sir, that for the primary education, Rs. 5 lakhs more have been given this year—I say they are not at all sufficient as the number of primary school children has enormously increased.

Coming to the secondary education, I may suggest certain means. In order to decrease expenses on the item of secondary education, I may suggest that wherever there are Kanarese schools, an additional English teacher should be provided for that school. We should provide for a teacher in such schools, who will coach all the students up to the fourth standard in English. This will save much. Government also should abolish high schools in places where there are private high schools and which can be relied upon for secondary education. They can also abolish certain Government colleges in this way. Where there are private colleges, Government should try to abolish Government colleges in such places. For instance, in Poona there is the Deccan College, Fergusson college and other such colleges. So, in that place Government can very well abolish the Deccan College and entrust the whole management to other private colleges.

As already pointed out several times by my honourable friends, our University is also backward in many respects. In that particular I fully agree with my honourable friends. For the present, as we understand,

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there are only three professors' posts and three more posts are vacant. Is it not a shame, I ask on the part of the Bombay University that its Professor, Mr. R. D. Ranade, should be taken away by the Allahabad University and be appointed as a Specialist for Logic and Modern Philosophy ? In point of education, I think, the Bombay University is very backward compared with the University of Madras and that of Bengal. Our Bombay University is not at all making any rapid progress in respect of education.

I shall now deal with the Excise Department. As we all know, the Government is thinking of starting prohibition in the district of Satara. They want to take steps in the first instance in that district. I would suggest to Government that they should also introduce prohibition in the district of Bijapur; they should make this experiment in Bijapur district because the people there are very poor.

As regards the Police, I may observe a few remarks. I find from the budget that nearly Rs. 5 lakhs have been increased for adding more number of policemen in Bombay. I have no doubt that this will relieve the people of the anxiety of robbing, etc. But I would ask Government " What have they done regarding increasing the number of police in the mofussil ? " The increased amount shown in the budget has been given for the benefit of the citizens only, but nothing has been done for the villages. In passing, I may state that the police in the villages are very boastful. They think, that they are not for the protection of lives and property of the poor ryot. They think themselves to be independent officers. They also think that they are there only to safeguard against the political activities of Government. They only take care of the rich people, whereas they do not care for the poor. I have seen in the mofussil where police use motor cars freely. Because the police are the higher authorities to regulate the motor traffic, they go to the extent of travelling in these motor cars free of charge. I do not say that all the policemen do so. Except a few high officers—European—I find this state of thing practised by the police. In the railway compartments I have seen, except in the second class, people huddled together in the third class. Where a compartment is meant for ten persons, twenty persons or more are pushed in by the police, and if anybody makes a complaint to them, they do not pay any attention to them. On the other hand, they try to prosecute those persons, they threaten and even go to the length of abusing them. They do all that lies in their power. I may submit, Sir, that it is very unfair on the part of the police to harass the people. In any civilised country, the police are meant for protecting the lives and properties of the people; they are not meant for tyrannising the people or putting difficulties in the way of the subject. As suggested on the floor of this honourable House a couple of years ago, I am of opinion that the Police Department should be made " a Transferred Subject ". I will really welcome a day on which the Police Department will be made a " Transferred " subject.

Now, as regards separating the executive and judicial functions, this honourable House has already passed a resolution in this

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respect, but that resolution has not yet been carried into effect by Government.

(*After recess*)

Mr. R. S. ASAVALE (Bombay City, North): Mr. President, many members of this honourable House have criticised the administration of the Honourable the Finance Member. This budget is no doubt unsatisfactory, and this has been admitted by the honourable member himself. So, I do not like to add to the chorus of criticism of all those honourable members, but shall say that in the statement or the speech that has been delivered by the Honourable the Finance Member he has not stated anything about labour or the labour condition in the presidency. I regret very much that the Honourable the Finance Member who has presented this budget of the presidency has left himself open to the charge that he feels no concern about the bad condition of the labourers in this presidency. He has pointed out how the agriculturists have suffered. The labourers also come from the same class, and the honourable member ought not to have lost sight of their pitiable condition at the present time, and through them the condition of the presidency. I have since last year been repeating often and often how the condition of the labourers is becoming worse and how the prosperity of the presidency is also affected thereby. Both go together. If the condition of the labouring classes and the agriculturists is improved, the condition of the presidency would be improved automatically, and the honourable member has not I hope forgotten how during the last few months the labouring classes, specially in the city of Bombay, have been put out of work and hence have been suffering a great deal, owing to the closure of many textile mills, thus throwing nearly 30,000 to 40,000 labourers out of work. Under these circumstances the responsibility of taking care of this large number of unemployed persons in the city of Bombay naturally falls upon Government. Is it not the first duty of Government to protect and see that they do not starve as they are thrown out of work not through their own fault but through the fault of their employers? I can openly say before this House, Sir, that it is not the fault of these labourers, who already are very poorly paid and yet are now asked to do double work for the same or slightly higher wages. It will be seen from the *Labour Gazette* that the labourers in the city of Bombay are not fairly paid but they have been very poorly paid and now their wages are to be reduced by their masters, the millowners. I had an opportunity of discussing this with the agents of some of these mills in Bombay at present closed on account of the strike, but I found them obstinate and they would not move an inch back to do something for the poor labourers. As the latter have been starving, they are forced to do heavy, hard and difficult work, which ought not to have been got done by these people. All this would come out if a committee is appointed by Government to enquire into the conditions under which the labouring classes, especially the textile labourers in the city of Bombay, have to work and I am quite sure, Sir, that Government will then be satisfied that the conditions imposed upon the labourers by the owners, *viz.*, to work three looms in the weaving department and

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two in the spinning department are too difficult for the labourers to fulfil. No doubt, if improvements are effected by launching new machinery and providing good materials as well as those improvements and facilities suggested in the Tariff Board Committee's report, it might be possible for strong labourers to be able to continue to work according to the new system to be introduced. But it is very difficult otherwise, and though this has been clearly brought to the notice of these agents they are obdurate and insisting that those conditions ought to be accepted. I must say, Sir, that they are going to do nothing but to kill these labourers and in this way kill their own industry also. We are clamouring here as supporters of the industry that the industry should be protected and should thus flourish. But how that industry is to flourish I do not understand if things are to continue like this. Do the capitalists or the industrialists want only to get that free help an bounty from Government—which means the public funds—to support them and their own industry, and do nothing themselves to introduce good management and strict retrenchment in working their own factories and thus secure the proper share of their benefits? We all in this honourable House clamour that Government ought to retrench and use the retrenchment axe to cut down expenses in all grades of service from top to bottom. In the same way in every industry there should be retrenchment in the top heavy expenditure and better management should be introduced before the question of the reduction in wages of these ill paid poor employees is raised. That is why I blame the Honourable the Finance Member, because when submitting his budget and making the budget speech, he has not mentioned a word about the condition of these poor labourers and the unemployment in the presidency. Now, Sir, he has admitted at page 6 of his budget speech that he has read in the budget speech of the Finance Member of Bengal as to how the revenue from stamp duty and other taxes are going down there, and though the honourable member has made enquiries about the reductions in revenue of the stamp duty and other taxes in the Province of Bengal, he has forgotten to enquire as to how those provinces have been able to provide more money for the nation building purposes and how those provinces have been carrying on their administration and in what way they have been able to provide more money for the nation building departments. That enquiry has not been made by the Honourable the Finance Member, and he has only quoted as to how the revenues have been reduced on account of general trade depression.

I would now refer to paragraph 16 of his budget speech which says that "paragraph 3 of Secretary's note in the Blue Book shows that in the current year there is likely to be a net increase of expenditure over revenue by 12 lakhs". That clearly shows that we are in for more expenditure than income, which in turn points to an inability, on the part of our Government, to carry on the administration in the right manner.

The Honourable the Minister for Local Self-Government is not here, otherwise I would have said something about the figures he quoted and

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shown him that in the other departments the chief items of revenue of the Government of Bombay have been increased to nearly one crore, and that this whole amount has b.en swallowed up by one item in the reserved departments, namely, General Administration. That shows why the nation building departments have not been suitably provided for.

As regards the increase in the Police Department, I say that it is a very welcome increase, I would even vote for a still further increase in the Police Department, as on the efficiency and strength of this department depends mainly the safety of our property and person in this presidency, and especially in the Town and Island of Bombay, and also in view of the serious communal dissensions now to be seen all over the country. These communal dissensions owe their origin to both social and political forces, which fact makes any increase on the Police Department doubly welcome.

As regards the Educational Department, we were told the other day by the Honourable the Finance Member that five lakhs have been provided. I ask, will that paltry sum suffice where crores are urgently called for? Five lakhs is a mere drop in the ocean and would not touch the fringe of the real requirements of education. Until adequate provision is made for education, the masses and the depressed classes in particular will never be satisfied, although it may be well and good for the classes who have already received education to be satisfied with a scanty allotment. Even 50 lakhs more every year would not be enough for the education of the masses and the depressed classes. In fact I strongly urge that the whole amount of the 80 lakhs raised by additional taxes, ought to have gone to Education. These are the Entertainments Tax, the Totalisator Tax and the remissions to be received from the Government of India and yet I am sorry to find that proper effort does not seem to have been made to provide enough for educational needs of this presidency. I would even go so far as to say that the whole of the 80 lakhs and the amount which is to be received as remission from Government of India ought to go to the Transferred Departments. I must charge Government with not having carried out their promises. When any new tax is going to be levied, Government promise that they will earmark its proceeds for the needs of a special department, but after the bill becomes law and the tax begins to bring additional money into the public exchequer, the promises are conveniently forgotten and the money goes to feed the reserved departments.

I feel perfectly certain that unless Government cry a halt in this method of carrying on administration, that they will not be able to carry on much longer without the risk of early bankruptcy, leading to a general discontent and possibly chaos in this country. This presidency claims to be the first and foremost in India and it ought not to have been treated in this manner by a Government having at its head the best brains of Britain. I believe that it is not the fault of these best brains of Britain now ruling over the destinies of this great presidency, but that it is the fault of those who have got the actual administration in their

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hands. As I stated last year, if they put their heads together in an earnest spirit and with a will to do real good to this presidency, they can do so, but they do not intend to do so ; but it is not for me to remind them of the good old saying that "where there is a will there is a way." Here it is a case of a lack of will and hence a lack of way to do the right thing by this presidency. If they only take it into their heads to retrench, they can cut down the expenditure and show a solvent budget. It is not the business of this Council to show in what directions reduction of expenditure could be effected. We, non-officials, can but shout and bawl out for economy. But it is the lookout of Government and it is up to them to find out how and where drastic cuts could be made without loss of efficiency. At least during the next year, I hope that Government will be able to convince us that they have put their heads together and found out a way of paring their top-heavy administration in such a manner as would enable them to present a surplus and a satisfactory budget to this Council. There appears to be ample scope for considerable economy in the central administration as well as in the heads of departments. We must first put our own house in order by abolishing some of the posts of Executive Councillors and by confining the running of the Government to four, Members and Ministers. Then there is the Secretariat which can come in for a big long cut with advantage. I would even request those elected members who now hold some of the Portfolios to lead the way by expressing their willingness to accept a lesser salary and proving to the Imperial branch that they can do equally efficient work on less pay.....

Mr. B. V. JADHAV : They have been doing it for the last five years.

Mr. R. S. ASAVALE : They can set a still better example and I am sure nothing but good will result. When the interests of the presidency are at stake, such a sacrifice on the part of our elected Ministers will have beneficial and far-reaching effects on the whole presidency. If at any time the state of the presidency's finances improves, then the Ministers can come forward and ask for more pay and I am sure the Council will readily grant it.

Here is Swaraj in our own hands ; we have five Indians in the Cabinet of this Government. If with this number we cannot do much for the improvement of the presidency, it is our own fault if we do not know how best to utilise the presence of five Indians in the inner counsels of Government.

The Honourable Mr. J. E. B. HOTSON : Sir, very few of the members who have addressed the House in the last two days have made any reference to the departments which come under my charge, and I am sorry to see that even of those few, still fewer are here at the present moment. At the same time, there are one or two points which they have brought up and to which I think it is my duty to refer now.

In the first place, I would like to clear up a small misunderstanding. Rao Bahadur Kale referred to a statement of proposals made by the

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Retrenchment Officer and said that Government had accepted a proposal to sanction a reduced scale of pay for future entrants to the judicial branch of the Bombay Civil Service, and he wanted, if I understood him rightly, to know what savings had been effected in this way. The statement referred to shows that that particular item is still under consideration. The fact is that we hope to be able to make some retrenchment in the judicial department but we are unable to do anything, except on a very small scale, without consulting the High Court. The High Court have been considering the proposals of the Retrenchment Officer—those concerning the High Court itself and its subordinate officers and those concerning the District Courts of the presidency. They have appointed sub-committees for the purpose, and the opinions of the High Court are now only beginning to come in. So we are not yet in a position to say how far we shall have their Lordships' support in carrying out any retrenchment, or to what amount the retrenchments will come. But this statement here, which we have all seen, I think gives a very direct answer to the question asked by the honourable member from Nasik. He asked if Government were prepared to make a categorical statement that no further retrenchment was possible. He had only to look at this statement to see that there are still a number of items in which the possibility of retrenchment is under consideration. It is true that most of the bigger items have been disposed of already, at least speaking of the departments with which I am specially concerned, but there are still other items which, we hope, will bring in something to help us.

Now, I shall turn to the police. We were, I think, rather inclined to rub our eyes in surprise when the honourable member from Kaira (Rao Saheb Dadubhai Desai) talked about what happened in 1912-13. When we see his seat empty to-day, we are inclined to feel an apprehension lest Rip Van Winkle has gone back to his cave and we may not see him for another fifteen years. I hope that will not be the case. But can anybody seriously compare the conditions that existed in 1912 with those that exist to-day? The honourable member quoted, I have no doubt, from the volume of Statistics which was published in 1922. Now, he said that the police charges in Bombay had gone up by roughly 50 per cent. If you take any page of this book, whether it is on the revenue side or the expenditure side, whether it is in Bombay, or in Madras or in Bihar and Orissa, or anywhere you like, you will find that every figure has gone up, sometimes by 40 per cent. or 50 per cent. and sometimes by 200 per cent. Everybody knows that the cost of everything had begun to rise long before 1912; in the 10 years or 15 years before that there had already been a considerable rise, and that rise has continued owing to world causes. The index figures of the cost of living, which were something below 100 in 1912-13, and are treated for our purposes as 100 in 14, are now 154—an increase of well over 50 per cent. The honourable members are all aware of that. When any one asks that the police charges should be brought down to-day to what they were 15 years ago, he is clearly asking the impossible. I do not know how the honourable member from Kaira would propose to carry such a

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proposal. Would he, do you suppose, wish that we should go back to the strength of men that we had then, and to the scale of pay that we had then ? In those days, the initial pay of a constable in the district was Rs. 10 ; to-day his initial pay is Rs. 20. In Bombay the initial pay was Rs. 14 ; to-day it is no less than Rs. 30.

Mr. R. S. ASAVALE : Do you consider it very high ?

The Honourable Mr. J. E. B. HOTSON : No, not at all. But if the initial pay of a constable has doubled or more than doubled, will the honourable member from Kaira or any other honourable member of this House suggest that we should go back to-day and offer our policemen an initial pay of Rs. 10, rising after 20 years' service to Rs. 12 ; or, in Bombay, does anybody think that the pay of a first grade constable at the end of his service should not exceed Rs. 17 ? I do not think that that would bear any examination whatever. But even if we admit the blame that attaches to the Government of Bombay for this gross extravagance, we find that every other province has done just the same, that in Bengal and in Madras the increases amount to over 60 per cent. We find that the expenditure on education in Bombay, which was something over Rs. 60 lakhs in 1912-13, doubled in 1920 and has been trebled since then. Does the same honourable member propose that we should go back and cut down our education budget from Rs. 2,09,00,000 to some Rs. 62 lakhs ? I do not think so. I think we might almost leave that question without any further answer. But it brings me to the more general subject of what we have done in the way of retrenchment in the police.

You all know that in 1922 great retrenchments were made. Since then, the gradual increase owing to the time-scales of pay has necessarily led to an increase in the total cost, especially of the lower establishment, but that has been counterbalanced by very large reductions in many other ways. We have, for instance in Bombay city, amalgamated two of the divisions, and cut out one Superintendent. We made very considerable savings in Bombay by reducing the rates of house rent given to various officers. We have cut down the contingent expenditure in Bombay city police by no less than Rs. 80,000. I do not say that that has been done without considerable loss of efficiency in smaller matters ; it is obvious it could not be. We have cut down the contingent expenditure of the district police by just under a lakh—by 96 thousand rupees. We have reduced to very little more than half its former strength the Bombay harbour police. That, I think, has been done with comparatively little loss of efficiency, owing to the better arrangements that have been adopted. In the Finger Print Bureaus both in Bombay and Poona we have been able to make a reduction owing to improved organisation and methods. The result of all these economies is that we have reached a stage when we cannot possibly go any further in the police. We cannot have any more mere cheese-paring reductions. During the last year we had a severely pruned budget, and we were ordered to make a lump cut of not less than Rs. 3,50,000 below even that budget figure. That has only been done by the most generous co-operation of all the police officers who, in the face

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of very great difficulties and against their own inmost wishes, have assisted us to save money wherever possible. We have had to keep, in every district, a very large proportion of the vacancies which occur in the natural course of events, unfilled; so that the strength, which was fixed at what we thought the very lowest minimum of safety, is now reduced below that level; and many policemen are in consequence now required to do, each of them, a good deal more than one man's work in order that the duties imposed on them shall be performed. As a temporary measure we can do that for one year. We are, under the orders of the Finance Department and of Government, obliged to attempt to do the same thing again next year, but this cannot be continued indefinitely. We shall soon be compelled to take far more stringent measures than that. We shall have to do something which will be seriously felt everywhere; we shall have to abolish still more police stations and outposts. We may be compelled to abstain altogether from traffic control in the cities and towns or to take away all the men now employed on patrol duty simply because we cannot continue to make one man do two men's work. I do not think that this honourable House desires that this should happen. I noticed that all the honourable members who have spoken except the honourable member from Kaira who complained that we are spending too much in the Bombay City and too much in the mofussil, wanted more policemen. The honourable members from Bombay wanted more men for the city. Those from the mofussil wanted more men for their districts. Government feel that the police of the presidency has been reduced to the very least possible limit and I cannot regard it as possible to reduce it any further. I am quoting from the Finance Member's budget speech of last year. He said:

"The policy with regard to police is frankly based on the good sense and general law-abiding instincts of the people of this presidency; and should it prove to be mistaken in this respect, the situation may well be serious."

The instance quoted by the honourable member from Sholapur a few minutes ago is an exact case in point. As the honourable member says we continued for some time to increase the police as the population of the town increased. Then after 1921, in the pursuit of retrenchment, we entirely ceased to increase the police there and though the population has grown the police force has not grown in proportion. We hoped, as the Finance Member said last year, that the good sense of the people would keep them quiet and that we would never have to meet a crisis. Unfortunately in Sholapur the good sense of the people has not given any such result. In fact, both communities have been to blame; both have in turn taken the offensive. Government had no alternative but to send additional police there. We cannot do that at the expense of the general revenues, because if we did so we should be treating the other districts and towns of the presidency unfairly. Ahmedabad needs more police and Hyderabad needs more police. Nearly every taluka wants more police. We cannot send more police to one particular place at the public expense, because the people of that place are naughty. If they insist on rioting they must pay for the results.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: I said that because Sholapur is an industrial place which stands third in the Bombay Presidency we must have more police there. In the industrial places Bombay stands first, Ahmedabad second and Sholapur third.

The Honourable Mr. J. E. B. HOTSON: I quite admit that. If we had our own way we should have permanent additional police there.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: Thank you.

The Honourable Mr. J. E. B. HOTSON: We have not got funds to increase the police there or anywhere else at present.

My honourable friend has made a mistake on another point. He said that only 40 men were brought in during the troubles recently. That is far from being the case. No fewer than 270 men were brought in from different places.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: I was talking of the riots of 1926.

The Honourable Mr. J. E. B. HOTSON: I beg his pardon. I thought he was referring to the recent trouble. During the recent trouble 270 men were brought from every part of the Deccan and the Karnatak. Whatever be the number of men it must be remembered that men sent for a short period to restore peace in a disturbed place are obliged to remain on duty for far longer hours than it would be possible to expect them to continue to do week in week out throughout the year. I understood the honourable member to say that the local officers wanted another 100 men. That is not the case. The local officers proposed originally a much larger number which has been reduced by more than 50 per cent. after discussion between the Inspector General and Government.

I was very much struck during my recent visit to Sind by the fact that every person of every community to whom I spoke was unanimous in asking for more police. We have received representations from almost every district of the presidency that more police are wanted. We are not asking for larger grants now. But I ask honourable members to bear this in mind when next they wish to argue that the police are overmanned or are too expensive.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, the budget which has been presented to this House is an admission of incompetence to manage properly the finances of the presidency. The Honourable the Finance Member has told us rather triumphantly that we shall have a surplus of 2 to 3 lakhs at the end of the year. His conclusions have been based upon several assumptions. In the first place, he hopes, that the Government of India, would remit the remaining part of the contribution to be made by our province. Let us hope that they would come to our rescue. But what is the consolation to the unfortunate people of this presidency? The money that would be so remitted, is not going to be spent on nation-building departments, but is going to be used for making up the general deficit. Is this a very happy state of things to contemplate? Then, again, it is assumed that the Stamp Act and the Court-fees Act will be renewed as usual. You will remember, Sir, that Government when they introduced these two Acts

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attempted to put them permanently on the statute book, and a sort of compromise was arrived at and a fresh lease of life was given them for one year only. This House is tired of these bills, and I think Government also must have been tired of bringing forward these two bills. We must remember, Sir, that the maximum taxable capacity of the people of this Presidency has been reached, and I do not think there is any difference of opinion on this point. It was only under very exceptional circumstances that the House felt itself justified to pass these two bills. Then again the annual quota of Famine Insurance Fund has been lowered by 33 lakhs, and yet we are now face to face with a deficit budget.

Then again Government are going to increase the fees in colleges and secondary schools. Instead of cheapening education they are going to make secondary and collegiate education more costly than ever before. Here, I would submit, that it is the backward classes who will feel the pinch. Government are attempting to have an additional revenue of about 2 lakhs from this source, because they have to meet the expenditure on a number of costly Government colleges. I would suggest, Sir, that instead of increasing the fees, they had better close down some of their colleges and encourage private enterprise to provide higher education for the people. In that way a lot of saving can be very easily effected. Although we have made several suggestions for retrenching expenditure, Government have not accepted them. Even the "Times of India," which is so very well-known for its sober views, says that it is really not advisable to maintain three costly administrative centres. So there is a direction in which some saving can be effected. The "Times of India" has further pointed out that there is much scope for retrenchment within the Cabinet itself, and that while in pre-reforms days we had only three Executive Councillors, we have now more than double that number. So in that direction also there is sufficient room for retrenchment. Are these not practical suggestions? If Government wish to retrench expenditure they can always find ways, but the only answer we receive from Government is that our suggestions are impossible of being carried out. Just now we heard the Honourable the Home Member saying that he could not cut down the salaries of the police constables. We do not suggest that Government should cut down the salaries of low paid clerks and constables. None of us wishes to hit them hard. What the House has always been asking for is that the salaries of high officers, say of officers drawing Rs. 250 and upwards, should be cut down. You will remember, Sir, that some years ago the starting pay of subordinate judges was Rs. 150. Now, it is doubled, it is Rs. 300. The cost of living has not increased 100 per cent. The result is that there is unnecessary waste of public fund, this has also created discontent among mamlatdars who say that their responsibilities and duties are more onerous than those of subordinate judges and yet they are paid lower salaries. If we cut down the salaries of sub-judges, the mamlatdars would have no ground for complaint, and we would also effect a saving.

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Thus, there are several ways of retrenchment which can be suggested to Government, and have been suggested year after year, and if they only act upon them they can show a substantial saving.

Coming back to secondary and collegiate education, as I have suggested the best thing is to encourage private colleges and schools. So far as this aspect of the question is concerned, I must say that it is the people of the Karnatak who are hit hard. The people from our districts have to go to Poona for education, whether it is medical education, agricultural education or education in engineering. For any sort of education we have to run to Poona and bear the heavy expenditure of education. That means that our districts are being drained and drained almost to a bleeding point. If you encourage private colleges and also provide medical education in the Karnatak, we shall be saved this expenditure. As I have always stated on the floor of this House, being far away from the seat of Government we are treated in a step-motherly fashion. There is none to listen to our grievances and our needs. The poor people of Karnatak have to send their children to a distant place for education, and in addition to this expenditure, they will have in future to meet the increased fees not only in colleges but also in secondary schools. That will swell the cost of higher education of poor students. Therefore, the increasing of fees in colleges and secondary schools is a step which I think should not have been taken, by Government under any circumstances.

Then, Sir, Government have been doing very little in the case of industries. When we see such a meagre provision of Rs. 1,02,000 for industries, we can realise how much Government is doing for the progress of industries in this Presidency. Simlarly, in the case of agriculture we find that there is no substantial increase, and the provision made shows that Government have no intention of doing anything in that direction. Then again as regards primary education it has been stated with a good deal of flourish, by the Honourable the Finance Member that there has been an increase of five lakhs. What is this amount in proportion to the importance of the subject? But you will remember, Sir, that several schemes of expansion submitted to Government for sanction have been simply pigeon-holed. Several bodies in the presidency have doubled the local fund cess and the people have been paying the additional tax for the last so many years. When it was levied people were told that they would be given education and there was this consolation for them. We were told by His Excellency the Governor that some schemes both on voluntary basis and on compulsory basis, have been sanctioned. Here again somehow or other Government have made an invidious distinction between voluntary schemes submitted to Government before the 1st of April 1927 and the voluntary schemes submitted to them after that date. They say that schemes submitted before the 1st of April 1927 on a voluntary basis will be considered and that schemes subsequent to that date must be compulsory schemes to deserve sympathetic consideration at their hands. Whatever may be the view of the Government, I think that having permitted local boards to tax the people on the promise that they would work out the Primary and

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Compulsory Education Act of 1923, without any execuse, it is not fair for them now to turn round and say that they have no funds. My Board has already submitted a scheme of expansion, which, if sanctioned, would enable us to start 125 schools. But unfortunately for us, the scheme has been forwarded to Government, some time after the 1st of April 1927. I am, therefore, very pessimistic about its being sanctioned. I regret very much to have to say that Government have been guilty of having failed to discharge one of their most paramount obligations. An assurance has been given by Government that such local boards as are able to launch out schemes within their own resources, would be entitled to grants when Government finances are improved. But unfortunately Government do not definitely state in their order, whether they would give grants from the date of introduction of schools or not. I want a definite reply in this connection from the Honourable the Education Minister. I have written to the Director of Public Instruction on this question, requesting him to give me correct interpretation of Govern ment's assurance, but I have not received any reply from him up to now I hope the Honourable Minister will give me that reply now. There has been no progress at all worth the name in the matter of primary education. We are told that the funds are very limited. Coming to commitments of Government, I would submit, Sir, that Government have been paying Rs. 42 lakhs from the general revenues for interest on the loans of the Development Department, and Sukkur Barrage. That amount is thus unnecessarily wasted. It would have been a great relief to the people of this presidency if this amount was spent for the education of the presidency. We must, therefore, say that Government have failed to manage the finances of this presidency properly. We are told by the Honourable Ministers that they have no funds for launching out their own schemes. I say, Sir, that when the Honourable Ministers find that their departments are neglected, it is their duty to fight more vigorously for funds than they appear to have done. We have seen that the Educational department of this presidency is much neglected. It is, therefore, the duty of the Honourable the Minister for Education to fight for the funds.

Same is the case with the question of irrigation. Government seem to have never considered this question of irrigation in the case of Karnatak, the land of my birth. They find large amounts to spend for this purpose in other parts of the presidency, but they do not find money to spend in Karnatak. The state of affairs is very dismal on my side in this respect. I do not know whether the Honourable Sir Cowasji Jehangir is here, but I may tell him that it is really a great pity that this state of things should continue. Government members do not come to Karnatak; otherwise we would have shown them the condition in Karnatak. They find time to go to Gujarat, Sind and other parts of the presidency, but they do not get an opportunity of coming to Karnatak. Government seem to be very indifferent to Karnatak.

As regards water supply also, the same story may be told. So far as the water supply is concerned, before now the local boards used to pay

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2/3rds of the expenditure. Government had to bear 1/3rd of the cost. But now, Government pay 2/3rds and local boards have to bear 1/3rd; when the share of the Government was only 1/3rd, they gave to my Board 8,000 rupees as water grant and when the proportion has been doubled we have got only 4,000 rupees!

The Honourable Sir GHULAM HUSSAIN: May I know from my honourable friend specific instances when a demand was made and money was not given by Government?

Rao Bahadur S. N. ANGADI: Well, Sir, I am sorry I cannot quote a specific instance on this point just now. But I am speaking in reference to my own local board. I am the President of the Local Board of Belgaum, therefore, I am referring to that board alone.

The Honourable Sir GHULAM HUSSAIN: My honourable friend is not representing the case correctly. I may state that if a demand for a grant is made by the local boards, Government consider the case. But if there is no demand made, Government cannot throw money to the local boards. It is for the local boards to make demands, and if they do not receive the money, then they will be justified in criticising Government. The honourable member from Belgaum is the president of the local board there, and he ought to know whether a demand was made. He has not told us whether it is a fact that a demand was made and refused by Government. I, therefore, submit, Sir, that he is not justified in making a grievance on behalf of the Karnatak.

Mr. B. R. NANAL: Sir, I shall speak a word of explanation on this point.

The Honourable the PRESIDENT: Order, order. The honourable member from Belgaum (Rao Bahadur Angadi) to proceed.

Rao Bahadur S. N. ANGADI: Sir, I am very glad to know from the Honourable Minister that if a demand for grant is made, he will be prepared to consider it. But I do not think, local boards would be so insensible as not to ask for grants when they are going to be given. My board had forwarded an ambitious water scheme.

Sir, I would now speak a few words with regard to colleges. In Karnatak there are not many colleges. And Government should try to afford better educational facilities in this behalf. They should support private colleges and close Government colleges, wherever possible, thus saving a large amount of expenditure. Now a private body, called the Karnatak Lingayat Education Society intends to start a college at Belgaum. Government should encourage such private enterprise. Government are now obsessed by the principle of unitary system of universities, I may tell them that for a long time to come, it would not be possible to realise this ideal in India.

We know, Sir, that there are colleges at Sangli and elsewhere which cannot be affiliated to any university based on unitary principle. So, I hope any such argument will not have much weight with Government and when that question comes before Government, they will give serious

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thought to it and see their way to sanction the proposed college at Belgaum.

Mr. G. WILES: Sir, it has often been my task in the past to try to throw a more rosy light on the dark pictures that are painted for us during the budget discussion by the opposite side of the House. This year, if I may say so, the atmosphere of gloom seems heavier than usual, and it would appear, to borrow the picturesque language of one honourable member, that the demon of depression, which is said to be rampant throughout the province, has taken possession of this Chamber. In the short time at my disposal I cannot expect to deal in detail, as I should like, with the criticisms that have been made; but I will try to suggest a more cheerful way of looking at some of the figures and perhaps to suggest, where I think honourable members have drawn wrong conclusions, where they can find the evidence on the other side.

My honourable friend Mr. Lalji Naranji has asked the Finance Department for an explanation of some figures to be found on page 15 below one of the graphs. I am sorry Mr. Lalji Naranji is not here to receive the explanation, but I hope it will reach him in due course. These tabular statements which are given below the graph are explanatory of the graph itself. If my honourable friends will turn to page 10 of the Blue Book, Statement A, they will find that the totals of disbursements therein recorded correspond year by year with the totals of capital and revenue expenditure given in the graph. I have to announce a clerical error in the figure of capital receipts for the year 1927-28, where 9,62 is an error for 4,38. If the totals under capital receipts and capital disbursements are totalled, it will be seen that they now come to 81½ crores and 82·9 crores. The slight difference of a little over 1 lakh between these two totals is due to the fact that we have taken the nearest lakh for the purpose of the graphs; thousands have been omitted. Therefore, the totals do not exactly tally. Now, if honourable members will study the items which are contained under the head "Debts, Deposits and Advances" in the budget year after year—a summary of them appears on pages 10 and 11 of the Blue Book—they will find that these items contain many entries which do not necessarily affect our total capital debt. There is no necessary connection between the two. For example, takavi loans and other loans which are made to local bodies—municipalities and local boards—which are made from the Provincial Loan Account, appear on both sides of the account. They come in in the form of repayments and they go out in the same year or the next year in the form of fresh loans. It is obvious that they do not affect the outstanding debt. In the same way, the instalments of 29 lakhs, by which we are repaying the total outstanding debt of the Provincial Loan Account, to the Government of India, have also been met in the past by excess recoveries of advances in the Provincial Loan Account. That sum, again, is not an addition on the contrary, it is a direct reduction of our capital debt. These figures which are given below the graph also include in full the very heavy loans which we have made to local bodies in Bombay—the Port Trust, the municipality and the Improvement Trust. To arrive at the outstanding

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debt of the province, then, we cannot take the totals which are given below that graph. We must turn to Statement E, which is the statement of our debt charges. This statement has been constantly referred to in previous debates, and the Honourable the Finance Member has explained it at some length in his speech this year. But I confess that, somewhat to my consternation, one honourable member at least, who represents an advanced business community, and I should have thought would have known better, has seriously misunderstood some of the figures in this statement. I must therefore explain it once again. The total debt, against which the revenues of this province are security, amounts to 37·85 crores. Out of this sum nearly 9 crores is held, as the Honourable the Finance Member told you, at a very low rate of interest and is irredeemable. That means to say, the annual revenues of this province are not required to supply a sinking fund for the repayment of the 9 crores. Statement D shows that the completion of the works which we have undertaken, which are now in progress, may require as large a sum as 11 crores, additional expenditure. That means to say, within the next few years the total provincial liability may amount to as much as 48 crores. For 39 crores of this, we shall require to find from revenue annual repayments of principal. But for considerably more than half of this sum, the existing revenues of the province, will in no way be liable, as I shall proceed to explain.

My honourable friend Dr. Ambedkar is wrong in his assumption that we are as yet making no provision for the repayment of debt. This budget contains provision from current revenues of not less than 12½ lakhs for the repayment of principal; this is the full sinking fund required for the extinction of all the outstanding debt, excepting the Sukkur Barrage and that portion of the Development Department's debt which is owed to the Government of Inida. As the House has been told on previous occasions, the whole of the Sukkur Barrage expenditure will be met in due course from capital receipts, sales of land and additional revenue from sales of water.

We have no reason to fear that that portion of our debt will be in any way a burden on the existing provincial revenues. We have on the contrary, despite my honourable friend, the arch-pessimist, from Kaira, every right to hope that in the Sukkur Barrage we shall be handing on to posterity a magnificent possession.

Regarding Development, I have no time to say much. I will leave that to be dealt with later on at a subsequent discussion. I will only give this very brief explanation once again, that is, that this budget contains full provision for the amortisation, that is to say, contains full provision for interest and sinking fund for 3 crores of the Development debt. That provision, which was made in the budget last year for the first time, has already been recognised by all sides of this House as a very wise provision. For the rest of the Development debt, I must for the time refer honourable members to the forecast which is already in their hands. Provision for the repayment of the outstanding balance of the debt will be

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made as soon as it is possible to prepare a forecast of the land sales by which the expenditure can be recouped. May I remind those honourable members to whom the term " deficit " is as it were a term of abuse, who talk about a deficit as a confession of the incapacity of the department, that a department which works entirely on borrowed capital must from the nature of things show a deficit until its works are completed. The procedure by which the Development Department borrows money (a procedure approved by the Secretary of State and by this House) will make it possible later on for the expenditure to be recouped from capital receipts from sales of land. The natural corollary then is that so long as payments of interest remain to be recouped in future from capital receipts, so long there must be a deficit. That is axiomatic.

The honourable member, who represents the University, modestly referred to himself as an amateur, but I am not sure that some of the sweeping assertions which he made about this budget are in consonance with his pleasing assumption of modesty. He declares that if Government were a shareholders' company and its affairs were brought before the High Court, the High Court would have no hesitation in declaring it to be a bankrupt concern, or words to that effect. I venture to think that if the honourable member studies his briefs in the High Court as carelessly as he obviously has studied this budget, he would not dare to appear before the High Court. While one must have every sympathy with honourable members who find it difficult to understand at once a budget of this size and complexity, surely those who have struggled to prepare the details which are put before them have every right to expect that honourable members will at least read them. In the comparative statements which we have put in the beginning of the Blue Book and to which the honourable member for the University referred, we have for the purposes of comparison excluded what I might call the " accidents " of expenditure and revenue, but I have in every case given below the statements a detailed note showing what factors must be taken into consideration in comparing those figures with other figures which may be found in another part of the Blue Book. The honourable member has further asserted with some force that in the course of the last few years we have swallowed up some 4 crores in meeting what he calls " ordinary deficits of the year." I say that is a gross misstatement if I heard it aright as a closer study of the facts and figures given in the Blue Book must have convinced him. Out of the 664 lakhs to which he referred and which appears in the Statement B of my note on page 29, some 3½ crores have been used in making recoverable loans (in this I include the 1¼ crore for Sukkur Barrage). In one year only, *viz.*, 1926-27, has the balance been used to make up a revenue deficit. In that year, we had a deficit, that is, an excess of expenditure over annual revenue, of 92 lakhs. In so far as the Famine Fund has been utilised for works protective against famine, I can only say that that is the purpose for which the Famine Fund has been saved up. In estimating the amount of the annual assignment of 63 lakhs to the Famine Fund, the average expenditure on protective irrigation works was included, so that in spite of what my honourable

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friend from Kaira says, we had every justification for meeting the expenditure on Visapur tank from the Famine Fund.

Now let me come back to my honourable friend Dr. Ambedkar who has thrown at us a long string of figures which in his opinion make this budget "deplorable." I shall put forward for his consideration certain factors which in my opinion entirely vitiate his conclusions. He would have us believe that Bombay is more backward than any province in India in its expenditure on what are called "nation-building departments." In the first place, I would invite his attention and the attention of the House to the fact that by the provincial settlements Bombay received probably less than most provinces in India as additional revenue. It is no part of my intention to defend the Meston Settlement, but one reason for the distribution of revenues which were made by that settlement was that Bombay was far more advanced than any other province in its care for those same nation-building or beneficent activities. I commend to the honourable members' attention the two speeches of the late Finance Member, Sir Henry Lawrence, which will be found at pages 70 and 385 of the proceedings of the year 1926 (Volume XIV). I have no time now to quote those speeches at length but I will merely make a bald statement; the facts can be varified by the honourable members themselves. The honourable member will find that in the matter of education, particularly primary education, Bombay is doing more for the people of India than any other province in India, and he will find that expenditure on medical relief is already twice as much—in some cases four times as much—as that of the other major provinces, per million of the population. In Public Health and Agriculture, in proportion to the population, Bombay stands an easy first. And in Communications, which are of the utmost importance to the rural population, our provincial expenditure per million of population has been far greater than that of any other province in India except the Punjab. As the late Honourable Finance Member pointed out, the assumption made by some thinkers that the term "nation-building departments" is synonymous with "transferred departments" is inaccurate. There is surely no justification for the belief that because a department is at present administered by an official called a Member of Council and not by a Minister, it is not equally beneficent or nation-building. Let me take only one example, namely, the case of irrigation. Can the work of any department be described more truly as nation-building or beneficent than the work of a department whose whole service is devoted to bringing prosperity to the agriculturist? Now, irrigation is relatively of greater importance to the province of Bombay than to any province in India. That is why it takes a larger share of the revenue than in the case of any other province, except possibly the Punjab. I suggest that any comparative statistics which fail to take this into consideration are vitiated by that one fact alone.

But I wish to put before the House another factor of even greater importance, which is likely to be overlooked. Let it be remembered that the allocation of the departments into transferred and reserved

[Mr. G. Wiles]

puts on the reserved side full responsibility for all the charges for loans, whether they have been borrowed for a reserved or a transferred department; it puts on it the obligation of meeting all pensions, whether those pensions are earned in the transferred departments or the reserved departments, and it puts on it the repayment of the annual contribution to the Government of India. Those are facts which are commonly lost sight of, but they are very important in the consideration of this question.

The honourable member Mr. Deshpande asked for some information on one small point, on which I would like to enlighten him before I sit down. He asked some explanation about the pensionary charges which are being met for the first time under an irrigation head. I can assure him that this change is merely one of the changes in the method of accounting. It does not involve any additional expenditure. The procedure is this: Superannuation charges, that is to say, all charges for pension are met from General Revenues and are debited to 45, Superannuation. That share of the charges which belongs to any commercial or semi-commercial departments, for which we maintain commercial or semi-commercial accounts is, for the purpose of estimating the profit and loss of those departments, distributed over the administrative accounts. In this particular instance, since the original rate of distribution of 9 per cent. was found to be insufficient to meet the charges that must be debited to that department, the percentage has been raised from 9 to 14.

In conclusion, one word only on the general situation. In my opinion, the situation has been most correctly summed up by His Excellency the Governor in his opening speech. That is to say, while we have managed to balance the budget, we look forward, not without some uneasiness, to the future, because we can foresee no great increase in our revenue except by an amendment of the provincial settlement. But there is absolutely no justification for such wild and extravagant language as has been used this evening by the honourable member Mr. Marzban. We have balanced the budget. We have not done it by any jugglery, but by methods which every one of you can see. The honourable member Mr. Marzban himself has, by some jugglery of his own, tried to make out a deficit of a crore and a half. I say, no honourable member has the right to say "If you had not done so and so you would have had a deficit." We have no deficit. We have adopted certain methods, of which the pruning knife is one of the most important, which will balance the budget, provided the Government of India do not insist on the payment of the provincial contribution. Those are the facts.

Mr. RAJMAL LAKHICHAND (East Khandesh District): (Addressed the House in Hindi): Mr. President, the chief point which I should like to place before the House, in making a few observations on the budget, is that the money which is being spent on the various departments does not give much benefit to the country. Take, for instance, education. The University, the colleges and high schools are turning out merely lawyers, doctors and persons fit for service. We find that no trained

[Mr. Rajmal Lakhichand]

ironsmith, carpenter, goldsmith or leather worker is turned out. Persons belonging to these artisan classes rightly ask what use it is sending their children to school, if the result is that they neglect their hereditary professions and want to become doctors or lawyers, or seek service in the clerical line. The great defect of the present educational system is that these arts and crafts are entirely neglected, and the educated people find it hard to make a living. The greatest need of the country is the creation of good agriculturists.

The next point that I would like to touch is that the Bhils and the depressed classes are neglected. They are troubled by the public and by the police; they have no work to do and they simply swell the population of the jails. I therefore say that special treatment should be accorded to the depressed classes. I am glad that in the present budget some provision is made for their education, but that is not enough.

Coming to the Excise Department, it will be seen that this is only a revenue producing department, although Government are attempting to curtail the consumption of liquor. In my opinion, the best way of bringing about prohibition is to abolish all liquor shops, to destroy all toddy and mhowra trees. In this way, there will be no means for illicit distillation, and there will be no need to maintain any excise establishment.

Speaking about the Forest Department, I should like to say that the restrictions on grazing at present imposed by the department are severe. These restrictions should be relaxed.

In conclusion, I would like to say that there is poverty and unhappiness in the land. Neither the merchant nor the agriculturist is happy. Huge expenditure is being incurred, but no proportionate benefits accrue to the people. Therefore, money should be spent in such a way that the country will derive some benefit from it.

Mr. V. A. SURVE (Ratnagiri District): (Addressed the House in Marathi): Sir, in considering the budget that is placed before us, we have also to take into consideration the speech of His Excellency the Governor and also the speech of the Honourable the Finance Member when he introduced the budget. The Honourable the Finance Member has taken upon his shoulders the full responsibility for presenting a balanced budget, and he deserves credit for it. The present system of budgetting started with the Reforms in 1921, and the budget for next year is presented to us at a time when the question of further reforms is being considered. In carrying out the Reforms of 1921, I am sorry to say that the Government of Bombay have not put into effect any reforms that are really necessary. The result is that there is unhappiness in the country.

We are told that we have been given full control over the purse under the reforms under which we are now working. But the fact is that the Government frame their own budget in whatever way they like and ask us to sanction demands as stated by them. Where is the control which we are supposed to have? They have provided the sum for meeting the cost in the Harvey-Nariman case. All the nation building departments

[Mr. V. A. Surve]

have been starved and the famine insurance fund has been depleted and the money devoted to works like Sukkur Barrage. It is well known that the districts like Poona, Satara, Sholapur and Ratnagiri and Nagar are liable to frequent famines and still we have not seen so far any attempt made at construction of protective irrigation works from the famine insurance fund. This year Ratnagiri has suffered very largely and the crops have failed. Still nothing has been done. Since 1925 up till to-day nothing has been done and no improvement has been effected in the villages which is proverbially backward in every respect. Then we have got on the statute book the Local Board Act and the Primary Education Act. Though they are there Government have not put them into force. It is the Government that is responsible for its non-working and not the Ministers who are helpless. No effort has been made by Government in opening primary schools and giving facilities for education to the people in villages for the last 8 years.

Honourable members must have read in the newspapers what Mr. Mehta, President of the Karachi Municipality, has written lately, namely, that the Primary Education Act is only a game of the Transferred Department. The confusion that is created in respect of the election of the Poona Municipality is only the result of the defect of the drafting of the Act. I have been criticising this game in my budget speeches since 1925. Let me remind Government that the Bombay Presidency is not now so ignorant as not to understand this game.

There appears to be no willingness on the part of Government to remedy the grievances of the people in respect of land assessment. They are increasing the assessment everywhere. In Ratnagiri District alone the land assessment has been increased up to 81,000 rupees. This increased assessment comes only from the talukas of Deogad, Rajapur and Mandangad Peta.

Now a commission has been appointed to enquire into the working of the present reforms. What reply are you going to give to them ? You will not be able to point out any tangible benefit as a result of the reforms except that you have granted a few scholarships. If Government remedies all these evils in time they may be able to say before the commission that they have done something before the reforms.

Really it will be beneficial to Government if they boycott this Commission because since they have got nothing to show to the Commission it is better that they should boycott it.

Mr. B. R. NANAL (Ratnagiri District) : I would like, Sir, with your permission to support certain observations which have been made by my honourable colleague from Ratnagiri. In making observations with regard to the budget under discussion I may say that I do not propose to go into any details either of its income side or of its expenditure side. I wish, however, at once to state that I am entirely dissatisfied with the budget that is presented to us. I doubt whether any honourable member on this side of the House has found more satisfaction with the

[Mr. B. R. Nanal]

budget than I have done. I do not, however, wish to be misunderstood in the observation that I have made. My observation does not imply any reflection of any kind whatever on the Honourable the Finance Member who is nominally the author of it. I acknowledge with the greatest pleasure that the Honourable the Finance Member has done the best that he could in the circumstances in which he found himself placed. I recognise that he is one of the best-intentioned men who could be placed at the head of the Finance Department, and I also recognise further that he is an Indian, Indian at heart, and has the real interests of his country at heart. If he could not present to this House a more satisfactory budget than he has done, I submit the fault is not his, but the fault is that of the vicious system of which he is a part and within the limitations of which he has got to work. The Finance Member, we all know, is responsible for the framing of the budget, but he is not the dictator of Government; there are several colleagues of his who have plans, projects and budgets of their own, and taking into account all those, all that the Finance Member can do is to try to introduce a certain kind of harmony in those various budgets. That, we know, is the sole function which the Honourable the Finance Member can discharge, and, therefore, if the budget, for which nominally he is responsible to the House, is looked upon as entirely unsatisfactory, I say the fault is not his. He is working under the law—I mean the Government of India Act. He has also to work within the four corners of the various rules which have been framed under that Act. The law and these rules place certain limitations which the best of Finance Ministers cannot exceed. And that is really responsible for the unsatisfactory nature of this budget. The only remedy to put an end to this state of things is, so far as I can see, to mend the law and the rules which have placed these limitations upon our Finance Ministers.

With regard to the budget itself, several honourable members have described it as practically a bankruptcy budget. I think they are perfectly right in giving that name to the budget before the House. I have stated that I do not propose to enter into any details. It is necessary, however, that I should mention one or two points as regards the budget in order to make clear why I am dissatisfied with the budget as it stands. Sir, you are aware that the Finance Department has estimated the land revenue for the next year at the high figure of Rs. 5 crores and 38 lakhs. It is an increase of several lakhs over the revenue realised in the current year. It may appear to some, Sir, that the department has to be congratulated for this. But I may submit, Sir, that it is not so. We must bear in mind that such a large amount of revenue will come from land in the presidency. It is not a subject for congratulations. This means that the land in the presidency is taxed very heavily. We must note that the greater the realisation from the land revenue, the greater the hardships for the agriculturists. I stated two years back in this House that land revenue ought not to be looked upon as an ever expanding source of revenue. There must be some limit to the levy of tax on land. We all know that Revision Settlements have been

[Mr. B. R. Nanal]

introduced in various parts of the presidency. They have been introduced in my district, in three talukas and one peta. They have also been introduced in the several other talukas in the Satara District; it has been introduced in the taluka of Alibag and so on. Because there is this introduction of the Revision Settlement, there has been civil resistance in some talukas. In some other talukas, there is not such civil resistance. But that does not mean that the people in those talukas can pay the additional taxation without any hardships. That does not mean that the people there are glad to pay the enhanced taxation. In fact, to meet this additional taxation they will have to curtail the amount spent for their livelihood. That is the reason, Sir, why I do not look upon the increase in land revenue estimated in the next year's budget as a satisfactory step.

Another matter that I wish to dilate upon is that the present budget has not made any provision for carrying out the recommendations made by the Visweshwaraya Committee. I may state that the provision made for the department for industries is too inadequate. With such a meagre provision and inadequate, what is it that Government can hope to achieve for the industrial development of this presidency? How are we going to spread technical schools and technological institutions in a presidency like ours? Such schools ought to be spread over the presidency on a large scale. Government do not appear to have made even a beginning in this direction.

I would now refer to the complaints made by my honourable friend, the member from Belgaum. He complained that the local bodies are not treated as fairly as they have a right to expect to be treated. I support the honourable member from Belgaum in his complaint. I am connected with the local board in my district; I am the president of that local board. As such I claim to speak with some experience in this respect. I have often heard the Honourable the Minister in charge of Local Self-Government declare on the floor of this House that he has made himself responsible for various enactments both relating to the local boards and the municipalities and has tried his best to democratise the constitution of these local bodies and to widen the sphere of their liberties. I am, Sir, connected with the local board of my district for nearly two years past and my experience is that the freedom given to the local boards and the municipalities, instead of being widened, is as a matter of fact being narrowed. I find efforts being made to put more and more restrictions on the liberty of those bodies. As an illustration, I may mention only one thing. It is about the question of primary education which is entrusted to local bodies.....

The Honourable Sir GHULAM HUSSAIN: Sir, may I address a few words on a point of information?

The Honourable the PRESIDENT: Well, if the honourable member speaking yields, I have no objection.

The Honourable Sir GHULAM HUSSAIN: I may tell the honourable member that primary education is not governed by the Local

[Sir Ghulam Hussain]

Boards Act but it is governed by a separate Act altogether.

Mr. B. R. NANAL: I am aware of the fact which the Honourable Minister refers to. I am speaking on the budget as a whole and I am giving my views in general. To return to my subject, Sir, local boards and local authorities such as municipalities are expected to frame their schemes with regard to primary education and submit them for the approval of Government. Formerly it was the practice to address all correspondence on this and cognate subjects through the educational authorities, *viz.*, the Educational Inspector of the Division and the Director of Public Instruction to the Honourable the Minister in charge of the Educational Department, but now we find that these two authorities apparently are not sufficient and therefore we have to send correspondence on such subjects through the Collector, the Educational Inspector, the Commissioner and the Director of Public Instruction before it could come to and be considered by Government. I really fail to see, Sir, why so many restrictions are necessary in this simple matter. Are not educational authorities competent enough to subject such schemes to the kind of scrutiny that may be necessary in order to enable Government to dispose of them? The fact is, Sir, that the sphere of liberty of local boards and municipalities has not at all been widened.

Now again turning to the budget I may say that it is an unsatisfactory budget. I have at the same time stated that the Honourable the Finance Member could not be expected to do better than he has done. I may be asked, Sir, how then are we to get a satisfactory budget and when? I will try to answer that question. We shall get a satisfactory budget only when we succeed in wiping out the distinction between the voted and non-voted items and when we remove the distinction between the transferred and non-transferred subjects. Then only, Sir, can we expect to get a satisfactory budget. The honourable members of this House should have no mistaken notion on this point. I would request them, therefore, to turn all their attention and energies for achieving this end. If they succeed, then they will get a satisfactory budget. Till then it is no use criticising budgets presented by the Honourable the Finance Member.

The Honourable the PRESIDENT: Order, order. The honourable House is, perhaps, aware that the important Muhammadan month of Ramzan sets in from to-morrow and as usual the House will assemble during the month of Ramzan from 1 to 6. I shall, therefore, adjourn the House till 1 o'clock to-morrow, Thursday, the 23rd February 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Thursday, the 23rd February 1928

The Council re-assembled at the Town Hall, Bombay, on Thursday, the 23rd February 1928, at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
HARRISON, Mr. C. S. C.
HOSSACK, Mr. W. B.
HOTSON, the Honourable Mr. J. E. B.
JADHAV, Mr. B. V.
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS

KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALJI NARANJI, Mr.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.

The Honourable the PRESIDENT : Order, order.

Questions.

URDU SCHOOL BUILDING, JALGAON

MOULVI RAFIUDDIN AHMAD (Central Division): Will the Honourable the Minister for Education be pleased to state—

(*a*) whether he has received a petition from the Muhammadans of Jalgaon with regard to the continued delay of the Jalgaon municipality in erecting buildings for its Urdu schools;

(*b*) whether any amount was earmarked for this purpose or any scheme prepared in connection with it by that municipality;

(*c*) whether he intends to take any steps in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes.
(*b*) Yes.
(*c*) It is not for me but for the municipality to take action in the matter and I understand that the municipality is already taking steps for the construction of a building for its Urdu schools for boys but that certain preliminaries required by the Grant-in-Aid Code have to be complied with before the actual construction begins. As soon as these preliminaries are completed the municipality proposes to start building operations after obtaining the promise of a building grant from Government.

EXECUTIVE COUNCILLORS AND MINISTERS IN THE LEGISLATIVE COUNCIL

MOULVI RAFIUDDIN AHMAD (Central Division): Will the Honourable the Leader of the House be pleased to state—

(*a*) whether the Honourable the Ministers and the Members of the Executive Council enjoy the same rights and privileges and the same official status in the Legislative Council;

(*b*) whether the order of precedence among them generally is governed by seniority;

(*c*) if so, how it is that the Members of the Cabinet in charge of the transferred Departments are perpetually seated below the members of the Executive Council;

(*d*) how it is that the Senior Minister is never appointed the Leader of the House;

(*e*) what legal or technical objection is there to such an appointment being made?

The Honourable Sir CHUNILAL MEHTA: (*a*) Speaking generally this is the case, subject of course to the provisions of the Government of India Act and the relevant rules and to the differences arising therefrom in their constitutional position and responsibility to the Legislative Council.

(*b*) Yes.

(*c*), (*d*) and (*e*) Under section 48 of the Government of India Act, the Governor appoints a member of his Executive Council to be Vice-President thereof. As such, he takes precedence of all Honourable Members and Ministers and has been the leader of the House. Honourable Members and Ministers sit together as a matter of convenience for purposes of consultation in the course of the Council debates.

Mr. P. R. CHIKODI : With regard to this reference in (*a*) to " relevant rules," may I know if these rules are published ?

The Honourable Sir CHUNILAL MEHTA : Yes ; all the rules made under the Government of India Act.

Mr. R. G. PRADHAN : With regard to (*e*), may I request the honourable member to make it clear whether there is any legal or technical objection to the Senior Minister being appointed, apart from the fact that the Vice-President of the Executive Council is appointed, the Leader of the House ? I mean whether there is any legal or technical objection or objections to his being appointed, apart from other considerations ?

The Honourable Sir CHUNILAL MEHTA : This is purely a matter for His Excellency to decide.

MOULVI RAFIUDDIN AHMAD : Is it in His Excellency's hands to appoint the Leader of the House ?

The Honourable Sir CHUNILAL MEHTA : Yes.

HOSTELS FOR MARATHAS

Mr. R. S. ASAVALE (Bombay City, North) : Will Government be pleased to state—

(*a*) the number of boarding hostels conducted by the Marathas and allied communities in each district of Bombay Central and Southern Divisions ;

(*b*) the number of students in each ;

(*c*) the expenditure of each per year ;

(*d*) the amount of Government grant, if any ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The accompanying statement gives the information required.

Statement showing the names, etc., of hostels conducted by the Marathas and Allied Communities

No.	Name of Boarding House	Number of boarders	Expenditure per annum	Government grant
			Rs.	Rs.
	BOMBAY DIVISION			
	District Nasik			
1	Shri Shiwaji Maratha Boarding House, Nandgaon	24	1,920	....
2	Shri Shiwa Chhatrapati Boarding House, Satara :	23	2,070	....
3	Udoji Maratha Boarding House, Nasik	26	2,080	....
4	Vanjari Boarding Hostel, Sinnar ..	12	900	....

No.	Name of Boarding House	Number of boarders	Expenditure per annum	Government grant
	CENTRAL DIVISION		Rs.	Rs.
5	Boarding House at Bavda, District Poona	9	172	....
6	Boarding House at Ranmodwadi, District Poona	10	590	....
7	Ahilya Boarding House, Baramati, District Poona	24	1,992	....
8	Shri Shahu Maharaj Boarding House, Patkul, District Sholapur ..	30	165	....
9	Boarding House at Mohol, District Sholapur	18	1,050	....
10	Boarding House at Kurduwadi, District Sholapur	24	521	....
11	Maratha Boarding House, Sholapur ..	32	1,492	....
12	Maratha Boarding House, Pandharpur, District Sholapur	11	792	....
13	Boarding House, Shevagaon, District Ahmednagar	20	1,100	....
14	Boarding House, Karjat, District Ahmednagar	13	350	....
15	Boarding House, Khardo, District Ahmednagar	6	288	....
16	Boarding House, Pathardi, District Ahmednagar	12	864	....
17	Boarding House, Ahmednagar ..	35	4,200	....
18	Maratha Boarding House, Sangamner, District Ahmednagar	20	1,500	....
19	Young Maratha Club, Sangamner, District Ahmednagar	16	750	....
20	Jijamata Maratha Boarding House, Jalgaon, District East Khandesh ..	70	12,500	....
21	Maratha Boarding House, Dhulia, District West Khandesh	13	1,040	....
	SOUTHERN DIVISION			
22	Shri Shahu Chhatrapati Maratha Boarding House, Dharwar ..	17	1,146	....

Mr. R. S. ASAVALE : May I know from where this information has been collected, because there are a number of boarding houses which have been left out from the list, as well as the number given here of the boarders from certain boarding houses seems to be incorrect ? I know them perfectly well, because I am a member on one or two committees.

The Honourable Dewan Bahadur HARILAL D. DESAI : This information has been collected by the department through their educational inspectors who have charge of the divisions.

Mr. R. S. ASAVALE : May I request the Honourable Minister to enquire about the Maratha Boarding House, Nasik, whether the number of boarders and expenditure given is correct ? I am referring to No. 3. Also, two boarding houses in Poona, one called the Nirashrit Maratha Boarding House and the other the Shri Chhatrapati Boarding House. do not appear in the list.

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member would demi-officially write to me pointing out the facts about these boarding houses, I will have the enquiries made.

KALYAN MUNICIPALITY: ARREARS OF RATES

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) whether they are aware that there is a great deal of arrears of municipal taxation in Kalyan;

(*b*) whether they are aware that warrants issued for the recovery of the arrears were withheld from being executed for several months;

(*c*) the reasons why the warrants were withheld and on whose responsibility?

The Honourable Sir GHULAM HUSSAIN: (*a*) The arrears of municipal taxes at the end of October 1927 amounted Rs. 6,585 equivalent to about 13 per cent. of the Municipal income but compared to the arrears of the previous four years, they cannot be regarded as heavy.

(*b*) It is reported that warrants were duly executed but in exceptional cases time for payment was granted.

(*c*) Does not arise as the bulk of the warrants were not withheld.

PRIMARY SCHOOL TEACHERS: EMPLOYMENT IN FLOOD RELIEF

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether they have issued any orders for the employment of primary school teachers on flood relief operations in this Presidency;

(*b*) how many teachers are or were so employed in each of the flood stricken parts of Gujarat?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No specific orders for the employment of primary teachers on flood relief operations have been issued. Government however issued orders in August 1927 permitting their officers to take part in the collection of subscriptions for the relief of distress caused by the floods in Gujarat and Sind in every district where funds for this purpose had been or were being opened.

(*b*) No primary school teachers were employed in Flood Relief operations in the Broach and Surat Districts.

One hundred and twenty teachers in the Ahmedabad and 42 teachers in the Kaira Districts were allowed to assist the Flood Relief Committees in their humanitarian work on the express understanding that the work was purely voluntary and was to be done out of school hours so that their legitimate duties might not suffer by the extra work.

As regards Panch Mahals, the Honourable Member for Kaira is referred to the Chairman of the School Board of the District Local Board, Panch Mahals, who appears unwilling to supply the information to any one unconnected with the District.

SUKKUR BARRAGE OFFICERS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state giving the names and length of service of the officers—

(*a*) how many officers temporary and permanent who are residents of the Presidency proper are engaged on the Sukkur Barrage Project;

(*b*) how many of them were from the Bombay Development Department;

(*c*) how many of them were from the other parts of the Presidency;

(*d*) how many of them possess University qualifications?

The Honourable Sir COWASJI JEHANGIR: (*a*) 14 permanent and 5 temporary officers as per list "A" attached.

(*b*) One—Mr. J. R. Colabawalla.

(*c*) This part of the question is not clear. The word "*parts*" used therein does not fit in with the context. It is presumed from (*b*) *supra* that information is required regarding officers from other "*Departments*" of the Presidency employed on the Barrage. If so, the reply is that there are no such officers.

(*d*) Twelve permanent and 2 temporary officers possess University qualifications. These officers are indicated by asterisks against their names in list "A" referred to above.

LIST "A"

Names of officers (permanent and temporary) who are residents of the Bombay Presidency proper and are engaged on the Lloyd Barrage and Canals Construction Scheme

Name of Officer	Designation	Length of service in completed years on 31st December 1927
	Permanent	Years
1. *Mr. D. R. Satarawala, B.A., I.C.E.	Superintending Engineer, North Western Circle	26
2. *Mr. H. B. Parikh, M.I.E. (Ind.), L.C.E.	Executive Engineer, Sind Roads Division	16
3. *Mr. P. K. Shinde, B.A., A.M.I.C.E.	Executive Engineer, Northern Dadu Canal Division ..	9
4. *Mr. M. J. M. Cursetjee, B.Sc., A.K.C.	Executive Engineer, Khirtar Head Division	12

Name of Officer	Designation	Length of service in completed years on 31st December 1927
		Years
	Permanent	
5. *Mr. C. G. Kale, B.A., B.Sc., B.E., A.M.I.E. (Ind.)	Executive Engineer, Rohri Canal No. II Division	10
6. *Mr. S. S. Divatia, B.E. ..	Executive Engineer, Khirtar Tail Division	5
7. *Rao Saheb V. A. Mujumdar, L.C.E.	Assistant Engineer	24
8. *Mr. K. M. Bedekar, B.A., C.E., A.M.I.E. (Ind.)	Assistant Engineer	13
9. *Mr. C. J. Desai, L.C.E. ..	Assistant Engineer	21
10. *Khan Saheb F. J. Kanga, L.C.E.	Assistant Engineer	20
11. Mr. S. P. Joshi ..	Assistant Engineer	23
12. *Mr. S. V. Gore, L.C.E. ..	Assistant Engineer	18
13. *Mr. B. R. Sardesai, B.E. ..	Assistant Engineer	12
14. Mr. J. B. Desai ..	Assistant Engineer	20
	Temporary	
1. Mr. J. R. Colabawala, M.S.E.	Executive Engineer, Rohri Canal No. I Division	24
2. Mr. R. M. Sethna, A.M. I.E.E., etc.	Acting Executive Engineer, Power Supply Division	18
3. *Mr. G. R. Mirajkar, B.E. ..	Assistant Engineer	5
4. Mr. Syed Mohammed Jaffer.	Assistant Engineer	18
5. *Mr. T. R. Sethna, B.E. ..	Assistant Engineer	4

*Possess University qualifications.

Rao Saheb D. P. DESAI: "Other parts" refers to other parts of the presidency than Sind.

The Honourable Sir COWASJI JEHANGIR: Oh; you say in (*a*) "How many officers temporary and permanent who are residents of the presidency proper are engaged on the Sukkur Barrage Project?" Then, you say "other parts of the presidency." The other parts of the presidency are included in the presidency proper.

SUKKUR BARRAGE: ASSISTANT EXECUTIVE ENGINEERS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) how many permanent Assistant Engineers and Executive Engineers are employed on the Sukkur Barrage Project;

(*b*) the length of service of each in the Irrigation or Public Works Department and his qualifications?

The Honourable Sir COWASJI JEHANGIR : (*a*) Eighteen Executive and 5 Assistant Executive Engineers of Indian Service of Engineers and 33 Assistant Engineers of the Bombay Service of Engineers.

(*b*) A list " B " showing qualifications and length of service of the above mentioned Engineers is hereto attached.

LIST " B "

Names of permanent Executive, Assistant Executive and Assistant Engineers who are engaged on the Lloyd Barrage and Canals Construction Scheme

	Name	Qualifications	Length of service in completed years on 31st December 1927
			Years
		Indian Service of Engineers	
1.	Mr. S. C. Mould ..	B.A.(Cantab.)	23
2.	Mr. W. N. Cartland ..	C. E. from the R. I. E. College ..	21
3.	Mr. R. B. MacLachlan ..	B.A., B.E., M.Inst.C.E. ..	22
4.	Mr. A. A. Musto ..	M.Inst.C.E.	20
5.	Mr. A. Gordon ..	B.Sc. (Eng.) Glas.	18
6.	Mr. E. P. Watson ..	A.M.I.C.E.	18
7.	Mr. W. Kirkpatrick ..	B.E.	17
8.	Mr. S. A. M. Lewis ..	M.R.San.I.	17
9.	Mr. T. S. Mirchandani ..	B.Sc. (Edin.)	16
10.	Mr. H. B. Parikh ..	M.I.E. (Ind.), L.C.E. ..	16
11.	Mr. C. G. Hawes ..	B.Sc. (Lon.). A.C.G.I., A.M.I.C.E.	15
12.	Mr. J. L. Grant ..	A.C.G.I., A.M.I.C.E. ..	14
13.	Mr. P. K. Shinde ..	B.A., A.M.I.C.E.	9
14.	Mr. M. J. M. Cursetjee ..	B.Sc. (Lond.), A.K.C. ..	12
15.	Mr. H. W. Oddin Taylor ..	A.C.G.I., B.Sc. (Lond.), A.M.I.C.E.	12
16.	Mr. R. H. Hammett ..	A.M.I.C.E.	8
17.	Mr. H. L. Francis ..	B.Sc. (Eng.), A.M.I.C.E. ..	8
18.	Mr. C. G. Kale ..	B.A., B.Sc., B.E., A.M.I.E. (Ind.)	10
19.	Mr. M. P. Mathrani ..	B.E.	9
20.	Mr. L. V. Lalvani ..	B.Sc. (Edin.)	6
21.	Mr. M. T. Gibling ..	B.A. (Cantab.)	5
22.	Mr. S. S. Divatia ..	B.E.	5
23.	Mr. E. P. Little ..	Sections A and B of I.C.E. ..	2
		Bombay Service of Engineers	
1.	Mr. B. U. T. Storrs ..	Sub-Engineer, Roorkee ..	20
2.	Rao Bahadur Javhermal T. Shahani.	D. J. Sind College Engineering Course	28
3.	Rao Bahadur Chandumal P. Dodaja.	D. J. Sind College Engineering Course	26
4.	Mr. Hassaram P. Chablani..	D. J. Sind College Engineering Course	26
5.	Mr. E. M. Austen ..	A.M.I.C.E., A.M.I.E. (Ind.) ..	16
6.	Rao Saheb V. A. Majumdar.	L.C.E.	24
7.	Mr. K. M. Bedekar ..	B.A., C.E., A.M.I.E. (Ind.) ..	13
8.	Mr. Khushiram G. Advani..	D. J. Sind College Engineering Course	23
9.	Mr. Pessumal H. Hiranandani.	D. J. Sind College Engineering Course	26

	Name	Qualifications	Length of service in completed years on 31st December 1927
		Bombay Service of Engineers—concld.	Years
10.	Mr. C. J. Desai ..	L.C.E.	21
11.	Khan Saheb F. J. Kanga ..	L.C.E.	20
12.	Mr. Ramdas B. Batra ..	.....	24
13.	Rao Saheb Gopaldas H. Keswani.	L.C.E.	19
14.	Mr. H. C. Dutt ..	L.C.E.	18
15.	Mr. B. D. Patel ..	L.C.E.	15
16.	Mr. G. P. Vaswani ..	L.C.E.	22
17.	Mr. Karamchand Rambux	.....	15
18.	Mr. Jhuromal L. Lalvani ..	L.C.E.	19
19.	Mr. Shankar P. Joshi ..	.....	23
20.	Mr. Shankar V. Gore ..	L.C.E.	18
21.	Mr. Rochiram L. Manghirmalani.	L.C.E.	20
22.	Mr. Gopaldas H. Jhangiani..	.....	21
23.	Mr. H. S. Kahai ..	C.P.E. (Glas.), A.M.I.E.E. ..	7
24.	Mr. Gurmukhsing J. Butani.	D. J. Sind College Engineering Course	23
25.	Mr. B. R. Sardesai ..	B.E.	12
26.	Mr. Chetanram K. Pamnani.	L.C.E.	18
27.	Mr. Khushaldas T. Hirani ..	L.C.E.	15
28.	Mr. Mahomed Din Mahkumdin.	.....	13
29.	Mr. J. B. Desai ..	.....	20
30.	Mr. Kundanmal K. Punwani.	D. J. Sind College Engineering Course	19
31.	Mr. Hemandas K. Kewalramani.	D. J. Sind College Engineering Course	10
32.	Mr. Deepchand P. Belani ..	D. J. Sind College Engineering Course	9
33.	Mr. Aishiram P. Mathrani ..	D. J. Sind College Engineering Course	8

Rao Saheb D. P. DESAI : May I know why persons having no university qualifications have been given these higher posts ?

The Honourable Sir COWASJI JEHANGIR : Perhaps their experience entitles them to positions of trust.

Rao Saheb D. P. DESAI : What about the last mentioned, Mr. Aishiram Mathrani, who comes from Sind, and whose qualifications have been shown as " D. J. Sind College Engineering Course, " and who has only 8 years ' experience behind him ? Is 8 years as a sub-overseer enough to put him in the grade of superior service as assistant engineer or as executive engineer ?

The Honourable Sir COWASJI JEHANGIR : He must have proved his worth.

LOCAL CESS COLLECTION : DUMALA VILLAGES : REMUNERATION OF VILLAGE OFFICERS

Mr. L. M. DESHPANDE (Surat District) : Will Government be pleased to state—

(*a*) whether remuneration for the collection of local cess is paid to the village officers in Dumala villages as before ; and

(*b*) whether the collection charges for such villages are recovered from the Local Boards ?

The Honourable Mr. J. L. RIEU : (*a*) Yes, except in the case of talatis, in whose case the remuneration is credited to Government.

(*b*) No.

BUDGET : ALLOCATION OF REVENUES

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) the years when their budget was framed according to the procedure prescribed by rule 31 of the Devolution Rules ;

(*b*) the years when it was prepared according to the procedure prescribed by rule 32 of the rules ;

(*c*) the years when the budget was prepared according to the procedure prescribed by rule 35 of the rules ?

The Honourable Sir CHUNILAL V. MEHTA : The budget has always been framed in agreement between the two sides of Government according to Devolution Rule 31.

Mr. L. M. DESHPANDE : May I know whether the budget for 1928-29 is prepared on the basis of the aggregate grants respectively provided for the reserved and transferred subjects for 1928-29 or is there any new agreement for 1928-29 ?

The Honourable Sir CHUNILAL MEHTA : The honourable member may take it that there is a new agreement every year.

KALYAN MUNICIPALITY

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) whether they have seen the allegations made against the municipality of Kalyan in the *Mahratta* (weekly) of Poona, dated the 4th December 1927 ;

(*b*) whether they propose to take any action in the matter ?

The Honourable Sir GHULAM HUSSAIN : (*a*) Yes.

(*b*) Government are enquiring into the matter.

ELPHINSTONE HIGH SCHOOL TEACHER, MR. MULLA

Sarder G. N. Mujumdar on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(*a*) whether they are aware that Mr. M. H. Mulla, a teacher in the Elphinstone High School, gives public speeches about the nobility of

Muhammadans and censures the Hindu "Puranas" and the Shudhi-Sanghatan movement;

(*b*) the number of years he has been in service;

(*c*) his former occupation, the qualifications for which he was first appointed to Government service;

(*d*) whether it is a fact that he was transferred from Dharwar to Bombay for the reasons of the nature referred to in (*a*)?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) to (*d*) Mr. Mulla died some time back at Nasik where he had been transferred. Government do not therefore consider that any useful purpose would be served by furnishing the information asked for in the question.

TALATIS FROM WATANDAR FAMILIES

Mr. B. V. JADHAV (Satara District): Will the Honourable the Revenue Member be pleased to state the number of talatis in the districts of East and West Khandesh, Nasik, Ahmednagar, Sholapur and Poona and the number of these recruited from the watandar families?

The Honourable Mr. J. L. RIEU:

Name of District	Number of talatis in the District	Number of talatis recruited from watandar families
1	2	3
East Khandesh	351	212
West Khandesh	282	100
Nasik	290	193
Ahmednagar	424	329
Sholapur	59	47
Poona	324	286

CATTLE POUND FEE, PATAN TALUKA

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) the total amount of cattle pound fees realised in 1926 on account of cattle straying in forest areas in the Patan Taluka of the Satara District;

(*b*) whether it is a fact that the rate of cattle pound fee for cattle trespass on forest areas is double the ordinary fee;

(*c*) whether it is a fact that the rate of such fee collected from the forest areas in Bahule, Urul, Khadhane and Kumbhargaon in Patan Taluka of the Satara District is four times the ordinary rate and double the forest pound rate levied in respect of other forest lands?

The Honourable Mr. J. L. RIEU: (*a*) The amount realised in the year 1926-27 was Rs. 237.

(*b*) No. The rate of pound fees for cattle trespass in forest areas is the same as that charged for cattle trespass in malki lands.

(*c*) The rate of pound fees levied for cattle trespass in the forest areas in Bahule and Kumbhargaon is double the ordinary rate and not four times. The ordinary rate is levied in Urul and Khadhane.

Rao Bahadur R. R. KALE : The answers to (*b*) and (*c*) are rather inconsistent. In (*b*) the answer states that the rate is the same but in answer to (*c*) the rate in Bahule and Kumbhargaon is given as double the ordinary rate.

The Honourable Mr. J. L. RIEU : I presume that the rate in Bahule and Kumbhargaon has been imposed as a penalty because the latter of those villages habitually trespassed in forest land.

VILLAGE SERVANTS

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) whether they intend to appoint some petty village officers instead of the present system of having too many village servants like " chougula " and " taral " in villages on small pay ;

(*b*) if so, to lay on the Council table the proposals in this matter, if any ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) No such proposals are at present under the consideration of Government.

LOCAL FUND CESS COLLECTION

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) whether the remuneration of village officers for the collection of local fund cess in unalienated villages is paid out of the local fund cess collected in the village, or from the general revenue of the village ;

(*b*) whether under the Local Boards Act of 1923, the expenses for remuneration of village officers for the collection of local fund cess are recovered from the Local Boards in (1) alienated villages and (2) in unalienated villages ;

(*c*) whether the practice of recovering the remuneration to be paid to the village officers for the collection of the local fund cess in alienated villages from the holders of the villages is still continued ;

(*d*) if the answer to (*c*) be in the affirmative, do the Government intend to discontinue the practice ?

The Honourable Mr. J. L. RIEU : (*a*) It is paid out of the local fund cess.

(*b*) (1) No.
(2) Yes.
(*c*) Yes.
(*d*) No.

Rao Bahadur R. R. KALE : The answers given in reply to (*a*) and (*b*) (2) do not seem to agree. May I have an explanation ?

The Honourable Mr. J. L. RIEU : The recovery is effected by a deduction.

LLOYD BARRAGE, WESTERN CIRCLE : STAFF

Mr. M. S. KHUHRO (Larkana District) : Will Government be pleased to state—

(*a*) whether it is a fact that in the office of the Superintending Engineer, Western Circle (Mr. Satarawala), out of eight clerical appointments seven are held by Hindus and one by a Muhammadan only ;

(*b*) whether it is a fact that two clerical appointments, one of senior grade and the other one junior one, fell vacant and were given to Hindus without advertising in the papers and calling for applications of Muhammadans ;

(*c*) whether it is a fact that out of twelve upper subordinates in the Western Circle eleven are Hindus and out of seven draftsmen there is not a single Mussalman ;

(*d*) what Government proposes to do in the matter ;

(*e*) why the policy laid down in Government Resolution with regard to appointment of Mussalmans is not being given effect to in the Western Circle of the Lloyd Barrage particularly ?

The Honourable Sir COWASJI JEHANGIR : (*a*) No. In the first place Mr. D. R. Satarawala, Superintending Engineer, is in charge of the *North-Western* Circle and not the Western Circle as stated by the Honourable Member. Further there are seven clerical appointments in his office, of which five were till recently held by Hindus and two by Mahomedans. Very recently, however, one of the two Mahomedan clerks was promoted to a higher grade and transferred to a Divisional office and one Hindu clerk was taken on reduced pay in exchange.

(*b*) Yes. It is not usual to advertise such vacancies, as trained hands with Public Works Department experience cannot be procured from the open market. Appointments to the grades of Rs. 75—5—100 and above are therefore generally filled by pomoting selected clerks already in the lower grades in the Circle. The two Hindus who were so selected were the *most senior* clerks in the lower grades and were fully deserving of the promotion. In a subsequent vacancy a Mahomedan was appointed in the North-Western Circle.

(*c*) Upper Subordinates—Yes. Out of twelve Upper Subordinates, eleven are Hindus.

Draftsmen—There are three draftsmen only in the whole Circle and not seven, of whom one is a Christian and two are Sikhs. One post of a Head Draftsman and another of a Divisional Draftsman have been kept vacant for want of suitable candidates to fill them. The policy of giving preference to Mahomedans does not, however, extend to such special and technical appointments.

(*d*) The interests of Mahomedans are being given due consideration in the North-Western Circle and the question of any further action does not arise.

(*e*) The policy of Government regarding giving preference to Mahomedans is being followed to the full in the North-Western Circle, as out of twenty-five clerical appointments made by the Superintending Engineer twelve have been conferred on Mahomedans.

SCHOOLS IN KARACHI : CLASSIFICATION OF STUDENTS

Mr. M. S. KHUHRO (Larkana District) : Will Government be pleased to state—

(*a*) how many Mussalmans, Bora Mussalmans, Hindus and those of other communities are being educated in the Karachi Academy, the Gujarati Middle School and the Model High School respectively ;

(*b*) how many of them are Gujarati-speaking and how many Urdu-speaking students in the abovementioned three schools ?

Note.—Information may please be given in a schedule form.

The Honourable Dewan Bahadur HARILAL D. DESAI : The appended statement gives the information required.

Statement showing the classification of students at the following schools in Karachi

No.	School	Mussalmans		Bora Mussalmans	
		Speaking Gujarati	Speaking Urdu	Speaking Gujarati	Speaking Urdu
1	Karachi Academy	4	51	102	10
2	Gujarati Middle School ..	4	..	..	..
3	The Model High School ..	..	..	1	..

No.	School	Hindus		Other Communities	
		Speaking Gujarati	Speaking Urdu	Speaking Gujarati	Speaking Urdu
1	Karachi Academy	33	..	1	3
2	Gujarati Middle School ..	187	..	42	..
3	The Model High School ..	24	..	2	1

URDU SCHOOL BUILDING : JALGAON MUNICIPALITY

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) :Will Government be pleased to state—

(*i*) whether they are aware of the fact—

(*a*) that the Jalgaon Municipal Urdu school is located in a rented building ;

(*b*) that the locality is in the neighbourhood of women of disrepute, an atmosphere which is morally unhealthy for the young students ;

(*c*) that the Mahomedans of Jalgaon had prayed for the construction of a building for the Urdu school in the address presented to His Excellency the Governor on the occasion of his tour to Jalgaon ;

(*d*) that the municipality of Jalgaon had expressed its willingness to construct the Urdu school referred to above in its address to His Excellency the Governor ;

(*ii*) what steps they propose to take in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*i*) (*a*) and (*b*) It is not clear to what particular school reference is made. However, all the municipal Urdu schools are located in rented buildings and none of them is in the neighbourhood of women of disrepute.

(*c*) and (*d*) Yes.

(*ii*) It is not for Government but for the municipality to take the necessary action in the matter and Government understand that the municipality is already taking steps for the construction of a building for its Urdu schools for boys but that certain preliminaries required by the Grant-in-aid Code have to be complied with before the actual construction begins. As soon as these preliminaries are completed the municipality proposes to start the building operations after obtaining a promise of a building grant from Government.

TELANG HIGH SCHOOL, GODHRA : HINDU AND MUSLIM STUDENTS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) the total number of students in the Telang High School at Godhra ;

(*b*) the number of students in Standards I, II, III, IV, V, VI, VII separately ;

(*c*) the number of Hindu and Mahomedan students in each class ;

(*d*) (*i*) the total population of Godhra City and (*ii*) the population of Hindus and Mahomedans separately ;

(*e*) the basis of percentage regulating the admission of the students of the two sister communities ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) 237.

(*b*)

I	.. ..	30
II	.. ..	30
III	.. ..	35
IV	.. ..	34
V	.. ..	34
VI	.. ..	35
VII	.. ..	39

(*c*)

	Hindu students	Muslim students	Others
I	.. 23	5	2
II	.. 22	6	2
III	.. 22	9	4
IV	.. 27	6	1
V	.. 22	8	4
VI	.. 26	9	..
VII	.. 30	8	1

(*d*) (*i*) Total population of Godhra City—26,979.
(*ii*) Hindus 14,159
Muhammadans 12,820

(*e*) 40 per cent. advanced classes ;
45 per cent. Intermediate and backward classes (preference being given to backward classes) ;
15 per cent. Muhammadans.

JESSAWADA POLICE STATION : CLEARING OF COMPOUND

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) what sum was spent by the Police Department of Panch Mahals for clearing the compound of Jessawada Police Thana in Dohad Taluka in the month of October 1927 ;

(*b*) how many labourers were engaged for the work ;

(*c*) to what villages these labourers belonged ;

(*d*) for how many days the work of cutting grass and clearing the compound was going on ;

(*e*) what payment was made by the Police Department to each labourer per day ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Nothing.

(*b*) 12.

(*c*) 6 to Nadhelav, 4 to Chandwada and 2 to Nelsur.

(*d*) The three batches came on different days. Each worked for about two hours on one day only.

(*e*) No payment was made. It has been a long-standing practice for the Patels of these villages to arrange for the cutting of the grass in the compound after the monsoon every year, in return for some entertainment at the Holi festival. This arrangement pleases everybody and none of the labourers has any complaint to make

Mr. J. C. SWAMINARAYAN : Who gives the entertainment ?

The Honourable Mr. J. E. B. HOTSON : I understand that it is the police who give the entertainments privately.

LIQUOR SHOPS : LOCATION POLICY

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state what action they intend to take in connection with the location of liquor shops with a view to discourage drinking ?

The Honourable Mr. G. B. PRADHAN : The Honourable Member is referred to the orders in paragraph 14 of Government Resolution No. 982/24, dated 12th February 1925, which has already been published. It is not proposed to issue any further orders.

DOHAD COURT AUCTION : DISMISSAL OF COURT CLERK AND BAILIFF

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether it is a fact that the District Judge of Broach and Panch Mahals dismissed two old servants, the Clerk of the Court and Bailiff of the Dohad Court in March 1926 and if so the reason for having done so ;

(*b*) whether it is a fact that both these dismissed servants prayed to the Honourable High Court for reinstatement or retirement on pension in view of their long services ;

(*c*) whether there is anything on the evidence of the record of the Darkhast Lilav Yadi to show that they bid at the Court's auction ;

(*d*) (*i*) whether it is a fact that merely an annonymous application was treated as a basis for the inquiry into the matter, (*ii*) that there is no living person affected or suffering loss in the matter and (*iii*) that there was no formal complaint from any party in the Darkhast ;

(*e*) what was the procedure adopted in the inquiry against the dismissed servants and whether it is a fact that this procedure was not in accordance with Standing Government Resolutions on the subject of dismissal ;

(*f*) whether it is a fact that the auction though styled bogus was not cancelled but confirmed ;

(*g*) whether it is a fact that the articles auctioned were not resold though the dismissed servants offered to have them resold in order to refute any allegation of *mala fides* on their part ;

(*h*) whether it is a fact that the dismissed Clerk of the Court happened to purchase the articles from another man who was declared the purchaser at the auction ;

(*i*) whether it is a fact that the dismissed Clerk of the Court has approached Government for mercy and justice on the grounds that he has been dismissed on very light grounds ;

(*j*) whether it is a fact that not even a single witness has come forward to say that the dismissed persons wanted to purchase the articles for themselves ?

The Honourable Mr. J. E. B. HOTSON : The Honourable Member is referred to the answer given to the similar question asked by the Honourable Member for the Ahmedabad Millowners' Association on the 14th March 1927. No useful purpose will be served by going into any further details regarding a case which has already been finally settled.

POLICE PATELS, PANCH MAHALS : POWERS OF FINE AND CONFINEMENT

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state in the

following tabular form the names of those Police Patels in Panch Mahals who have powers of fine and confinement according to Village Police Act ?

Name of the Police Patel	His jurisdiction mentioning taluka	Kind of powers	Date of delegation

The Honourable Mr. J. E. B. HOTSON : Every Police Patel possesses the power of fining or confining offenders under Section 14 of the Village Police Act ?

A list of all the Police Patels in the Panch Mahals District would probably be of little use to the honourable member and is, therefore, not given.

UNDER-TRIAL PRISONERS : FORCED LABOUR

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether they are aware that persons under trial in Criminal Courts at Godhra, Dohad, Kalol, Halol and Jhalod mostly Kolis, Bhils, Dharalas, Nayakdas and Patelias and such other illiterate people having business in the Mamlatdar or Mahalkari's courts are usually impressed to pull punkhas in the courts as a rule ?

The Honourable Mr. J. E. B. HOTSON : No.

NUISANCE BY MUHAMMADAN FAKIRS

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether it is a fact that Muhammadan Fakirs are often a great nuisance and an obstruction to Hindu merchants and that when they refuse to pay the Fakirs abuse them and cut their limbs and throw blood on Hindu merchants ?

The Honourable Mr. J. E. B. HOTSON : Complaints are made against holy men not only by persons of different religions but sometimes even by those professing the same faith as themselves. If the honourable member will define more closely the places where the abuses to which he refers have occurred, and give the names of the injured parties, and if possible also of the offenders, Government will consider whether any action can be taken.

HONORARY MAGISTRATES : APPOINTMENTS

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether their attention has been drawn to the matter published under the heading " Current Topics " on page 6 of the *Times of India* of 20th September 1927 regarding the appointment of Honorary Magistrates ;

(*b*) if so, whether they think of making any change in the policy followed by them in appointing Honorary Magistrates ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Government saw the paragraph in the *Times of India* to which the Honourable Member refers

at the time of its publication, but did not consider that it required any special notice.

(*b*) As the Honourable Member is probably aware the question of the best use of the unpaid Magistracy has been under consideration for some time.

Mr. J. C. SWAMINARAYAN: How long will it be under consideration?

The Honourable Mr. J. E. B. HOTSON: I think a question of that character can be considered and re-considered frequently.

LOCAL FUND CESS, AHMEDABAD AND PANCH MAHALS

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(*a*) according to what calculation the talukdars of Ahmedabad and Panch Mahals districts collect local fund cess from their people;

(*b*) how many annas per one rupee of the assessment has been collected as local fund cess from every khatedar during the last five years giving the figures of each year separately;

(*c*) what sum was collected by each talukdar of the Ahmedabad and Panch Mahals districts every year as local fund cess for the last seven years and what sum was given to Government every year?

The Honourable Mr. J. L. RIEU:

(*a*) *Ahmedabad District*

Talukdars recover Local Fund Cess from their tenants at the rate of one anna in the rupee of assessment in villages where the vighoti system prevails except in the village of Navda of the Dhandhuka Taluka where they recover the cess at the rate of one anna in the rupee of the vighoti or rent. No Local Fund Cess is levied in villages where the *bhagbatai* or crop share system prevails. In some villages of the Viramgam Taluka Local Fund Cess is not recovered in addition to rent.

Panch Mahals District

The Talukdars, except those of Limdi, Lilva, Golana and Kanjari, recover Local Fund Cess from their tenants at the rate of one anna in the rupee of the rent paid by them. No Local Fund Cess is recovered in cases where land is given out for cultivation on the crop share system. The Talukdars of Limdi, Lilva, Golana and Kanjari do not recover Local Fund Cess separately from their tenants, but recover their dues in a lump sum.

(*b*) and (*c*) The collection of the information would involve the engagement of a special establishment and the undertaking of a very laborious inquiry at considerable cost. Government, therefore, regret that they are not prepared to comply with the Honourable Member's request.

LLOYD BARRAGE: COST OF MACHINERY PLANT

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to give—

(*a*) the cost of machinery purchased for the Lloyd Barrage so far? The cost of each big item may kindly be shown separately;

(*b*) the place from where it was purchased;
(*c*) the date of each purchase;
(*d*) the cost incurred so far on the repairs of each machine?

The Honourable Sir COWASJI JEHANGIR: (*a*) First part Rs. 1,19,26,139.

(*a*) Latter part, (*b*), (*c*) and (*d*) The accompanying statement gives the requisite information.

Statement showing purchases and repairs to machinery plant for the Llyod Barrage and Canals Construction costing Rs. 50,000 and more in each case

Serial No.	Description of machinery	Cost	Place of purchase	Date of purchase	Cost incurred on repairs	Remarks
1	2	3	4	5	6	7
		Rs.			Rs.	
1	Locos K. R. Class 10 (2nd hand).	2,05,000	India (N. W. R.).	1925-26 ..	..	An estimate amounting to Rs. 19,600 has been sanctioned for repairs during 1927-28.
2	Suction Dredgers.. 2	27,21,482*	England ..	March 1926	323 on "Rohri"	*Includes customs duty and cost of pontoons and pipe line.
3	Paddle Tugs .. 2	4,07,996†	Do. ..	March 1927.	5,127	†Includes customs duty.
4	Steel Barges .. 10	2,32,084	Karachi ..	March 1926.	162	
5	Do. .. 20	4,60,000	Do. ..	July 1927.	..	
6	Low Sided Trucks 197	1,18,200	India (N. W. R.)	1924-25 to 1926-27.		
7	O. R. Trucks .. 166	99,600	Do. ..	Do.	15,671	
8	High Sided Wagons. 119	89,320	Do. ..	Do.		
9	Tip Wagons .. 30	1,75,321	England ..	June 1926.	..	
10	Tip Wagons .. 10	60,000	Do. ..	1927.	..	Materials have recently arrived.
11	Permanent Way material about 30·5 miles.	7,33,389	India ..	1924-25 to 1926-27.	..	
12	Pontoons for 8 floating cranes and pile driving plant and other items under the same head.	11,19,935	England ..	August 1925 August 1926	434	
13	Electric derrick 2 cranes and other items under the same head.	4,55,556	Do. ..	August 1925	7,565	
*14	Pile Driving 6 Plant.	6,34,518	India ..	September 1925.	5,706	
15	Pile Driving 9 Plant.	5,07,192	England ..	August 1926		
16	Electric Power Lot Plant.	13,58,887	India ..	February 1925.	2,449	
17	Block Yard Plant Lot	1,67,160	England ..	September 1925.	2,068	

Mr. NOOR MAHOMED: Is this list complete up to July 1927 or beyond it?

The Honourable Sir COWASJI JEHANGIR: I cannot give you the exact date but it was the latest information at the time the question was received. I do not know when the question was received.

MUNICIPAL DRAINAGE AND TOWN PLANNING SCHEMES: GRANTS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*a*) the amount so far granted respectively to the Poona City Municipality, the Bombay Municipal Corporation and the Ahmedabad Municipality in regard to (*i*) drainage, (*ii*) water works and (*iii*) town planning schemes with the dates of the sanction of each amount from 1917 to 1927 (August);

(*b*) why the Ahmedabad Municipality has been refused grants on the basis on which the same were given to the other two Municipal institutions;

(*c*) whether they intend now to give the grants asked for by the Ahmedabad Municipality when the Municipality and city have suffered heavy damages during the last unprecedented rains?

The Honourable Sir GHULAM HUSSAIN: (*a*) The accompanying statement gives the information required.

(*b*) and (*c*) Owing to financial stringency Government are re-considering the question of grants-in-aid to local bodies for sanitary schemes. Government have not so far refused to sanction any grant to the Ahmedabad Municipality towards its water supply and drainage schemes but the question is held over pending a decision of the general question. The question of Government contribution towards the proposed bridge over the Sabarmati is also under consideration. Until their financial position improves, however, Government can hold out little hope that any funds will be available for such grants to any of the City Municipalities in the Presidency.

Year	Scheme for which sanctioned	Amount of grant	Date of sanction
		Rs.	
	Bombay Municipal Corporation		
1917 to 1927 ..	*Nil.*	*Nil.*	*Nil.*
	Ahmedabad Municipality		
1917 to 1922 ..	....	....	....
1923	Water supply	1,45,623	4th September 1923.
1924 to 1926 ..	....	....	....
1927 (August) ..	Water supply	17,500	22nd February 1927.
	Poona Municipality		
1917	Combined water supply and drainage ..	2,929	21st November 1917.
1918	Do. do. ..	1,947	10th January 1918.

Year	Scheme for which sanctioned	Amount of grant	Date of sanction
	Poona Municipality—contd.	Rs.	
1918	Combined water supply and drainage ..	391	26th February 1918.
	Do. do. ..	497	12th June 1918.
	Water supply (Chemical treatment) ..	18,258	6th February 1918.
	Do. do. ..	20,847	3rd December 1918.
1919	Combined water supply and drainage ..	171	7th January 1919.
	Do. do. ..	61	19th March 1919.
	Do. do. ..	2,710	31st March 1919.
	Do. do. ..	3,652	31st March 1919.
	Water supply (Chemical treatment) ..	9,374	29th March 1919.
	Do. do. ..	14,095	9th September 1919.
	Combined water supply and drainage ..	7,210	31st July 1919.
	Do. do. ..	8,000	29th November 1919.
	Water supply	203	18th December 1919.
1920	Combined water supply and drainage ..	4,089	31st March 1920.
	Water supply (Chemical treatment) ..	14,095	16th October 1920.
1921	Combined water supply and drainage ..	21,758	14th October 1921.
	Town Planning Scheme No. I ..	16,13,015	20th July 1921*.
1922	Water supply (Chemical treatment) ..	12,724	27th March 1922.
	Water works (Percentage charges) ..	12,895	13th December 1922.
1923	Water supply (Chemical treatment) ..	7,794	23rd February 1923.
	Combined water supply and drainage ..	5,932	20th July 1923.
	Do. do. ..	1,836	8th September 1923.
	Drainage	50,000	28th November 1923.
1924	Water supply (Chemical treatment) ..	4,820	15th February 1924.
	Combined water supply and drainage ..	2,069	31st January 1924.
	Water supply (Leakage charges) ..	2,000	6th December 1924.
	Drainage	20,400	29th March 1924.
1925	Water supply (Chemical treatment) ..	2,879	7th March 1925.
	Drainage	1,90,000	11th February 1925.
1926	Do.	2,65,000	25th January 1926.
1927 (August) ..	Do.	2,90,000	25th January 1927.
	Do.	2,03,574	6th July 1927.

* This grant of Rs. 16,13,015 represents the total cost of the Lloyd Bridge included in the Town Planning Scheme and was sanctioned on the conditions (*i*) that the Poona Municipality surrendered to Government the surplus actual contributions realised under the Scheme over the actual expenditure incurred on it and (*ii*) that it paid in cash Rs. 50,000 towards the cost of the scheme.

Mr. J. C. SWAMINARAYAN: Why is it that Ahmedabad gets only Rs. 17,000 whereas Poona gets lakhs and lakhs ?

The Honourable Sir GHULAM HUSSAIN: We have to take into consideration the claims of various municipalities. We cannot be partial to the Ahmedabad municipality. Ahmedabad is a great industrial and commercial centre, which is not the case with other municipalities.

BUILDING GRANTS TO CERTAIN INSTITUTIONS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(*a*) to place on the table a statement giving details of the Building grants for Secondary and College education respectively with the mention of the respective amounts during each of the years from 1919 to 1927 and to give reasons for a sudden change in the policy declared by them recently ,

(*b*) to state the approximate ratio of the persons who have received such education to the total population of the Presidency.

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The appended statement shows the building grants paid to Secondary Schools and Colleges during the years 1919-20 to 1926-27. The attention of the Honourable Member is invited to Government Circular No. 3742, dated the 12th August 1927.

(*b*) Government have no information.

Statement showing the building grant paid to Secondary Schools and Colleges during the year 1919-20 to 1926-27

Year	Secondary Schools	Colleges
	Rs.	Rs.
1919-1920	1,45,590	....
1920-1921	1,81,428	....
1921-1922	59,471	79,512
1922-1923	5,500	3,412
1923-1924	75,451	1,38,303
1924-1925	1,00,259	1,05,500
1925-1926	1,22,110	2,75,965
1926-1927	35,715	1,19,765

CANTONMENT OF DEOLALI : BHAGUR TAXES

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(*a*) whether it is a fact that the Cantonment Board of Deolali has refunded to the Municipality of Bhagur the sum of Rs. 4,500 only, on account of the balance of the taxes recovered from the Bhagur village when it was within cantonment limits ;

(*b*) whether it is a fact that the Municipality of Bhagur has claimed a much larger amount on account of the balance ;

(*c*) whether they have received from the Bhagur Municipality any representation on the matter, and if so, what action they have taken thereon ;

(*d*) whether they have called from the Board a statement showing how the balance of Rs. 4,500 has been arrived at, particularly in view of the reply given by the Board to the Municipality in February last that " the details of receipts and expenditure of the taxes recovered from the Bhagur village cannot be furnished as the accounts were maintained for the whole Cantonment and not maintained separately ?"

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) Yes. The Municipality expected to receive Rs. 25,000 on the ground that the total amount of taxation received from the Bhagur areas before the separation was Rs. 31,585.

(*c*) No.

(*d*) In the absence of any representation from the Municipality no such action has been taken by Government. It is reported that the amount of Rs. 4,500 was paid by the Cantonment Board under protest.

REFORMS AND PUBLIC ADMINISTRATION

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) whether they have examined the effects of the Constitutional Reforms of 1919 upon the efficiency of the administrative machine;

(*b*) if so, is it a fact that their examination has disclosed that the administrative machine has become less efficient than before the Reforms?

The Honourable Sir C. V. MEHTA: (*a*) No.

(*b*) Does not arise.

REFORMS COMMISSION: GOVERNMENT STATEMENTS AND EVIDENCE

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the Council table all the statements or written evidence which they intend to present before the Statutory Commission under the Government of India Act?

The Honourable Sir C. V. MEHTA: Government regret that they cannot lay such statements or evidence on the table.

REFORMS COMMISSION: SPECIAL OFFICER

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that Mr. N. J. Wadia, I.C.S., has been placed on special duty in connection with the collection of materials to be placed before the Statutory Commission on their behalf;

(*b*) if so, whether they have issued any instructions to him as regards the questions, matters or points on which the materials are to be collected, and the method, means or procedure he should adopt in collecting the materials;

(*c*) if so, whether they will be pleased to place copies of those instructions on the Council table;

(*d*) if no such instructions were issued, whether he will collect the materials just as he likes and in the manner he thinks best?

The Honourable Sir C. V. MEHTA: (*a*) Yes.

(*b*) Yes.

(*c*) Government regret that they cannot place them on the table.

(*d*) Does not arise.

Mr. R. G. PRADHAN : Am I right in thinking that the materials collected by Mr. Wadia will be checked or verified by the honourable member ?

The Honourable Sir CHUNILAL MEHTA : The whole of the materials will be placed before Government. Whatever he collects will be placed before Government.

Mr. R. G. PRADHAN : I suppose Government will verify those statements ?

The Honourable Sir CHUNILAL MEHTA : It is collected for Government, and Government have no reason to suspect that it requires verification.

Mr. R. S. ASAVALE : Will the whole of the information collected by Mr. Wadia be placed before this House ?

The Honourable Sir CHUNILAL MEHTA : No, I am afraid not.

Mr. R. G. PRADHAN : Government do not think that there will be any necessity for verification ? Government do not think that there will be any mistake in any information that may be collected ?

The Honourable Sir CHUNILAL MEHTA : The materials will be collected by the officer on information, and the information will be supplied to him by the departments. There is no reason to think that mistakes will occur, beyond the mistakes which every human being is liable to commit.

Mr. R. G. PRADHAN : Will not information be asked for outside departments ?

The Honourable Sir CHUNILAL MEHTA : Mr. Wadia will collect only the material. The policy will be laid down by Government.

Mr. R. G. PRADHAN : Will the material collected by Mr. Wadia be collected only from the departments, or will it be collected from outside the departments ?

The Honourable Sir CHUNILAL MEHTA : I do not see any reason why Mr. Wadia should be fettered in his discretion.

Mr. R. G. PRADHAN : Am I to understand that discretion has been given to him in the matter ?

The Honourable Sir CHUNILAL MEHTA : Yes ; if he likes, certainly.

Mr. J. C. SWAMINARAYAN : Why are Government going to keep this information private and secret ?

The Honourable Sir CHUNILAL MEHTA : I have already give the answer.

BHAGOD VILLAGE TANK

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the tank in the village of Bhagod in the taluka of Bulsar in the Surat district :—

(*a*) the area of the tank ;

(*b*) the area of the land assessed to it for Himayat ;

(*c*) the Himayat assessment on the tank;

(*d*) whether the embankment of the tank is in good condition;

(*e*) the number of pipes on the tank and the condition in which each is at present;

(*f*) whether the tank is at present deep enough;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs;

(*h*) what is the condition of the tank at present?

(*i*) whether complaints have been received from the people about this tank;

(*j*) whether Government have decided to put this tank in a good state of repair;

(*k*) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on these repairs?

The Honourable Sir COWASJI JEHANGIR: There are two tanks in the village of Bhagod, *viz.*, (1) Jeri tank in R. S. No. 333 and (2) Bed or Ryod tank in R. S. No. 364. The respective information about the two tanks is as follows:—

(*a*) (1) 4 acres 26 gunthas.

(2) 4 acres 18 gunthas.

(*b*) (1) 29 acres 14 gunthas.

(2) 20 acres 22 gunthas.

(*c*) (1) Rs. 53-2-10.

(2) Rs. 30-4-11.

(*d*) (1) Yes, except a few parts of it, which however are not in a dangerous state.

(2) Yes, except in a length of 25 feet which has been worn down by the passage of cattle.

(*e*) (1) The tank has two outlets. One is partially choked with silt and requires to be cleared. The other is in working order.

(2) The tank has two outlets of which one is partially choked and requires to be cleared of silt. The other is in working order.

(*f*) (1) Yes, the tank is deep enough to irrigate the area assessed.

(2) Yes, to the extent required.

(*g*) (1) and (2) The tanks do not appear to have been repaired since 1887-88.

(*h*) (1) The tank is in good condition, excepting for the defects mentioned in (*d*) and (*e*) above.

(2) The tank is in good condition, excepting for the defects mentioned in (*d*) and (*e*) above and small repairs required to the waste-weir.

(*i*) (1) and (2) No.

(*j*) & (*k*) (1) Yes, the tank will be repaired after plans and estimate are prepared and sanctioned. The repairs, which will cost about Rs. 250, will consist of clearing the jungle, strengthening the worn out part of the bund and putting the outlet in working order.

(2) Yes, the tank will be repaired after plans and estimate are prepared and sanctioned. The repairs, which will cost about Rs. 350, will consist of strengthening the bund and repairing the outlet and waste-weir.

TODDY TREE-TAX

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) what has been the general effect of the sudden and excessive increase in the rate of tree-tax on toddy trees introduced recently;

(*b*) whether on the whole Government revenue has declined as a result;

(*c*) whether it is a fact that as a result of this the toddy sold to the public is less pure and more adulterated;

(*d*) whether it is a fact that as a result a great loss has been caused to the owners of toddy trees;

(*e*) whether they have examined this question of the rate of tax on toddy trees in the light of the experience of the past year or two;

(*f*) if so, what decision they have arrived at.

The Honourable Mr G. B. PRADHAN: (*a*) The increase in tree-tax has resulted in the reduction of the number of trees tapped. Government do not consider that the increase was sudden or excessive.

(*b*) No.

(*c*) No.

(*d*) No.

(*e*) Government see no reason to reconsider the orders passed in July 1924.

(*f*) The question does not arise.

TANKS, SURAT DISTRICT: REPAIRS

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will the Honourable the General Member be pleased to state—

(*a*) whether there is any proper arrangement for the regular and systematic inspection of tanks in the Surat District;

(*b*) by whom this inspection is made, and at what interval each tank is inspected;

(*c*) whether plans and estimates for the repair of tanks which require repairs are prepared immediately after such inspection;

(*d*) whether it is a fact that there is much delay in the office of the Executive Engineer, Surat and Broach, in preparing plans and estimates and getting them sanctioned;

(*e*) whether it is a fact that no grant can be sanctioned for the repair of a tank unless the plans and estimates for its repair are ready and have been sanctioned ;

(*f*) whether it is a fact that owing to the delay in the office of the Executive Engineer, Surat and Broach, in getting the plans and estimates for the repair of tanks sanctioned, funds cannot be allotted for the repair of tanks in the Surat District;

(*g*) whether it is a fact that as a result of this, several tanks in the Surat District are in a state of disrepair ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Yes.

(*b*) There is no set interval for the inspection of each tank, but every one of them is looked over frequently by the beat karkuns, and at least once a year by the overseers. The Sub-divisional officers inspect a batch of them every month, and the Executive Engineer visits several of them while on tour.

(*c*) Yes. The plans and estimates are prepared in order of urgency, *i.e.*, the tanks, which are likely to breach or to cease to function properly, are given prior consideration over the others.

(*d*) No.

(*e*) Yes.

(*f*) Does not arise in view of the reply to (*d*) above.

(*g*) No. There is no tank in the Surat District, which has ceased to fulfil its functions.

Rao Bahadur B. R. NAIK : As regards the reply to (*g*), has the Honourable the General Member received any applications from the Surat District about the condition of the tanks and their repairs ?

The Honourable Sir COWASJI JEHANGIR : The question does not refer to any application. The question is " whether it is a fact that as a result of this, several tanks in the Surat District are in a state of disrepair." The answer is : " No. There is no tank in the Surat District which has ceased to fulfil its functions."

Rao Bahadur B. R. NAIK : May I know whether the Honourable the General Member has received any complaints about the bad condition of the tanks,—that they are not fulfilling their proper functions ?

The Honourable Sir COWASJI JEHANGIR : I think, in an answer given yesterday, I told the honourable member that some complaints had been received.

Rao Bahadur B. R. NAIK : Was it mentioned in the complaints that the tanks are not fulfilling the objects which they were meant to serve ?

The Honourable Sir COWASJI JEHANGIR : The answer to that is given in part (*g*) of the reply. The honourable member will see the

answer. When he asked me whether any complaints had been received, I replied in the affirmative, that complaints have been received.

Rao Bahadur B. R. NAIK : My question is whether there are several tanks in the Surat District which do not serve the purpose for which they were constructed, which means that they are not holding water, and that they require repairs.

The Honourable Sir COWASJI JEHANGIR : I can only repeat the answer given to part (*g*) of the question, that there is no tank in the Surat District which has ceased to fulfil its functions. Some of them may be out of repair now and then, but they have not altogether ceased to perform their functions.

Rao Bahadur B. R. NAIK : Have you received any complaints that the tanks are not functioning at all ?

The Honourable Sir COWASJI JEHANGIR : We have received complaints about certain tanks, that they are not in proper repair.

Rao Bahadur B. R. NAIK : Have you received any complaints that there is no water in some of the tanks ?

The Honourable Sir COWASJI JEHANGIR : I cannot answer that without notice. I do not know whether there is any definite complaint that any tank is absolutely not fulfilling its functions.

Rao Bahadur B. R. NAIK : Has the complaint been investigated by the Honourable the General Member ?

The Honourable Sir COWASJI JEHANGIR : Every complaint is investigated. I think I have received complaints from the honourable member himself.

Rao Bahadur B. R. NAIK : That is why I ask whether any complaints have been received, and whether they have been investigated.

The Honourable Sir COWASJI JEHANGIR : Every complaint is sent to the department, every complaint is investigated, and a report made ; and the honourable member will have noticed that I might be accused of favouring Surat.

Rao Bahadur B. R. NAIK : What is the result of the investigation ?

The Honourable Sir COWASJI JEHANGIR : In many cases repairs have been effected, and the answers to the many questions asked about Surat tanks by the honourable member and my honourable friend Mr. Shivdasani have given plenty of information as to what repairs are being effected to the tanks in the Surat District.

Rao Bahadur B. R. NAIK : Am I to take it that before the repairs were carried out, the tanks were not functioning properly ?

The Honourable Sir COWASJI JEHANGIR : They were functioning, but they were not functioning properly. From the several answers

that have been given to the honourable member he will find that the department have pointed out how far the tanks have not been in proper repair.

Rao Saheb D. P. DESAI : If they were not functioning properly, as is admitted, was there any reduction made in the himayat rate, when the matter came to the notice of the Honourable the General Member ?

The Honourable Sir COWASJI JEHANGIR : I cannot give a definite reply just now ; I will ask for notice.

HIGH SCHOOL, HYDERABAD

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) whether it is a fact that the majority of the population of Hyderabad-Sind is Hindu ;

(*b*) whether they have passed an order restricting the admission of Hindu students to the Government High School, Hyderabad-Sind to 25 per cent. ;

(*c*) whether this year out of sixty students admitted in the Government High School, Hyderabad-Sind, only 15 were Hindus ;

(*d*) whether the Hindu Vidya Mandal has started on 1st April 1926 an English School to provide facilities for such Hindu students as cannot get admission to the Government High School ;

(*e*) whether this school also admits pupils of other committees including Muhammadans ;

(*f*) whether in July 1926 they were pleased to recognise this school ;

(*g*) whether in September 1926 the school applied for the usual grant ;

(*h*) whether the Director has refused to give the usual grant ;

(*i*) whether their expenditure on secondary schools in Sind is proportionately smaller than in other parts of the Presidency ;

(*j*) whether the school authorities have again applied to them for a grant ;

(*k*) whether they have considered this fresh application for a grant ;

(*l*) if so what decision they have arrived at ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) There are 52,063 Hindus out of a total population of 73,451 in the town of Hyderabad-Sind. In the district of Hyderabad the Hindus number 160,211 out of a total population of 573,450.

(*b*) and (*c*). In 1926-27, out of the total number of new boys admitted to Standard I, 75 per cent. were Muhammadans and 25 per cent. Hindus. During this year admissions were made as a special case to raise the proportion of Muhammadan boys in the Hyderabad High School. Ordinarily 50 per cent. Muhammadans and 50 per cent. Hindus are admitted.

(*d*) to (*g*). Yes.

(*h*) Yes, because the funds at the disposal of the Director were inadequate.

(*i*) No.

(*j*), (*k*) and (*l*). A grant of Rs. 1,710 was awarded at the end of March 1927. The question of payment of the grant for the current financial year will be considered later in March 1928 if funds permit.

DISTRICT LOCAL BOARD, SURAT : DISPUTE WITH GOVERNMENT

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) what are the points of dispute between Government and the District Local Board, Surat ;

(*b*) when is this dispute likely to be settled ;

(*c*) in whose charge the primary schools of the Surat District are at present ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The District Local Board, Surat, in a Resolution No. 1 of the 2nd June 1926 stated that it was willing to take charge of primary education from 1st October 1926 if Government granted certain minimum demands made by the Board. The accompanying statement explains the demands put forward by the District Local Board and the action taken by Government with regard to each of them.

(*b*) It cannot be stated when the dispute is likely to be settled.

(*c*) The Educational Department.

Requests made by the District Local Board, Surat	Action if any taken by Government
(1) Government should bear all the expenses incurred for the administration of the schools, *viz.*, pay, allowances, etc., and that the District Local Board, Surat, should not be made to pay anything on this behalf from its funds.	(1) With regard to the total expenditure on all schools in existence at time of transfer Government have already agreed to pay the whole cost less local assets, less cost of contingencies and travelling allowance of the inspecting, clerical and menial staff. The offer is identical with that made to all other District Local Boards and similarly any further concessions can only be given to all District Local Boards and not to one Board only.

Requests made by the District Local Board, Surat	Action if any taken by Government
(2) The Board having no sufficient balance in its Educational Fund to start with, Government should increase it by giving some grant in lump.	(2) It was pointed out to the District Local Board that it was open to it to increase the Local Fund cess under the powers given to it under section 93 of the Local Boards Act, 1923 (VI of 1923) and thus provide the extra funds necessary to maintain an adequate balance.
(3) Government should employ the full staff of teachers for schools which are undermanned and thus complete the requisite number of teachers for the present schools.	(3) It is not clear what the District Local Board mean by this request. The schools in this District have been staffed on the principle generally adopted by the Educational Department in all Districts. On an average one teacher is allotted to every 40 pupils.
(4) Government should re-open the same type of schools which have been closed without closing any of the existing schools.	(4) Owing to the non-cooperation movement attendance at certain schools dwindled to the point of extinction. The funds thus released were utilised in opening schools in other villages where there was a demand. It is not therefore possible to reopen schools in all the villages which formerly possessed them unless the District Local Board agree to bear their portion of the cost, *viz.* ⅓rd of the expenditure.
(5) The expenses incurred for the purposes of 3 and 4 above, should be wholly included in the datum line of the Government grant.	(5) For the reasons given above, it is not possible for Government to treat the Surat District Local Board on a different basis to all other Boards in the Presidency.

SCHOLARSHIPS FOR DEPRESSED CLASS BOYS

Dr. P. G. SOLANKI: Will Government be pleased to state—

(*a*) how many schclarships are reserved for the depressed class boys studying in high schools and colleges in the Northern, Central and Southern Divisions of this presidency;

(*b*) how many scholarships were awarded to the depressed class boys studying in high schools and colleges in the above three Divisions of this presidency during the last three years specifying the number for each year and also specifying names of castes of the recipients in detail in the Northern and Central Divisions?

The Honourable Dewan Bahadur HARILL D. DESAI: (*a*) and (*b*) There are at present no Government special scholarships reserved for the "Depressed classes" exclusively. The scholarships originally meant for "Depressed classes" have now been merged in the scholarships for "Backward classes" (as distinguished from the "Intermediate classes"). The accompanying statements give the information required by Educational Divisions.

Statement showing the number of scholarships reserved for

Divisions	Total number of scholarships reserved as per Government Resolution, Educational Department, no. 2496 of 18th August 1924. The scheme was to take effect gradually						Number of Secondary Schools			1924-	
	Secondary Schools	Arts Colleges	Engineering Colleges	Commerce College	Law Colleges	V. J. Technical Institute	1924-25	1925-26	1926-27	Arts Colleges	Engineering Colleges
1	2	3	4	5	6	7	8	9	10	11	12
Bombay Division.	168	24	..	..	..	..	24+*30*	96+*15*	144+*5*	6+*3*	..
Central Division.	210	28					30+*36*	120+*18*	180+*6*	7+*3*	
		2*	(*b*) 9	(*b*) 3	(*b*) 6	(*b*) 12					(*b*) 3
Northern Division.	133	20	..	..	..	..	19+*30*	76+*15*	114+*5*	5+*3*	..
Southern Division.	98	12	..	..	..	..	14+*24*	56+*12*	84+*4*	3+*3* 2*	..

(*b*) These scholarships are meant for the whole Presidency

*These two scholarships are given only in the first year class

N.B.—The figures italicised show the number of scholarships sanctioned under Government Reso

Backward Classes in Secondary Schools and Colleges

Scholarships available for award in

Arts and Professional Colleges												
25			1925-26					1926-27				
Commerce College	Law Colleges	V. J. Technical Institute	Arts Colleges	Engineering Colleges	Commerce College	Law Colleges	V. J. Technical Institute	Arts Colleges	Engineering Colleges	Commerce College	Law Colleges	V. J. Technical Institut
13	14	15	16	17	18	19	20	21	22	23	24	25
..	..	..	12+2	..	..	..	..	18+1	..	..	..	..
(b) 1	(b) 3	(b) 3	14+2	(b) 6	(b) 2	(b) 6	(b) 6	21+1	(b) 9	(b) 3	(b) 6	(b) 9
..	..	..	10+2	..	..	..	..	15+1	..	..	..	..
..	..	..	6+2 2*	..	..	..	..	9+1 2*	..	..	..	..

including Sind and are not distributed by Divisions.

and are meant for the whole Presidency including Sind.

lutions prior to Government Resolution, Educational Department, No. 2496 of 18th August 1924.

Statement showing the number of scholarships awarded to Backward classes (including untouchable and depressed classes) in Secondary Schools and Colleges

Division	Number of scholarships awarded in Secondary schools			Number of Scholarships awarded in Colleges				
	1924-25	1925-26	1926-27	1924-25				
	Secondary Schools			Arts Colleges	Engineering College	Commerce College	Law College	V. J. Technical Institute
1	2	3	4	5	6	7	8	9
Bombay Division ..	37	71	104	2	..	..	..	1
Central Division ..	66	107	160	4	..	..	..	..
Northern Division ..	20	44	57	..	..	..	..	..
Southern Division ..	21	35	28	2	..	..	..	..

Division	Number of Scholarships awarded in Colleges									
	1925-26					1926-27				
	Arts Colleges	Engineering College	Commerce College	Law College	V. J. Technical Institute	Arts Colleges	Engineering College	Commerce College	Law College	V. J. Technical Institute
	10	11	12	13	14	15	16	17	18	19
Bombay Division ..	2	..	..	1	..	..	..	..	1	..
Central Division ..	1	..	..	..	..	1	..	..	..	..
Northern Division ..	1	..	..	..	..	..	..	..	..	..
Southern Division ..	3	..	..	..	..	..	..	..	..	..

Statement showing names of castes of the Depressed Class boys receiving the scholarships in Colleges

Name of caste	Number of scholarships awarded in 1924-25 in				Number of scholarships awarded in 1925-26 in	
	B. D.	C. D.	N. D.	S. D.	B. D.	C. D.
Mahar ..	1	2	....	1	....	1
Chambhar ..	1	2	....	....	....	....
Dhor	....	....	....	1	....	....
Borada ..	1	....	....	....	....	....
Barot ..	....	....	....	....	2	.. .
Bandi ..	....	....	....	....	....	....
Damber ..	....	....	....	....	....	....
Mochi ..	....	....	....	....	1	....
Total ..	3	4	....	2	3	1

Name of caste	Number of scholarships awarded in1925-16 in		Number of scholarships awarded in 1926-27 in			
	N. D.	S. D.	B. D.	C. D.	N. D.	S. D.
Mahar ..	....	....	....	....	....	....
Chambhar ..	....	....	....	1	....	....
Dhor ..	....	1	....	....	....	....
Borada ..	....	....	....	....	....	....
Barot ..	1	....	1	....	....	....
Bandi ..	....	1	....	....	....	....
Damber ..	. ..	1	....	....	....	....
Mochi ..	....	....	....	....	....	....
Total ..	1	3	1	1	....	....

The number of scholars, whose scholarships have been continued from year to year is not taker into consideration.

The figures entered here show the number of scholarships awarded during the year.

Statement showing information regarding award of scholarships to Backward Class Boys in Secondary Schools

Caste	1924-25	1925-26	1926-27
Bombay Division			
Mahar	15	36	59
Chambhar and Mochi	8	15	22
Dhed	2	3	3
Dhor	1	1	1
Koli	5	7	6
Mujawar	..	..	2
Mang	..	2	1
Vanjari	1	1	2
Marwari	2	2	3
Bhangi	..	..	2
Agri	1	1	..
Thakur	..	..	1
Maratha	..	..	1
Bhandari	1	2	..
Panchkelshi	1	1	..
Gujrathi	..	..	1
Total ..	37	71	104
Central Division			
Chambhar	16	21	27
Mahar	37	62	86
Dhor	3	2	6
Mang	2	5	6
Ramoshi	1	1	2
Mahadeo Koli	1	2	3
Bhangi	2	3	4
Bhil	2	3	5
Vanjari	2	3	8
Vadar	..	1	6
Bhat	..	1	1
Thakur	..	3	4
Badgujar	..	..	1
Kaikadi	..	..	1
Total ..	66	107	160
Northern Division			
Dheds	8	12	19
Waghri	..	1	1
Barots	4	6	5
Mochi	3	9	13
Talavia	1	1	1
Dhodio	..	3	5
Garoda	..	1	..
Bhil	1	2	1
Bhadai	..	1	..
Gamit	1	1	1
Chaulangar	..	1	1
Dubla	2	2	3
Naika	..	1	1
Bava, Sadhu	..	3	2
Gancha	..	..	1
Khavas	..	..	1
Chodhra	..	..	1
Khalpa	..	..	1
Total ..	20	44	57

Dr. P. G. SOLANKI : Will Government be kind enough to state why the scholarships specially meant for the depressed classes were merged in the scholarships for backward classes ? What was the reason ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The assumption of the honourable member is not correct. The reply to parts (*a*) and (*b*) of the question is that there are at present no Government special scholarships reserved for the " depressed classes " exclusively, and that the scholarships originally meant for " depressed classes " have now been merged in the scholarships for " backward classes " (as distinguished from the " intermediate classes "). The reason is that the classification was changed, and the classes which were known as " depressed classes " were included in the class " backward classes. "

MOULVI RAFIUDDIN AHMAD : Is the Honourable Member aware that by such a classification the depressed classes have suffered ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is the complaint now made by my honourable friend Dr. Solanki, and consequently the matter is under consideration.

Mr. J. C. SWAMINARAYAN : Will Government be pleased to alter the present classification, so that the depressed classes will have their due share of the scholarships ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I have already stated that the matter is receiving consideration.

WELFARE WORK : DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state—

(*a*) what steps have been taken by Government to ameliorate the condition of the depressed classes in the Northern Division ;

(*b*) whether any instructions have been issued to Government officials to interest themselves in their social, moral and economic welfare ;

(*c*) whether they intend creating a post of special officer as a protector of these people as is done in Madras ?

The Honourable Sir CHUNILAL MEHTA : (*a*) No special steps for the amelioration of the condition of the depressed classes in Northern Division alone have been taken. They share such facilities as are afforded for the depressed classes all over the Presidency. A statement showing the measures taken to ameliorate the condition of the backward (including the depressed) classes is laid on the table.

(*b*) No special instructions have been issued, but Government have every reason to believe that their benevolent intentions towards these classes are well known to all their officers and that the latter do their best to see that these intentions are carried out.

(*c*) Not as at present advised.

MEASURES TAKEN TO AMELIORATE THE CONDITION OF THE DEPRESSED CLASSES

Lands.—On the question of the grant of land to Mangs and other analogous communities for cultivation and building purposes Government have refused to issue any general orders in the terms suggested by the representatives of those communities. They have, however, assured these representatives that applications made to officers by particular members of their communities will continue to receive sympathetic consideration. The officers concerned have also been directed to follow this policy in making grants of land to these communities.

Co-operative Societies.—Grants are made to Bhil and other Backward Class Co-operative Societies towards the cost of establishment charges.

Recruitment to Public Services.—As regards the recruitment to the posts of Mamlatdars and Deputy Collectors it may be mentioned that in Government memorandum, Finance Department, No. 2610-B., dated 17th September 1923, instructions have been issued to achieve fair representation of all castes and communities, including backward classes in Public Services. Attention is also invited to Government Resolution, Finance Department, No. 2610, dated 5th February 1925, prescribing a minimum percentage of recruitment from members of the backward communities to the clerical staff of all Departments in the Presidency proper. These orders are applicable also to the offices of the Central Government in the Presidency proper under the control of this Government (*vide* Government Resolution, Finance Department, No. 2610, dated the 26th October 1925).

So far as the Medical Department is concerned Government have laid down as follows :—

(1) That the usual age limit of 17-20 years for admission of students to the Medical Schools should not be insisted on in the case of students of the backward classes who do not receive stipends and who appear to the head of the school to be reasonably likely to pass through the whole course successfully.

(2) That in the case of students of the backward classes who desire to receive stipends at the Hyderabad Medical School a two years' concession should be allowed and the age limit for Government service be raised to 27 years.

(3) That free studentships up to a maximum of 5 per cent. of the number of students of those communities should be granted to the backward classes.

(4) That twelve scholarships of Rs. 15 each per mensem should be allowed, three in each year, for qualified male students from the backward communities at each of the Medical Schools at Poona and Ahmedabad and that 25 per cent. of the vacancies for admission should be reserved for them.

(5) That in admitting students to the Grant Medical College 10 per cent. of the vacancies should be allowed to the backward Hindu classes irrespective of their position in the pass-lists of the qualifying examination.

2. The depressed classes have been given separate representation on the boards of Municipalities.

3. Section 5 (4) of the Bombay Local Boards Act, 1923, makes provision for the nomination of members of the depressed classes on the District and Taluka Local Boards when their nomination is considered necessary. Government have passed orders allowing to the members of the depressed classes the use of public places and institutions belonging to and maintained by Government and have also advised local public bodies to do so (*vide* Government Resolution No. 4770, dated the 11th September 1923). In August 1926 Mr. Bole's Resolution recommending the reductions of grants to local bodies who did not give facilities to depressed classes was accepted by Government in an amended form and a Government Resolution was issued drawing attention of the local bodies to the Resolution.

NOTE REGARDING THE STEPS TAKEN BY THE EDUCATIONAL DEPARTMENT FOR THE AMELIORATION OF THE DEPRESSED CLASSES

Scholarships.—Government have sanctioned special scholarships for students belonging to the depressed classes as mentioned below :—

Primary Schools.—Three hundred scholarships (100 each of Rs. 5, 6 and 7 per mensem) at the rate of 5 per each district in the Presidency proper, tenable in standards V to VII of primary schools.

Secondary Schools.—Six hundred and forty-four scholarships of the value mentioned below to be awarded at the rate of 92 per annum distributed among the several divisions

of the Presidency on the basis of population and tenable for seven years of the Secondary School Course :—

Standards I to III Rs. 6 each per mensem.

Standard IV Rs. 7 each per mensem.
Standard V Rs. 8 each per mensem.
Standards VI and VII Rs. 10 each per mensem.

Arts Colleges.—Twenty-two sets of scholarships, each tenable for four years, *i.e.*, 22×4=88 scholarships, and two more in the First Year Course, each of the value of Rs. 20 per mensem.

Professional Colleges—

(1) *College of Engineering.*—Three sets, each tenable for three years, *i.e.*, 9 scholarships each of the value of Rs. 40 per mensem.

(2) *Sydenham College of Commerce.*—One set tenable for three years, *i.e.*, 3 scholarships, each of the value of Rs. 35 per mensem.

(3) *Law College.*— Three sets, each tenable for two years, *i.e.*, 6 scholarships, each of the value of Rs. 35 per mensem.

(4) *V. J. Technical Institute.*—Three sets, each tenable for four years, *i.e.*, 12 scholarships, each of the value of Rs. 35 per mensem.

2. *Free supply of books and slates.*—Government have also sanctioned an annual allotment of Rs. 10,000 for the free supply of books, slates, etc., to pupils of those classes studying in Local Board Primary Schools.

3. *Abolition of discrimination.*—Government have issued orders to all Educational Officers to see that no disabilities are imposed on children of the depressed classes in any school maintained by public authorites. They have further directed that grants from provincial revenues should not be paid to primary and secondary schools to which students belonging to the depressed classes are refused admission on account of their caste, that teachers belonging to the depressed classes should as a rule be placed in charge of schools in localities inhabited by those classes and that there should be no bar to the appointment of such teachers to other schools.

4. *Admissions to Primary Training Colleges.*—Government have also directed that 15 per cent. of the candidates under training who are given Government stipends in the Bombay, Central and Southern Divisons and 10 per cent. of them in the Northern Division should be recruited from the depressed class Hindus.

5. *Reservation of seats in Government Secondary Schools, etc.*—Orders have been issued very recently as a temporary measure reserving 45 per cent. of admissions to secondary schools for boys of the intermediate and backward classes (*i.e.*, depressed classes) preference being given to the boys of the depressed classes. As regards admissions to Government professional colleges, except in the case of the College of Engineering, Poona, 10 per cent. of the total admissions have been exclusively reserved for students of the Hindu backward classes, including the depressed classes, in addition to the number of students from those classes who get admission in accordance with their merits in the general selection of 80 per cent. of the admissions open to all communities. In the case of the College of Engineering, Poona, 25 per cent. of admissions are reserved for these classes instead of 10 per cent. as in other professional colleges.

6. *Exemption from fees.*—No fees are charged to children of the depressed classes in primary schools and at the Vernacular Final Examination. No fees are charged to the depressed classes in Government Secondary Schools provided they can show that they are unable to pay fees.

7. *Hostels.*—Government also maintain a special hostel at Poona providing accommodation for 50 boys of the depressed classes. No grants-in-aid are usually given towards the expenditure on the maintenance of hostels. However, as a special case, Government have sanctioned grants-in-aid at one-half rate of the admissible expenditure (excluding charges for food, clothing, fuel and lighting), or Rs. 30 per annum per pupil, whichever is less, subject to a maximum of Rs. 2,000 per annum to the three hostels maintained by the Depressed Classes Mission Society at Poona, Parel. A grant at one-half rate of the admissible expenditure was also sanctioned for the last two years only to the hostel maintained for the depressed class boys at Nasik.

8. *Reservation of seats on School Boards of Local Authorities.*—To look after the interest of the depressed classes in the matter of primary education, now controlled by local authorities, seats have been reserved for representatives of these classes on School Boards established under the Bombay Primary Education Act, 1923, and the rules thereunder.

Dr. P. G. SOLANKI : Are Government aware that the conditions in the Northern Division are different from those in the other divisions. In the Northern Division there is a large cotton growing area and specially the depressed classes can be used in the weaving industry. Therefore I request Government to make special efforts in this direction in the Northern Division. As far as I know the Deccan and Karnatak have not large cotton growing areas. I would therefore ask Government to make special efforts in the Northern Division ?

The Honourable Sir CHUNILAL MEHTA : There is no doubt difference in conditions over the various parts of the presidency. I do not think that the honourable member is correct when he said that the Southern Division has not large cotton growing tracts. I think there is a good deal of cotton grown over a large area in the Southern Division—like Belgaum, Bijapur and Dharwar. As regards taking steps for teaching weaving, I understand that the Director of Industries has got weaving schools working in the Northern Division as well as the other divisions.

SCHOLARSHIPS FOR DEPRESSED CLASSES IN SECONDARY SCHOOLS

Dr. P. G. SOLANKI : Will Government be pleased to state—

(*a*) what amount of money they have provided for granting scholarships to students belonging to the depressed class communities reading in secondary schools ;

(*b*) how these amounts are distributed by communities in the different divisions ;

(*c*) whether any savings have been effected under this head and to what extent ;

(*d*) what measures have been adopted to acquaint depressed class students about the granting of these scholarships ;

(*e*) whether applications are invited through and from the school boards in the areas concerned by sending timely notifications ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Rs. 58,512.

(*b*) The amount is not distributed by communities.

The distribution of the amount in the different divisions is as under :—

	Rs.
Bombay Division	15,264
Central Division	19,080
Northern Division..	12,084
Southern Division	8,904
Sind	3,180
	58,512

(*c*) No substantial saving has been effected as the scholarships that could not be granted for want of suitable candidates among Backward Class students were transferred to Intermediate Class students.

(*d*) The necessary particulars regarding the scholarships available are notified in the *Bombay Government Gazette* and the *Sind Official Gazette* and the managers of all Secondary schools and Local Authorities are supplied with copies of the Notification and requested to bring the same to the notice of all pupils in their schools.

(*e*) Yes.

Note.—The words "depressed class communities" are taken to mean all communities declared "Backward" as distinguished from communities classified as "Intermediate."

Dr. P. G. SOLANKI: Do Government know that this information regarding scholarships published in the official gazettes is not circulated among the people concerned by the authorities mentioned in the answer ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government have no reason to think so.

Dr. P. G. SOLANKI: Will Government kindly take steps to issue orders to the authorities concerned to circulate them among the people concerned ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government have no reason to think that their officers are not performing the duties expected of them.

Dr. P. G. SOLANKI: The very fact that there are complaints about this is proof of the fact that the people concerned are not informed properly in time ?

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member will bring any specific instance to my notice the matter will be considered.

Mr. S. K. BOLE: May I know whether efforts are made to find out suitable students from the depressed classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI: All efforts are being made.

Mr. B. V. JADHAV: Would it not be better for the leaders of the communities to help students to get scholarships ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I think it would be better.

MOULVI RAFIUDDIN AHMAD: If proper students are not available among the depressed classes, the provision is transferred to the intermediate class. May I know whether the provision for scholarships made for the backward classes and the Mahomedans is liable to be transferred for scholarship to the advanced classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No. If proper students are not available among the backward classes and Mahomedans the benefit will go to the intermediate classes and not to the advanced classes.

MOULVI RAFIUDDIN AHMAD: That is what I wanted to know.

SCHOLARSHIPS FOR DEPRESSED CLASSES, GUJARAT

Dr. P. G. SOLANKI: Will Government be pleased to state the number and value of scholarships sanctioned by each district local board in the five districts of Gujarat for the pupils belonging to the depressed class studying in (*i*) primary schools, (*ii*) secondary schools, (*iii*) colleges of science, arts, medicine, engineering and technical, (*iv*) school of mechanics and (*v*) in veterinary and agricultural colleges ?

The Honourable Dewan Bahadur HARILAL D. DESAI.: No scholarships have been sanctioned by any District Local Board in the Northern Division, specially for pupils belonging to the depressed classes. Depressed class pupils studying in Local Board primary schools are paid scholarships in some districts from the allotment of scholarships sanctioned for all backward classes (including Muhammadans). As regards scholarships sanctioned by District Local Boards for backward classes, attention is invited to the statement at pages 1238-1253 of Legislative Council Debates, Volume XXI, Part XVI.

REFRESHMENT ROOM, AHMEDABAD: APPLICATION FOR REMOVAL

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether an application dated the 6th July 1927, signed by two mill agents and many shopkeepers residing outside Panchkuva Gate, was sent to the Collector of Ahmedabad District, protesting against the mischief and nuisance caused by the drunkards who use the refreshment room of Messrs. E. R. Fanibanda and Sons, located in Fanibanda Building, near Sherkotda Police Chowky, and requesting the removal of the said refreshment room from that locality ;

(*b*) if the answer to (*a*) is in the affirmative, what action the Collector of Ahmedabad took to stop the mischief and nuisance caused by the drunkards using the said refreshment room and to remove it from that locality ?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) A Police Chowky is situated near the building and a policeman remains on traffic duty at the spot. The petitioners referred to in clause (*a*) of the question were advised to take such complaints in future to the Police.

Rao Saheb D. P. DESAI: May I know the preparations made for refreshments ?

The Honourable Mr. G. B. PRADHAN: I have not seen them.

Rao Saheb D. P. DESAI: Do Government allow these licensees to sell liquor also in their refreshment rooms ?

The Honourable Mr. G. B. PRADHAN: Those persons who hold license to open refreshment rooms are entitled to sell liquor also.

Rao Saheb D. P. DESAI: Does the Honourable Minister know that if liquor is sold side by side with refreshment, there will be a greater consumption of liquor as well as of refreshments ?

The Honourable Mr. G. B. PRADHAN : I do not know if the actual amount of consumption of liquor or of refreshments is more in such cases.

Rao Saheb D. P. DESAI : Because the Honourable Member is connected with the department, I thought he must be knowing ?

The Honourable Mr. G. B. PRADHAN : I do not know.

GUJARAT COLLEGE : LIBRARY GRANT

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) the amount of money allotted to the Gujarat College as library grant in 1926-27 ;

(*b*) the allocation of the said grant to the various subjects taught in the Gujarat College ;

(*c*) whether it is a fact that most of the money allotted as library grant to the Gujarat College in that year was spent in buying books of economics which were of little use to the students.

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Rs. 3,000 (Rs. 1,500 Arts : Rs. 1,500 Science).

(*b*) The allocation was as follows : English Rs. 300 : History and Economics Rs. 300 : Sanskrit Rs. 225 : French Rs. 125 : Mathematics Rs. 250 : Gujarati Rs. 125 : Persian Rs. 125 : Logic Rs. 50 : Physics Rs. 400 : Chemistry Rs. 600 and Biology Rs. 500.

(*c*) The answer is in the negative. It may, however, be stated that a *special non-recurring* grant of Rs. 5,451 was sanctioned to start a library in Economics as there were no reference books in Economics, no more or less complete sets of classical authors, no collection of standard works in the subject, and no sets of the statistical journal or of the Economics Journal which were required by students for reference purposes, and as for the first time in the following year (1927) Economics was to be separated from History in the B.A. degree and the college was therefore faced with a great demand for books in Economics, the number in the B.A. class being no less than 63 of whom 44 were reading for Honours.

GUJARAT COLLEGE : HOURS OF WORK

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) how many periods per week the principal of the Gujarat College does teaching work ;

(*b*) how many periods per week his personal assistant does teaching work ;

(*c*) how many periods per week each of the other members of the teaching staff does teaching work in the Gujarat College ?

The Honourable Dewan Bahadur HARILAL D. DESAI :

(*a*)	General principles of Economics ..	.. 3 periods
	Indian Economics (Hons.) ..	.. 2 periods
	History of Economic Doctrines (Hons.)	.. 2 periods
		Total 7

(*b*) 6 periods lecturing ; 5 tutorials of 45 minutes each.
(*c*) Professor of Physics .. 8 Lectures*

		Tutorials
Professor of History and Political Economy	9 ,,	3
Professor of Chemistry	6 ,,	6*
Professor of French	11 ,,	8
Professor of Sanskrit (10 in Sanskrit and 4 in Ardha Magadhi) ..	14 ,,	....
Professor of Persian	10 ,,	2
Professor of Mathematics ..	14 ,,	3
Professor of English	13 ,,	2
Do. do.	10 ,,	4
Lecturer in English	11 ,,	3
Lecturer in History and Economics ..	5 ,,	7
Assistant Lecturer in English ..	11 ,,	3
Assistant Lecturer in Persian ..	8 ,,	2
Gujarati Lecturer	8 ,,	....
Lecturer in Zoology	7 ,,*	....
Lecturer in Physics	10 ,,*	....
Assistant Lecturer in Mathematics ..	9 ,,	4
Do. do. ..	13 ,,	2
Do. in Sankrit ..	9 ,,	1
Do. do. ..	9 ,,	1
Assistant Lecturer in Physics ..	6 ,,	2*
Do. in Chemistry ..	7 ,,	3*

*Excludes "Practicals."

GUJARAT COLLEGE : CARPET

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the Principal of the Gujarat College ordered a carpet worth nearly Rs. 200 (rupees two hundred) for his office use ;

(*b*) from what provision of the budget that expenditure was defrayed ;

(*c*) if there was no budget provision, the source from which that amount was spent ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) A carpet costing Rs. 165-8-0 only was purchased for the Principal's office and for use on special occasions in the George V College hall as this was considered necessary in the interests of the College.

(*b*) The expenditure was not defrayed from any provision in the Budget.

(*c*) From the Domus Fund.

Rao Saheb D. P. DESAI : What is the nature of that fund ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The Domus fund has been contributed by the hostel students for the amenities which they expect.

Rao Saheb D. P. DESAI: Is a carpet allowed to be supplied to the principal from this fund ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not know all the implications and rules of this fund.

Mr. J. C. SWAMINARAYAN: Is the purchase of a carpet to the principal from this fund calculated to give amenities to the students who contributed to this fund ?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is what the principal considers it to be.

Mr. J. C. SWAMINARAYAN: Does the Honourable Minister agree with the principal that the carpet for his office should be purchased from the fund of the hostel students ?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is also used in the George V Hall where the students meet more than once in a week for lectures, etc.

Mr. J. C. SWAMINARAYAN: Is the George V hall part of the hostel ?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is of course for the use of the students when they meet in the George V Hall.

Mr. B. V. JADHAV: Is it brought to the Hall from his House ?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is in the office of the principal.

Mr. J. C. SWAMINARAYAN: Do Government permit this fund to be utilized for the purchase of the carpet for the principal's office ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No permission was granted. No permission is necessary, as it is a matter between the principal and the hostel students, who contribute. The whole matter is managed between them.

Mr. J. C. SWAMINARAYAN: Is the fund of the hostel students called "Domus Fund" under the arbitrary jurisdiction of the Principal, or are the hostel students to be consulted as regards its use ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The Principal is administering the fund according to the rules.

Mr. J. C. SWAMINARAYAN: Were the hostel students consulted before the fund was utilised for purchasing the carpet ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I require notice.

GUJARAT COLLEGE: LECTURES BY AMERICAN GENTLEMEN

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether 2 American gentlemen were asked to deliver some 5 or 6 lectures in the Gujarat College by the Principal of that College;

(*b*) whether it is a fact that those lectures were not attended by any students except some 5 or 6 professors;

(*c*) whether it is a fact that Rs. 300 (three hundred) were paid to those American gentlemen for delivering those lectures ;

(*d*) if so, from what provision of the budget the said amount was paid ;

(*e*) if there was no provision in the budget, from what source that amount was spent ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The answer is in the affirmative.

(*b*) The answer is in the negative.

(*c*) The amount paid in one case was Rs. 250 and in the other Rs. 50.

(*d*) and (*e*) The expenditure was met from caution money which has remained unclaimed and which under the orders of the Government of India is utilised for general college purposes at the discretion of the Principal.

Mr. J. C. SWAMINARAYAN : Is not the Honourable Minister aware that this caution money, which is taken from the students at the time of their admission, is repayable to the students whenever they claim it ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is repayable to the students when they claim it. But the amount remained unclaimed. If the student who is entitled to claim it does not claim it, then under the orders of the Government of India its use is vested in the Principal.

Mr. J. C. SWAMINARAYAN : Supposing those students who have not claimed it so far, come to claim the money in the future, from what source Government propose to repay the money to them ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot answer a hypothetical question like that, but I may say that no cases of that nature have happened.

Mr. J. C. SWAMINARAYAN : Is it not a fact that the caution money, which is not claimed, lapses to the Government and not to the Principal ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It lapses, according to the orders of the Government of India, for use for general college purposes at the discretion of the Principal. No one pockets it.

Mr. J. C. SWAMINARAYAN : Does it lapse to the Government or does it lapse to the Principal in his private capacity ?

The Honourable Dewan Bahadur HARILAL D. DESAI : To the Principal not in his private capacity but as representing the college for its general purposes.

Mr. J. C. SWAMINARAYAN : If this money which is not claimed by students lapses to Government, then in that case, was the permission of the Government taken for utilising the money for purposes for which it was not meant ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The assumption of the honourable member that it lapses to Government is wrong ; it does not lapse to Government ; it lapses for use for the general purposes of the college under the management of the Principal.

Khan Saheb A. M. MANSURI : Is it true that the Principal utilises the fund to the best advantage of the students ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, so far as I know.

GUJARAT COLLEGE : DONATION FROM SETH AMBALAL SARABHAI

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether Seth Ambalal Sarabhai, a millowner of Ahmedabad, handed over a sum of Rs. 1,000 (rupees one thousand) to the Principal of the Gujarat College during the current year 1927-28 for being used to help the poor deserving students in the prosecution of their studies ;

(*b*) if so, the names of the students who were assisted by the Principal from that amount and the amount of assistance given to each of those students ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) The donation referred to in the question is entirely a private one and Government consider that they are responsible to the donor alone for giving an account of the money.

GUJARAT COLLEGE : COMPULSORY DAILY SHAVE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether it is a fact that the Principal of the Gujarat College compels students to shave every day and fines them very severely for not doing so ;

(*b*) on what grounds the Principal imposes the burden of every day shave which would be very expensive to poor students prosecuting their studies in the Gujarat College ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The answer is in the negative.

(*b*) In view of the answer given to clause (*a*) of the question, this question does not arise.

INDIGENOUS MEDICINE : REMARKS OF SURGEON GENERAL

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether Major General A. Hooton, I.M.S., Surgeon General with the Government of Bombay, has characterised Ayurvedic and other indigenous systems of medicine as ' based on erroneous theories ' and ' not founded on scientific principles ' on page 17 of the triennial report on the Civil Hospitals and Dispensaries in the Bombay Presidency for the years 1923-25 ;

(*b*) whether Government have expressed disagreement with this view;

(*c*) whether Government have received a protest of a public meeting of the citizens of Ahmedabad, held in Premabhai Hall on 14th September 1927 against the remarks of the Surgeon General referred to in (*a*);

(*d*) if so, what steps Government have taken to place the correct policy of Government in the matter of Ayurvedic and other indigenous systems of medicine before the public and to allay the apprehensions caused by the remarks of the Surgeon General?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) The expressions quoted in the question occur in the summary of a note on the subject by Major General Hooton. The Honourable Member and others who are interested in this subject are invited to peruse the note as a whole before forming an opinion about it.

(*b*) No. Government have not had examined the relative merits of the Ayurvedic and other indigenous systems of medicine, which are different from the Allopathic system.

(*c*) Yes.

(*d*) It is the intention of Government when funds permit to give practical encouragement to the development of the Ayurvedic and other indigenous systems. Investigation is already being made into the properties of indigenous drugs at the Parel Laboratory. The question of studying and recording the effects of these drugs in hospitals, in addition to experiments in the laboratory, is also under consideration and, the question of the local manufacture of chemicals, drugs and medicines has been taken up with a view to reducing foreign imports of such articles. A proposal to grant scholarships to selected students for the study of Ayurvedic medicine is under consideration, and enquiries have been made of the Government of the United Provinces whether they would be prepared to receive scholars from this Presidency if such scholarships are founded.

Mr. SYED MUNAWAR: With reference to (*d*), "A proposal to grant scholarships to selected students for the study of Ayurvedic medicine is under consideration", is there any proposal before Government for grant of scholarships to students for studying the Unani system of medicine?

The Honourable Dewan Bahadur HARILAL D. DESAI: None, so far as I know. It is only a proposal to grant scholarships to students going to the Benares Hindu College.

Mr. SYED MUNAWAR: Are there any applications or representations made to Government regarding the Unani system?

The Honourable Dewan Bahadur HARILAL D DESAI: None, so far as I am aware.

MOULVI RAFIUDDIN AHMAD: Would the same treatment be given to the Unani as is given to Ayurvedic system? For example if students desired scholarships for Unani would they be given?

The Honourable Dewan Bahadur HARILAL D. DESAI: Indeed,

AYURVEDIC COLLEGE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) what progress they have made in the matter of establishing an Ayurvedic College in the Bombay Presidency on the lines of a similar college founded by the Madras Government;

(*b*) when Government propose to found an Ayurvedic College and make provision for it in the budget?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) Government have decided to defer steps for the establishment of an Ayurvedic College in this Presidency until experience has shown how far the experiment at Madras has been a success. The existing financial stringency also prevents the early establishment of such an institution.

Mr. J. C. SWAMINARAYAN: Is not the Honourable Minister aware that the Ayurvedic College in Madras has been working for the last five years and has proved a great success?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is only recently that the Madras College was started; it was started only about three years ago.

Rao Saheb D. P. DESAI: What period has the Honourable Minister fixed for this experiment?

The Honourable Dewan Bahadur HARILAL D. DESAI: No period has been fixed. As soon as we are assured that the institution is working successfully, funds permitting, steps will be taken to start one here.

Mr. B. V. JADHAV: Has any students come to claim scholarship to go to Benares?

The Honourable Dewan Bahadur HARILAL D. DESAI: No student has applied yet. Only correspondence was opened. It is only an offer that if scholarships were established the Benares Hindu College would be prepared to receive about twenty-five students.

Mr. J. C. SWAMINARAYAN: When will Government establish an Ayurvedic College in Bombay?

The Honourable Dewan Bahadur HARILAL D. DESAI: As soon as funds permit.

COUNTRY LIQUOR SHOPS, AHMEDABAD: SALES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state the sales of 40° and 60° U.P. country liquor in the different shops of Ahmedabad City during the months of April, May and June 1926?

Honourable Mr. G. B. PRADHAN: A statement containing the information required is placed on the Council Table.

Statement showing the sales of country liquor in the shops of Ahmedabad City during the months of April, May and June 1926

No. Name of shop	April 1926		May 1926		June 1926	
	40 U.P.	60 U.P.	40 U.P.	60 U.P.	40 U.P.	60 U.P.
	G. D.	G. D.	G. D.	G. D.	G. D.	G. D.
1. Madhavpura ..	1,004 0	435 24	1,001 0	445 24	861 12	428 36
2. Railway ..	635 12	820 36	680 0	842 12	590 0	824 0
3. Chudi Ol. ..	785 0	268 36	820 36	286 0	739 36	272 24
4. Market ..	980 32	215 40	1,129 24	262 24	1,000 24	271 24
5. Raipur ..	388 36	344 36	409 36	401 24	400 0	380 12
6. Saraspur ..	....	628 0	....	588 0	....	572 24
7. Behrampur ..	227 0	42 0	275 12	39 36	213 24	39 12
8. Camp ..	55 0	172 0	61 0	179 24	55 24	152 0

REFRESHMENT ROOM, AHMEDABAD : COMPLAINTS OF NUISANCE AND ANNOYANCE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the attention of the local authorities has been drawn by applications of family men and merchants in the vicinity, to the nuisance and annoyance caused by heavily drunk persons coming out of the refreshment room of Messrs. E. R. Fanibanda and Sons near Seher Kotda Police chowky, Ahmedabad ;

(*b*) If the answer to (*a*) is in the affirmative, what enquiries have been made by the local authorities and through which officers the enquiries were made and when ;

(*c*) what reports have been made by the officers making the enquiries and what steps Government have taken to prevent the nuisance and annoyance caused by the drunkards ?

Honourable Mr. G. B. PRADHAN : (*a*) Applications to this effect have reached Government.

(*b*) Enquiries were made by the local excise officers (including the Superintendent of Excise) on the receipt of the application dated 6th July 1927 made to the Collector of Ahmedabad.

(*c*) The petition was found to be groundless and appeared to have been prompted by business rivalry. The Police officers at the Station which is situated close to Mr. Fanibanda's foreign liquor shop received no complaints and did not notice any cases of drunkenness in the locality. No action on their part was therefore called for.

REFRESHMENT ROOM, AHMEDABAD : ENQUIRY INTO COMPLAINTS OF NUISANCE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

"(*a*) whether it is a fact that an application dated 31st August 1927 was sent to the Collector of Ahmedabad by Mr. Frank, one of the

signatories of the complaint petition against the nuisance and annoyance caused by drunkards coming out of the refreshment room of Messrs. E. R. Fanibanda and Sons, complaining that he was called to " Fanibanda Building " by a servant of Messrs. E. R. Fanibanda and Sons on the 27th August 1927 and that he was threatened by Mr. Burjorjee Bezanjee Fanibanda that if he expressed objection to the refreshment room when the higher official came for inquiry he would get into trouble ;

(*b*) whether it is a fact that at the time when the said threat was given to Mr. Frank, the Excise Inspector who had come to make inquiries was present in " Fanibanda Building " ;

(*c*) if the answer to (*b*) is in the affirmative what business the Excise Inspector had to go to the " Fanibanda Building " for making inquiries about the complaint petition which was made against the nuisance and annoyance caused by the drunkards coming out of the refreshment room of Messrs. E. R. Fanibanda and Sons located at " Fanibanda Building " near Seher Kotda Police chowky, Ahmedabad ;

(*d*) whether it is a fact that the Excise Inspector went to the signatories of the complaint petition in the company of either the licensee, his relations, friends, acquaintances or servants for making inquiries ;

(*e*) if the answer to (*d*) is in the affirmative, why the Excise Inspector made the inquiries in the presence of and in the company of the licensee's relatives, friends, acquaintances or servants ;

(*f*) the reasons why the Excise Inspector did not make his inquiries by going alone to the signatories and questioning them in the absence of the said licensee's relatives, friends, acquaintances or servants so as to elicit correct and independent replies from the signatories ?

Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) The Excise Inspector was present in the Fanibanda Building when Mr. Frank came there, but he did not hear any such threat being made.

(*c*) The enquiry was made in the vicinity of the building. When the Excise Inspector subsequently went to the building for the purpose of the enquiry, Mr. Frank came there with Mr. Fanibanda's servant.

(*d*) No. The Excise Inspector was accompanied by the Sub-Inspector only.

(*e*) Does not arise.

(*f*) The Inspector went with his Sub-Inspector only to all the signatories whose statements were recorded, at their respective premises. The statement of Mr. Frank alone was recorded at the Fanibanda Building as he had come there with Mr. Fanibanda's servant as stated in clause (*c*) above.

GUJARAT COLLEGE : STRIKE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the Principal of the Gujarat College called some guardians who are Government servants for personal interviews and threatened them that he would write to the heads of the departments to which they belonged if they would not get written apologies from their wards for their behaviour in the strike which occurred on 28th September 1927 and the two subsequent days;

(*b*) if the answer to (*a*) is in the affirmative, on what grounds did the principal take advantage of the helpless position of the guardians who are Government servants for bringing pressure on their wards though a general amnesty was given to all the students on the termination of the strike on the 30th September 1927 ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) One guardian was asked to see the Principal. No threat was made.

(*b*) In view of the answer given to clause (*a*) of the question, this question does not arise.

EDUCATION IN GUJARAT : TRANSFER OF CONTROL TO LOCAL BOARDS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether there was a conference of the representatives of the Educational Department and the local boards of Gujarat during the beginning of the month of October 1927;

(*b*) whether the question of transferring the control of education to the local boards of Gujarat was one of the topics of discussion at the said conference;

(*c*) what steps have been taken to remove the grievances of the local boards of Gujarat in the matter of the transfer of educational control to them when the control of education will be transferred to the local boards of Gujarat ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*), (*b*) and (*c*) There was no formal conference but the Educational Inspector, Northern Division, was called to ascertain the objections of the Gujarat Boards to the acceptance of the transfer of control of primary education. The matter is still under consideration.

SCHOOLS : UNDERTAKING REGARDING NON-CO-OPERATION

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether it is a fact that the managers of schools which had non-co-operated and which have sought recognition and registration for grant from Government are required to sign an undertaking to the effect that they will be held responsible for one year's grant in the event of their schools choosing to non-co-operate in future;

(*b*) whether there has been any instance of a school that sought recognition and registration for grant, having again non-co-operated during the last five years ;

(*c*) if the answer to (*b*) is in the negative, what are the reasons for taking an undertaking referred to in (*a*) ;

(*d*) whether Government intend to abolish this humiliating undertaking which keenly wounds the self-respect of those schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) No.

(*c*) The reason for requiring the undertaking is an obvious precaution against a recurrence of the waste of public money. It is possible that the requirement has been the cause of the fact that no school has again non-co-operated.

(*d*) Government intend to reconsider the matter.

Mr. J. C. SWAMINARAYAN : It is stated that Government intend to reconsider the matter. When will they reconsider and how ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is being reconsidered at present.

Mr. J. C. SWAMINARAYAN : Do not the Government regard this as a humiliating condition for the schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : In view of the opinions expressed, Government are reconsidering the matter.

FOREIGN LIQUOR, AHMEDABAD : SALES ON 17TH AND 18TH SEPTEMBER 1927

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) the sale in gallons in each of the foreign liquor shops in Ahmedabad City on 17th and 18th September 1927, the dates on which the country liquor shops were closed at 5 p.m ;

(*b*) the average daily sales in gallons in each of these shops during the month of September 1927 ;

(*c*) whether it is a fact that the sales in the foreign liquor shops of Ahmedabad City on 17th and 18th September 1927 far exceeded the average daily sales of the month of September 1927 ;

(*d*) if so, why precautionary order of closing the country liquor shops did not include the closing of the foreign liquor shops also ?

The Honourable Mr. G. B. PRADHAN : (*a*) and (*b*) A statement furnishing the required information is placed on the Council table.

(*c*) No.

(*d*) The question does not arise.

Statement showing the sales of foreign liquor on 17th and 18th September 1927 at the foreign liquor shops in Ahmedabad City

Name of shop	Sale of foreign liquor on		Average daily sales of foreign liquor
	17-9-1927	18-9-1927	
Off	Gl. Dr.	Gl. Dr.	Gl. Dr.
M. J. Fonseca and Sons	22 16	17 0	12 13
D. Pereira and Bros.	18 32	23 32	12 6
P. Dhanjibhoy and Sons	0 16	0 8	0 8
F. C. Athayde, Panchkuva ..	24 36	31 20	16 17
N. Fereira	0 0	0 0	0 7
F. C. Athayde, Camp	2 24	3 8	2 6
E. R. Fanibunda and Sons ..	10 44	8 8	5 33
Refreshment Rooms			
P. F. Khambatta	5 36	6 0	2 36
P. Dhanjibhoy and Sons	3 4	2 44	1 16
F. C. Athayde	0 36	1 8	0 25
E. R. Fanibunda and Sons ..	7 16	13 40	7 38
Hotels			
Noworoji Framji and Sons (Grand Hotel).	1 8	3 28	1 17
B. R. Rodrigues (Bombay Hotel) ..	1 0	1 0	0 25
Railway Refreshment Rooms			
N. Fereira, Ahmedabad	2 16	2 20	2 19

CROPS : AHMEDABAD DISTRICT

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state the outturns of crops (*i*) dry, (*ii*) irrigated and (*iii*) unirrigated as fixed by the Director of Agriculture in each of the talukas of the Ahmedabad District ?

The Honourable Mr. G. B. PRADHAN : A statement showing the information required, so far as it is available, is placed on the Council table.

Ahmedabad District

—	Daskroi	Dholka	Dhandhuka	Viramgam	Sanand	Prantij	Gogha	District average
	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
Rice—Unirrigated ..	1,720	1,600	1,110	1,600	1,600	1,230	1,230	1,440
Wheat—								
Irrigated ..	1,320	1,380	1,250	1,320	1,320	1,250	1,250	1,300
Unirrigated ..	..	570	570	520	570	..	570	560
Spelt ..	..	..	..	..	..	..	..	..
Jowari—								
Kharif ..	990	990	1,080	1,160	1,160	..	1,080	1,080
Rabi ..	..	..	..	..	..	..	..	..
Bajri—Unirrigated .	970	820	820	820	890	740	820	840

Ahmedabad District—contd.

—	Daskroi	Dholka	Dhandhuka	Viramgam	Sanand	Prantij	Gogha	District average
	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
Rabi—								
Irrigated ..	..	..	..	..	..	..	..	..
Unirrigated ..	1,540	1,460	..	..	..	1,320	..	1,440
Gram—								
Irrigated ..	..	..	..	..	..	..	..	..
Unirrigated ..	540	480	480	490	520	480	480	500
Linseed—Unirrigated.	..	350	..	..	..	..	..	350
Sesame—Unirrigated.	450	340	390	450	450	340	390	400
Sugarcane (Gul)—Irrigated.	6,720	5,600	6,720	5,040	5,600	5,600	6,720	6,000
Cotton, Clean—Unirrigated.	140	110	130	130	130	110	130	120
Rape and Mustard—Unirrigated.	670	550	..	..	670	670	..	640
Kodra—Unirrigated.	1,440	1,200	..	1,200	1,360	1,220	..	1,320
Groundnut—								
Irrigated ..	..	..	..	..	..	..	..	..
Unirrigated ..	..	..	..	..	..	..	..	800

GUJARAT COLLEGE, AHMEDABAD : GUJARATI AS OPTIONAL LANGUAGE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) the number of students who took Gujarati as their optional language for their B.A. Examination in the Gujarat College, Ahmedabad, during the year 1926-27 ;

(*b*) the number of students who passed the B.A. Examination with Gujarati as their optional language from Gujarat College, Ahmedabad, during the year 1926-1927 ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) There were 10 in the Senior B.A. Class and 7 in the Junior B.A. Class with Gujarati as their optional subject.

(*b*) The 10 students in the Senior B.A. Class appeared at the B.A. Examination and all passed the University Examination in question.

GUJARAT COLLEGE, AHMEDABAD : GUJARATI LECTURER

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) the circumstances under which Dewan Bahadur K. H. Dhruva, B.A., resigned his post as Lecturer in Gujarati in the Gujarat College, Ahmedabad, in the month of June 1926 ;

(*b*) whether it is a fact that he was offered either his pension or his salary as his remuneration and that he, being dissatisfied with that offer, resigned his service ;

(*c*) if the answer to (*b*) is in the affirmative, what new terms have been offered to him on his fresh appointment as Lecturer in Gujarati in the Gujarat College, Ahmedabad, from 20th June 1928 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) Rao Bahadur (now Dewan Bahadur) Dhruva was informed that after 31st March 1926 he would be given only the pay of the post and that his pension could not be paid to him in addition. He, therefore, declined to serve on these terms.

(*c*) On reconsideration subsequently, Government decided that retired Government servants who are appointed as Lecturers in vernacular should be allowed to continue to draw their full pension but that they should be given only half the pay of the post. Dewan Bahadur Dhruva has accepted these revised terms.

Mr. J. C. SWAMINARAYAN : Why was this change in the rules regarding the payment to pensioners of half pay and full pension made?

The Honourable Dewan Bahadur HARILAL D. DESAI : The pensioners of Government in the Educational Department, who had acquired very great proficiency in the vernaculars and were ripe scholars, were considered to be more useful in the interests of the teaching of vernaculars in the colleges as compared to juniors, and consequently the orders of Government on that point were reconsidered.

VIRAMGAM RIOT PRISONERS : RELEASE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) the names of the persons, convicted in the Viramgam riots of 1919, whose sentences have not yet expired and who are still undergoing imprisonment ;

(*b*) the portions of unexpired sentences of each of them ;

(*c*) the dates on which each of them is likely to be released ;

(*d*) whether Government intend to exercise their prerogative of mercy and release them earlier than the expiry of their sentences ?

The Honourable Mr. J. E. B. HOTSON : (*a*) to (*c*) The honourable member is referred to the reply given on 4th August 1926 to a similar question asked by himself. No changes have since occurred.

(*d*) No.

DHOLKA-DHANDHUKA RAILWAY : REPAIRS TO LINES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether Dholka-Dhandhuka Railway line was heavily damaged by heavy rains and floods in the last week of the month of July 1927 ;

(*b*) whether the repair of the said railway line has been done only as far as the railway station Bhurkhi ;

(*c*) whether further repair of the said railway line has been stopped ;

(*d*) when the repair of the remaining damaged railway line will be undertaken ;

(*e*) when the whole railway line between Dholka and Dhandhuka will be opened for public traffic ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) Repairs are in hand and traffic has been resumed from Dholka to Bhurkhi and from Hadala Bhal to Dhandhuka.

(*c*) and (*d*) Repairs have not been stopped but are being pushed on as quickly as possible.

(*e*) Through traffic will be restored from Dholka to Dhandhuka as soon as the diversion between Lolia and Hadala Bhal is completed. It is anticipated that it will be opened on a temporary diversion within one month of the date of acquiring the necessary land. Every endeavour is being made to expedite its acquisition.

TALATIS : NASIK DISTRICT

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) the present number of talatis in the Nasik District ;

(*b*) how many of them are Brahmins, Prabhus, Marathas and allied classes, Backward and Depressed Classes, and Mahomedans ;

(*c*) what is the number of non-Brahmins recruited since 1925 ;

(*d*) of them, how many had resigned ;

(*e*) whether they have taken any special care to have an admixture of all classes for this service ?

The Honourable Mr. J. L. RIEU : (*a*) 290.

(*b*) Brahmins—256.

Marathas and allied classes—31.

Mahomedans—3.

(*c*) 24.

(*d*) 1.

(*e*) Yes.

BOMBAY MEDICAL SERVICE : MOSLEMS

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Will Government be pleased to state—

(*a*) what is the total number of posts in the Bombay Medical Service and how many of them are held by Moslems ;

(*b*) whether it is a fact that though the number of Moslems in the Bombay Medical Service is far below what is required by the Government Regulations, two Hindus of the advanced classes of lower grades have been taken up in May 1927 ? If so, why ;

(*c*) whether it is a fact that the two vacancies in the higher grades have been filled up in May 1927, from the lower Medical Subordinates when there were already highly qualified Moslems available for those appointments ;

(*d*) whether there are any vacancies in the Bombay Medical Service at present ? If so, how many and during what period they are going to be filled up ;

(*e*) whether the claims of qualified Moslem candidates will be considered at the time of the new appointments ;

(*f*) whether Government intend to take any steps to secure a proportionate number of appointments for Moslems in the Bombay Medical Service ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*), (*b*) and (*c*) Please refer to reply to the question asked by Khan Saheb A. M. Mansuri, M.L.C. on the 21st February 1928.

(*d*) There are no vacancies at present.

(*e*) and (*f*) The appointments to the service are made on the qualifications and merits of the candidates and, subject to this, the principle of the intermixture of the various communities in the service is always borne in mind.

MINING CONCESSIONS, BELGAUM

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Will Government be pleased to state with reference to my question No. 4 of the July-August 1927 session regarding mining concessions in Belgaum—

(*a*) whether it is a fact that Messrs. Lalan and Company have requested the Collector of Belgaum to keep the licenses applied for alive as the question is still under the consideration of Government ;

(*b*) whether it is a fact that the Collector of Belgaum has not yet given any reply to the said company ;

(*c*) what steps are taken to keep their licenses alive pending the enquiry of the Director, Geological Survey of India ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) No.

(*c*) The Collector has been instructed to deal with the applications after Government have passed orders on the question of the further issue of prospecting licenses in the tract under consideration.

MOTOR STAND, WADA NAWADI

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) whether the motor stand at Wada Nawadi in Sangameshvar, District Ratnagiri, is located near a hotel in a crowded locality and in a narrow street leading to Chiplun ;

(*b*) whether a representation was submitted to Government asking them to remove the stand from its present site ;

(*c*) what action Government propose to take in the matter ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Yes.

(*b*) No.

(*c*) The District Magistrate has ordered that any motor plying for hire in Sangameshvar and halting for more than 10 minutes should be parked on the open space opposite the hotel on the main Ratnagiri-Chiplun road.

Mr. S. K. BOLE : Is the Honourable Member aware that the place is visited by many persons, and if the stand is kept there, it is dangerous for the safety of the lives ?

The Honourable Mr. J. E. B. HOTSON : I do not think that there is any danger in having the motor stand in that place.

Mr. S. K. BOLE : Is there no other place available for the motor stand ?

The Honourable Mr. J. E. B. HOTSON : No. It appears that the locality is crowded and that there is no other site in the neighbourhood for a motor stand. If the stand were removed to some other locality, the people would have to go a long way for their motor cars and would thus be inconvenienced.

JAITAPUR CREEK IN THE RATNAGIRI DISTRICT

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) the number of vessels sunk in the Jaitapur Creek in the Ratnagiri District in the beginning of the last monsoon ;

(*b*) whether those who suffered got any relief ?

The Honourable Mr. J. L. RIEU : (*a*) One fishing toney with seven passengers on board was swamped in the upper reaches of Jaitapur Creek which is there called the Rajapur Creek, the accident resulting in the drowning of three women. The tindel was prosecuted before the First Class Magistrate, S. D., Ratnagiri, who acquitted him. The accident however took place on 1st September 1926 and not in the beginning of the monsoon of that year.

(*b*) No.

RAMESHWAR TEMPLE, CHEUL : GOVERNMENT GRANT

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) whether some grant is given by Government to the Rameshwar Temple at Cheul near Revdanda in the Kolaba District ;

(*b*) if so, what the amount of the grant is ;

(*c*) whether any accounts are submitted by the trustees of the said temple to Government ;

(*d*) whether one of the trustees is blind and, if so, how long he has been blind ;

(*e*) whether it is a fact that one of the trustees had misappropriated the temple money and subsequently resigned ;

(*f*) when the present trustees were appointed and by whom ?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) A total annual cash allowance of Rs. 485 is paid by Government to the temple committee and worshippers as shown below:—

Rs.	
420	to the temple committee.
23	to two worshippers.
22	to one worshipper.
20	to one worshipper.
485	

(*c*) No.

(*d*) Yes: for nearly 20 years.

(*e*) Government have no information on the point.

(*f*) The present members were appointed by a committee consisting of the following persons in the years as stated:—

Name of the present member	Names of the members who appointed the present member	Year in which the appointment was made
(1) Jaganath Laxman Joshi ..	1. Pandurang Raoji Railkar 2. Mahadeo Krishna Railkar 3. Balu Ganesh Naik 4. Laxman Balaji Naik	1899
(2) Ramchandra Mahadeo Parad.. (3) Bhaskar Shridhar Railkar.	1. Jaganath Laxman Joshi 2. Vinayak Daji Joshi 3. Laxman Hari Vartak	1909
(4) Hari Vinayak Joshi ..	1. Jaganath Laxman Joshi 2. Ramchandra Mahadeo Parad 3. Bhaskar Shridhar Railkar 4. Narayan Bandu Vartak	1921
(5) Bhau Bandu Vartak ..	1. Jaganath Laxman Joshi 2. Bhaskar Shridhar Railkar 3. Ramchandra Mahadeo Parad 4. Hari Vinayak Joshi	1922

Mr. S. K. BOLE: May I know if a land endowment is given to this temple?

The Honourable Mr. J. L. RIEU: I do not know that. I must ask for notice.

Mr. S. K. BOLE: Will Government make enquiries into the matter?

The Honourable Mr. J. L. RIEU: If the honourable member will give notice, I shall make enquiries into the matter.

The Honourable the PRESIDENT: I would warn honourable members to be in time at the question hour. One hour for questions has been fixed and the Council assembles an hour earlier at the request of the honourable members. They ought to be present in time. Otherwise I will have to consider whether I should allow the leniency of asking questions out of turn on future occasions.

(General discussion of the Budget resumed)

Mr. B. V. JADHAV (Satara District): Sir, we all know that this year's budget has been a deficit budget, and this has become a chronic complaint. For that reason I shall not take any time of this House in dilating on it. I do not think that the blame can be lain at the door of anybody and, therefore, I do not intend to pass any remarks about it.

It is very unfortunate, Sir, that on account of deficit budgets, our financial position is becoming unsound and our balances are slowly disappearing. I think it is necessary to make strong efforts to build up the depleted balances again. The reason why our balances are not in a prosperous condition at this time is said to be the unfair Meston Settlement. Although that Settlement has been condemned every year and by everybody, it is a pity that that Settlement is not reconsidered and justice is not done to Bombay. I hope that within the next few years the Home Government and the Government of India will consider this matter very seriously and give relief to Bombay which she badly wants.

We are all agreed on one point. That is that the way of improving our finances is through retrenchment. On this point there is not a single dissentient voice. Government has been, we find, making steady efforts to appoint retrenchment officers and to consider proposals from them. Within the last ten years there was one strong retrenchment committee and a retrenchment officer was also appointed to conduct an enquiry. The statement which is put in our hands shows that considerable retrenchment has been effected since then. But I may submit, Sir, that no large retrenchment can be achieved by paring here and paring there, it cannot be achieved by abolishing a few posts of clerks here and a few posts of peons there. Unless there is a substantial retrenchment, there will be no relief to our finances.

I think, Sir, that there is now sufficient excuse for reducing the number of administrative units. District is at present the administrative unit. These districts were formed when facilities for transport were crude. These days we have motor cars and even aeroplanes, and considerable time can be saved in this way. I think it will not now be difficult for a collector, or a district judge, or an engineer, to manage a much bigger district than he was able to do about ten years ago. We should, therefore, try to reduce the number of administrative units by increasing the administrative area. Unless some such steps are taken, and unless these proposals are seriously considered and brought into operation, I do not think any substantial retrenchment can be effected. On this side, we always find all complaining about the high salaries paid to the Executive Councillors and other high officers. I do admit that the salaries paid to the executive officers are, no doubt, high. But we find that the number of persons enjoying these high salaries is comparatively very small and, therefore, the total sum that will be saved by way of retrenchment in these posts will not be considerable. On the other hand, when a collectorate is abolished, there is retrenchment all round, and a substantial amount will be available for development in other direction. But, unfortunately what we see is this. Although we are all agreed on

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the point of retrenchment, whenever a question of doing away with a district, a taluka or even a mahal is raised, the very people, who ask Government to effect economy, come forward and raise strong objection to the reduction. Whenever a proposal is brought forward to reduce a Court, or a Mahalkari's kacheri, or a Mamlatdar's office, the people say to Government: for the convenience of the people do not carry out your proposal. Do not effect retrenchment in that item. The expenditure on that item will be in the interest of the public." That is what these people say. If Government still persist in effecting a reduction, strong articles are written in the Press and delivered on the platform condemning the proposals of Government or those of any other person who may be responsible for making such a proposal. I think, Sir, that to ask Government to effect retrenchment on the one hand and at the same time to condemn their different schemes is like wanting to eat a cake and at the same time to have it. I was very much pained, Sir, to see the resolution of the Provincial Congress Committee at Alibag. That Committee is asking Government to open a new district court at Alibag. We all know that for many many years, ever since the beginning of the British administration, ever since Alibag has been under the British control, the judicial work of that district has been managed by the district judge at Thana. And I wonder why Alibag people should now require a separate district judge for Alibag. It will be very convenient no doubt for the practising lawyers there. But taking into consideration the total expenditure that would be involved by the creation of that office, I do not think that any person who really wants Government to retrench will think it advisable to press for the opening of a district court at Alibag or at other places. For myself, I have not been in favour of opening a district court even at Nadiad or at Jalgaon; but Government had to submit to the uproars from this side and many pleader councillors from those districts, and in a moment of weakness, I shall say, they yielded. But I hope they will be stronger in future and will not yield to this cry for a district court at Alibag. Although Alibag is the headquarter of my own district, I have not got any such parochial selfishness. I shall urge upon Government not to add to the number of the district courts simply because it will be to the convenience of a few persons or a few lawyers.

Now, Sir, much stress is being laid upon Indianisation. But unless strong measures are taken to fix for the Indian officers a lower salary than is required to be paid tothe European officers, financially the change of personnel from European officers to Indian officers will not be beneficial. And at the same time, there is no reason why Indian officers should claim the same high salary which is required to be paid to an English officer. The English officer leaves his home many, many thousands of miles away. He has to get his children educated in his own country, while he has to pass in a different climate and under different circumstances the best years of his life. It is but natural that a higher salary should be claimed by him, and if we want his services, we have to sanction that high salary. But these reasons do not apply in the case of

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Indian officers, who, I think, ought to be satisfied with a lower salary. From my information I know some say that, if they are given a lower salary, they will suffer loss of their prestige. I do not think I need take the time of this House in refuting such sorts of arguments. The District Magistrate, for instance, is a District Magistrate and will wield as much influence as one who gets a higher salary. In the Civil Service there are different grades and different salaries for different officers. The officers carry their own salaries with them and the general public do not take into consideration the particular salary which a particular officer enjoys.

I cannot help saying a few words about the point that was raised in this House the day before yesterday by a colleague of mine. His pet hobby has been that in order to secure retrenchment the hereditary kulkarnis should be brought back. It is fashionable now-a-days, Sir, to run down communalism. But I am sorry to say that, although it is officially and openly run down, it is still in existence. There are certain persons who are honest enough to admit that they stand for communalism in the present condition of society, while there are others who condemn it and practise it. I know there will be a howl raised from the ryots if the proposal of bringing back the kulkarnis is seriously taken into consideration. The kulkarnis were substituted by paid talatis in pre-reforms days, and I think Government know very well the reasons why that change had become necessary, and I am quite sure that Government will not like to reconsider it because there are no strong grounds for it. it will be much better, Sir, if Government take into consideration how to bring about that change of replacing watandar kulkarnis by paid talatis in the Southern Division, in the districts of Belgaum, Dharwar and Bijapur, and I hope the Honourable the Revenue Member will pay serious attention to that question. The improvement is urgent; the grievances of the ryots are very serious; and Government ought to take that matter in hand.

The Honourable Mr. J. L. RIEU: Mr. President, I propose to deal as briefly as I can, with a certain number of points which have been raised in the course of the debate with reference to the subjects which are under my control. The most important of these subjects during the present year has been that of the relief of distress caused by the floods in Gujarat and Sind. Regarding this subject I notice that the honourable member Rao Saheb Desai complains that only about Rs. ten lakhs have been allotted by Government for gratuitous relief. As a matter of fact, the exact sum is Rs. 10,55,000. This amount may, it is true, appear small in comparison with the very large sum of a crore and 61 lakhs which Government have allotted for purposes of advances and loans. But I would ask honourable members to remember that, as I have pointed out before, Government are not in a position to undertake the obligation to meet all cases of distress caused by the flood. This obligation rests primarily upon the public, and, as Government have already acknowledged on several occasions, this obligation has been met in the most generous spirit. Even in the case of the severe distress caused by famine due to a failure of the rains, Government, I would remind honourable members,

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do not do more than undertake the provision of employment at a minimum wage or the support of the very infirm persons who are unable to work. It would be quite impossible for them to undertake any further obligation in that respect. Then, the same honourable member has complained that Government are charging interest on these loans. Well, he ignores the fact, in the first place, that Government have made very large concessions already in respect of interest. Honourable members are aware that a graduated scale of interest applies to advances taken from the reconstruction loan, and as regards tagavi, loans taken for kharif seed have been exempted from interest for one year. In the case of Sind that exemption has been extended to the rabi tagavi also. Secondly, I would ask honourable members to consider what the financial effect of the proposal to exempt all these loans from interest would be. The amount, as I stated before, comes to a crore and 61 lakhs, and the interest on that—the annual charge—I calculate, would be Rs. 9½ lakhs a year. Are honourable members prepared to support such a proposal in the face of present financial conditions? I presume not.

Then the honourable member Mr. G. I. Patel has alleged that although Government have made large and liberal allotments to meet the situation caused by this calamity, yet the actual amounts being disbursed under their orders are very paltry. To meet this allegation I must ask honourable members to bear with me for a short time while I go through the figures which have been supplied to me by the Flood Relief Officer in a report which has just reached my hands. The amount sanctioned for emergency relief, that is to say, the relief which had to be granted before the charitable organisation could function properly, was Rs. 21,000. That has been completely expended and, in addition, about Rs. 5,000 has been spent under that head, making a total of Rs. 26,000. The free grant for reconstruction made to the poorer classes amounted to 2½ lakhs, of which fifty thousand was intended for Broach for huts and a sum of two lakhs for the other three Gujarat districts mainly for the purchase of corrugated iron sheets. Against this allotment a sum of Rs. 2,18,000 has already been disbursed. As regards kharif tagavi, an amount of Rs. 11,66,000 was santioned by Government for the four Gujarat districts and the expenditure against that allotment amounts to Rs. 11,60,000. Thus practically the whole amount has been absorbed, and in free grants for the purchase of seed to landless tenants, out of thirty thousand which was granted, sixteen thousand has been actually expended. It is only in the case of the rabi seed allotment for tagavi that there is a considerable shortage compared with the amount allotted. The allotment was four lakhs, but it was found that the estimates had largely exceeded actual requirements, and the amount eventually spent was only Rs. 1,30,000. It is obvious that in the case of estimates made so long beforehand it is impossible to judge with any accuracy what the final requirements will be. We have, however, the assurance of the Flood Relief Officer that not a single acre which could have been cultivated has remained uncultivated. That is to say, full provision was made in the way of tagavi for the cultivation of the rabi crop.

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A sum of forty-three thousand was allotted for plough cattle. That has been wholly absorbed.

Now, I come to the question of the reconstruction loan. The total amount allotted was 104 lakhs. We have not yet got figures as to the expenditure made against this allotment for all districts. I have at present only the figures for Kaira, which district was allotted 45 lakhs, and out of that amount, 31 lakhs have already been advanced, which is a fairly high proportion. In the other districts advances will be made as rapidly as possible. It is not possible to say to what extent the total allotment will eventually be absorbed.

I will summarise the situation as follows. The following are the grants for gratuitous relief :—

	Rs.
For relief of distress	3,06,000
For the supply of timber	64,000
For helping the poorer villagers to aquire new sites where they wish to move their villages ..	35,000
Free relief for house reconstruction	6,50,000
Total ..	10,55,000

That makes a total of roughly 10½ lakhs in the shape of free grants.

Under Loans :—

	Rs.
Advances to local boards	35,000
Takavi loans for seeds	36,67,000
Advances to agriculturists and non-agriculturists for reconstruction and repairs	1,04,000
Reconstruction loans made to the Co-operative Department for reconstruction purposes ..	20,00,000

The total of the loans comes, as I said, to 161 lakhs.

Now, I turn to the question of land revenue assessment. The honourable member representing the Bombay University made the rather surprising statement that our land revenue is showing a progressive decline. This is hardly consistent with the complaint repeatedly made by honourable members opposite that we are continually screwing up the assessments and that they are becoming higher and higher. As a matter of fact, the actual figures do not bear out this statement as you will see from a reference to statement II on page (*viii*) of the Blue Book. Of course it is obvious that our land revenue is dependent on climatic conditions and therefore liable to fluctuations. But if you will refer to this statement, you will see that the highest amount was reached in 1922-23, when it was 559 lakhs. After that came a period of four bad years when it sank as low as 467 lakhs in 1926-27. But then in 1927-28 it rose to nearly equal to the maximum previously obtained, namely, 545 lakhs, and for 1928-29 we are budgetting for a sum of 538 lakhs. Naturally it is only reasonable to suppose that our land revenue will go on increasing. It could only decline on the assumption that higher

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assessments are causing land to go out of cultivation. That is certainly not the case, and if it were, it would be a case calling for instant remedy, and Government would take measures to prevent such a result.

Then I come to the speech made by the honourable member from Ahmedabad, Mr. Swaminarayan. Mr. Swaminarayan has attacked our assessments on the ground that they are oppressive to the poor cultivators and that they are grinding the poor cultivators down. What I want to know from him is, why does he refer only to the poor cultivators. What about the poor landlords who are also being "oppressed," to use his term, by the same assessments, assessments which apply to them just as well as to the cultivating owners. There is no distinction in our land revenue assessments between land cultivated by its holders and land rented to cultivators. It is a fact (and this fact is borne out by the present insistent demand for tenancy legislation) that more and more money is being invested by capitalists in land in this presidency, that more and more land is being held by landlords, because people find that land is a safe, and a profitable investment to put their money into. As I say, this tendency is becoming so marked that there is a growing out-cry for tenancy legislation. This is a demand that simply did not exist a few years ago.

And therefore, in future, I hope that when the honourable member attacks our assessments on the ground that they are oppressive and so on he will extend some share of his sympathy to the poor landlords and not reserve it entirely for the poor cultivators.

Mr. J. C. SWAMINARAYAN: The landlords are only about 50 per cent.

The Honourable Mr. J. L. RIEU: The landlords pay the assessment and the assessment falls upon them. In fact, it might be said, that, if anything, the assessment would press more heavily on rented land than on non-rented land, because it has to bear, apart from the Government assessment, a double demand, that is to say, the demand for the subsistence of the cultivator and the demand for the profits of the landlord.

In refreshing contrast to the honourable member Mr. Swaminarayan's speech is that of the honourable member Mr. Pradhan, who has been so bold as to depart from the usual line taken up by honourable members opposite and stated that there is room for the further enhancement of land revenue taxation. He made the statement that some Rs. 50 lakhs or Rs. 60 lakhs more could be obtained in this way.

Mr. R. G. PRADHAN: I said Rs. 30 lakhs to Rs. 50 lakhs.

The Honourable Mr. J. L. RIEU: I beg the honourable member's pardon; I must have taken down the wrong figures. He made a qualification that in several parts of the presidency the assessments were too high. This is a qualification which I for one am not able to accept. On the other hand, we are perfectly well aware that considerable portions of the presidency are distinctly under-assessed, and the principal reason

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why they are so under-assessed is that we have imposed on ourselves the self-denying ordinance that we shall not on a revision settlement enhance the total assessment for any given taluka by more than 33 per cent. This has unfortunately resulted in preventing us from putting up the assessments to the full extent justified by circumstances. I might quote as instances of this certain talukas of the Thana district and certain talukas of the Khandesh district, where the assessments are far below what they should be.

Now, I would like to make some remarks regarding the speech made by the honourable member Rao Bahadur Naik. He referred to the rental value basis of our assessments as being an entirely new theory which has been taken up, and he also complained that it was being acted upon in advance of the legislation which Government have in contemplation, as a result of the recommendations made by the Land Revenue Assessment Committee. Well, in that respect I am not able to agree with him. I remember a little time ago reading a speech by the then Honourable Member in charge of the Revenue Department made so far back as the year 1880 or 1881, and he there stated very definitely in defining the revenue policy of the Government of Bombay that rental value was the true index for assessments, but he deplored the fact that it was almost impossible to ascertain what the rental value was and therefore assessments had to be based on more or less vague and general considerations. It is only lately that we have, by means of the Record of Rights, a whole body of statistics on the subject of rents, and it is only through these statistics that we are now able to bring to bear on our assessment proposals definite facts and figures.

Rao Bahadur B. R. NAIK : On a point of information.

The Honourable the PRESIDENT : If the honourable member yields.

The Honourable Mr. J. L. RIEU : I have no objection.

Rao Bahadur B. R. NAIK : What about the interpretation of section 107 of the Land Revenue Code ?

The Honourable Mr. J. L. RIEU : Section 107 is quite clear on the point. It lays down that the assessment shall be based on the value of land and the profits of agriculture, and I contend that there is no more accurate way of judging what the profits of agriculture are than the rent.

Then the honourable member Mr. Swaminarayan made the extraordinary statement, in reference to the question of prices of produce that the current prices of rice in certain districts were Rs. 1-6-0 per maund and even Rs. 1-4-0 a maund, and that wheat was sold at Rs. 2 per maund. I was amazed when I heard him make his assertion and I was still more amazed when I referred to the actual reports of prices.

Mr. J. C. SWAMINARAYAN : That is for unhusked grain.

The Honourable Mr. J. L. RIEU : According to the last season report, the lowest figure of current prices in any district in the presidency proper is Rs. 5-13-0 per maund of rice in Dharwar, and for wheat Rs. 6 per maund in Satara.

Mr. J. C. SWAMINARAYAN : Is it a maund of 40 seers ?

The Honourable Mr. J. L. RIEU : That is the way I have worked it out, a maund of 40 seers. He made the further statement that formerly Government used to grant remissions freely, but they do so no more now. But that is just the reverse of what is exactly happening. Before the year 1902, the year of the MacDonell Famine Commission's Report, a charge which could legitimately be brought against our land revenue system was that it was too rigid and hard and fast, as it made no provision for the grant of remissions or suspensions, so that, whenever Government were faced with instances where the assessments were obviously in excess of what reasonably could be paid in bad years, they had to resort to a general reduction of the rates of assessment over a period of years. But now we have in force a complete system of suspensions and remissions which gives the necessary elasticity to our land revenue system, and hence it is that it is rarely necessary now for Government to revise their assessments and charge reduced rates over a given period.

Then, with regard to the Famine Fund, the same honourable member (Mr. Swaminarayan) seems to be seriously alarmed by the reduction in our Famine Fund. The minimum amount of our Famine Fund is now fixed and our maximum annual contribution is Rs. 12 lakhs. I can assure him that there will be no change in the policy of Government with regard to protective measures, that is to say, measures that are intended to prevent famine. From the mere fact that in future such measures are not to be financed entirely from the Famine Fund, but also from general revenues it does not follow that we shall not incur the expenditure which is necessary for famine preventive measures.

Then the complaint has been made by more than one honourable member that in flood affected areas not only the whole revenue of the year is being levied, but even suspended arrears are being collected. The only case that has come to the notice of Government is that of certain villages in the South Daskroi taluka. There, according to the rule, the annewari of the village being 9 annas, that is to say, more than 8 annas, the collection of half the arrears of the previous year was being enforced. However, the Commissioner investigated the matter, and in eleven out of ten villages he ordered that, although the valuation was 9 annas and more, no collection of arrears should be made. As regards the remaining 3 villages there was ample reason for enforcing the collection of arrears. Practically the entire area of the village had been cultivated with rice, which had not suffered at all but had given the full normal crop. The dry crop area was altogether insignificant in comparison with the total cultivated area of the village. In their case he ordered that the rule regarding the recovery of arrears should be enforced. But at the same time he decided that no arrears of tagavi should be collected, and he also drew the attention of the Collector to the fact that non-recovery of arrears of land revenue could be ordered in individual cases of hardships.

There are several other points which I should have liked to refer but, I am afraid that the Honourable the President, who has already warned me that I am exceeding the time limit, will not allow me further time.

The Honourable the PRESIDENT : I find that there are a number of honourable members who wish to speak. To-day is the last day of the discussion. Much time will be taken up if I still allow 20 minutes for each member. I think a good deal of the time of the House will be saved if honourable members do not repeat arguments and points which have already been dealt with, so that the remaining members who wish to speak may have an opportunity to take their chance. I would, therefore, request honourable members to confine themselves strictly to fresh points which they wish to place before the House.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I am not surprised at the financial condition of this Government as it appears from the budget; nor do I hope that it will be satisfactory for some years to come. (An Honourable Member : Pessimism.) I am not pessimistic. That is the conclusion I have come to after going through carefully the budgets that have been presented to this House during the last three or four years. The situation is very grave and its gravity will be appreciated if we compare the figures during the last 10 years. I take the years from 1917-18 to 1926-27, because the accounts for these years are available, while those for 1927-28 are not available. Further because, it was the year 1917 when the announcement about the reforms was made in the British House of Commons. Since then, it will be noticed, our revenue has increased by Rs. 3·80 crores and our expenditure by Rs. 7·29 crores. At the Financial Conference at Simla in 1919 normal figures were laid down for the reformed Government and, calculated by the standard of these normal figures we see an increase of revenue by Rs. 2·32 crores and an increase of expenditure by Rs. 5·25 crores. This shows that our principle and policy of expenditure are not guided by the sources of income. Our sources of income have remained the same or slightly increased while the expenditure has gone up by leaps and bounds. This is directly against sound canons of public finance. The second point I wish to place before the House is with regard to the working balance. It has been laid down in the same Simla conference of 1919 that the normal balance for this presidency ought to be 2 crores of rupees. That figure has been accepted and the Finance Department itself has repeatedly maintained in this House that the working balance should not go down below Rs. 2 crores. But to-day we find that our working balance is only Rs. 72,00,000 at the close of the year 1927-28. The year 1928-29 is to close with the working balance of Rs. 7,00,000 only. Well, Sir, if this is the state of things, I do not know how our financial position can be improved. We have numerous demands from the public to meet; and there are heavy commitments to be discharged. Even supposing that the House passes the two money bills I am unable to see how the financial position is going to be improved at all. I therefore suggest that some expert financiers should be appointed to investigate the question.

Now, Sir, I come to the question of reserved and transferred departments. I should like to say that what the Honourable the Minister for Local Self-Government told us does not seem to be quite true. For the reserved departments the expenditure charged to revenue in 1921-22 was Rs. 8·67 crores and in the year 1926-27 it was Rs. 9·69 crores.....

The Honourable Sir GHULAM HUSSAIN : May I rise to a point of explanation, Sir ? I never referred to the figures for 1921-22, as my honourable friend says. I took the figures for 1920-21.

Mr. P. R. CHIKODI : That is all right. In the year 1919 there was no such thing as reserved and transferred departments. The division of the Departments into Reserved and Transferred came into force from the year 1921-22. In the reserved departments during the last five years the expenditure has increased by one crore. In the transferred departments, what is the condition ? In the year 1921-22 the expenditure charged to revenue was rupees Rs. 5,60,52,000 and in the year 1926-27 it was Rs. 5,58,96,000. That is to say, less by one and a half lakhs than what it was. Let me tell the House that the amount given in 1921-22 for the transferred departments has not even been reached till now. The reserved departments as a whole receive one crore more than they received in 1921-22, while the transferred departments have received less—I find the Honourable the Finance Member shaking his head, but I would refer him to pages 8 and 10 of the Blue Books for 1927-28 and 1928-29 respectively where the figures are given and ask him to compare for himself. Further, there has been an increase in the revenue since the inception of the reforms to the extent of about 2½ crores. Where does that increase go ? How much of that increase has been received by the transferred departments ? This is a question which I put to Government and I want an answer. Are Government prepared to say that there has been no increase in revenue at all ? If they admit that there has been an increase in revenue, I want to know what portion of that increase has gone to the transferred departments and what portion to the reserved departments.

The Honourable Sir GHULAM HUSSAIN : Sir, may I say a word of explanation ?

Mr. P. R. CHIKODI : I would not allow.

The Honourable Sir GHULAM HUSSAIN : Sir, the honourable member is making misstatements.

The Honourable the PRESIDENT : Order, order.

Mr. P. R. CHIKODI : Sir, I am quoting from figures supplied by Government. However, I shall allow the Honourable Minister to give his explanation.

The Honourable Sir GHULAM HUSSAIN : The honourable member will notice that even taking 1921-22, as he has done, under Education the increase has been from 1,73 lakhs in 1921-22 to 2,09 lakhs in 1928-29, that means an increase of 36 lakhs. That is under only one nation-building department. Under Public Health, the increase is from 29 lakhs to 30 lakhs. The expenditure under Agriculture in 1921-22 was 30 lakhs ; to-day it is 29 lakhs ; then, under Medical, the increase has been from 46 lakhs to 54 lakhs.

Mr. P. R. CHIKODI : Sir, this is no explanation and, the Honourable Minister is only anticipating me by taking departments to which I am myself going to refer.

The Honourable the PRESIDENT: The honourable member has only five minutes left.

Mr. P. R. CHIKODI: Well, Sir, in the same period of five years, to which the Honourable Minister just now alluded, the figures show that expenditure under Irrigation decreased by 23·2 per cent., under Public Health by 31 per cent., under Agriculture by 10 per cent. Under Education, I admit, and also under Medicine, according to the figures in page xii, there has been a slight increase. But at the same time there has been greater increase in expenditure under Excise, General Administration and Administration of Justice. Further, these figures are not the *net* figures; if we compare the *net* figures, the differentiation will be still clearer. The *net* figures are given by the Accountant General for the years 1921-22 to 1924-25. According to those *net* figures, it will be seen that in General Administration the increase has been by 82 per cent. Interest has increased by 134 per cent; and Education increased only by 5·8 per cent. But now, let us look at the *net* figures of the other departments for which the Honourable the Minister for Local Self-Government quoted his figures. According to the net figures worked out by the Accountant General and quoted in the Reports and the Proceedings of the Public Accounts Committee for 1924-25, Medical has decreased by 2 per cent., Public Health by 67 per cent., Agriculture by 14 per cent. and Industries by more than thousand per cent.

Sir, as this is the state of things, the whole situation has got to be investigated and examined.

If I were to sit down after saying so much, I shall only be considered as having said something destructive. I should like to suggest one thing. I have already suggested that a thorough investigation is necessary. My another suggestion is that there is still some room, although to a very slight extent, for retrenchment without impairing efficiency. I know that retrenchment by itself does not go far, but in some cases there is still room for it. In the Police Department for example, since the organisation of sub-divisions in the districts, the post of the Inspector seems to be unnecessary. There is the Sub-Inspector, then the Inspector, and, then again, the Deputy Superintendent or the Assistant Superintendent. And above all of these there is the Superintendent. It is difficult even for the department to define exactly what the duties are of the Inspector, and the Deputy Superintendent or the Assistant Superintendent. It is said that the local investigating officer is the Sub-Inspector in ordinary cases, and in more serious cases the Inspector makes the investigation. But I am informed that the Deputy Superintendents or Assistant Superintendents are also entrusted with the duty of investigation into serious matters. The administrative supervising duties are now left entirely to the Superintendent. If this is the case, where is the necessity for the Inspector? I therefore think that the posts of Inspectors may be done away with. This may give some cause for complaint to the Sub-Inspectors, because their chances of promotion will be gone, but I suggest that Sub-Inspectors may be promoted to posts of Deputy Superintendents if they are competent.

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Then, with regard to travelling allowance. Many officers who have to tour through two or three districts are not given permanent travelling allowance, but are allowed the ordinary travelling allowance by mileage or the length of the journey. They should be given only permanent travelling allowance.

Then, without going further into details, I would like to place before the House one more point. We should demand the salt revenue from the Government of India in addition to a share in income-tax revenue. The duty on salt has not now got the nature of customs. It has that nature in some other provinces like Bengal where salt is still imported, but in our presidency it is produced and consumed locally, and therefore the duty on it is only in the nature of pure excise. Just as we get the excise duty on liquor, similarly we must have the excise duty on salt. If this Council and the Government make a united demand, and, now that the whole constitution, including the question of adjustment of financial relations, is going to be revised, it is just possible that we will be able to secure more sources of revenue. It is no use pressing too much for retrenchment, because as a result peons, clerks and other subordinates will go and the consequence will be that not only these will suffer but the poor families dependent upon them will be ruined and the members of the Legislative Council will be bothered by them.

What I say, Sir, is that we should no longer go in for retrenchment of this nature and no substantial amount would be saved thereby. If you at all want to effect reduction you may do so in respect of the posts of Executive Councillors and Ministers.

Mr. A. C. OWEN (European Presidency): This is the fifth Budget Session it has been my lot to attend, which means that I have listened to five speeches by the Honourable the Finance Member and innumerable others by honourable members. I have hitherto refrained from joining in the discussion, because I found that many members wished to place their views before the Council, and I did not want to deprive them of the opportunity. To-day, however, I feel, I would like to say a few words, not that I have anything original to put forward, not that I have any constructive proposals to ventilate, but I would like, if possible, to dispel the clouds of pessimism which seem to have settled on some of my honourable friends.

We have heard the present budget described in various terms. It is said to be "disappointing" and "unsatisfactory," and we have been led to believe that the presidency is on the verge of bankruptcy!

If this is not mere verbiage, it seems to me that some of my honourable friends are looking at the budget through coloured glasses, for on a dispassionate study of the documents presented to this House, I do not take such a gloomy view of things. Indeed, Sir, when you consider that we have been able to meet very heavy demands on account of floods, etc., and still have fairly large balances in the Famine Fund, and when you bear in mind the splendid assets we have in our public works, in our

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agricultural lands, in our forests and that we have provided sinking funds to cover the Development and other loans, I venture to say that there is no fear of bankruptcy.

In regard to the Sukkur Barrage it is anticipated that the Capital receipts will more than cover the cost. In regard to the Bombay Development Scheme, the anticipated loss is amortised by the allocation of a definite sum every year from Revenue. Then again while it is admitted that next year there is to be a deficit of Rs. 41 lakhs on Development, which is a charge on Revenue, we must not forget that we expect to realise Rs. 2,00,000 on Block 8, but this latter amount appears as " Capital Receipts. "

It is true, Sir, that Government, like individuals, have their bad times, and there is no doubt that this Government has had to face a good deal of adversity of late years. There has been a long depression in trade, large schemes have been embarked on which swallow up a lot of our Revenue, the Excise and stamp revenues have fallen ; but it seems to me that it is not much good to brood over misfortunes—the wiser course is to put our shoulders to the wheel and help to put matters on a satisfactory basis. Times must change and we trust that a period of prosperity will soon return. In short, Sir, let us look on the bright side.

Mr. J. C. SWAMINARAYAN : Sir, are the speeches allowed to be read ?

The Honourable the PRESIDENT : We have been doing that.

Mr. A. C. OWEN : Sir, I do not say that mistakes have not been made; I feel that they have been. The recent committees that have been enquiring into public affairs have brought many mistakes to light, and the revelations in the courts show that some of the officials have been ignorant or neglectful of their responsibilities, while some appear to have been wanting in that probity and integrity which we have a right to expect from them. What is wanted is that we should profit by our mistakes and make them stepping stones to higher things. I feel sure that Government are taking the needful steps in this direction.

There are several heads in the budget in which I am, in common with other honourable members, interested. I specially refer to Education—not only that given in schools and colleges, but agricultural and technical education—that which teaches a man to use his brains and his hands to the best advantage to himself and the community—in fact the making of a good citizen or a good workman or a good agriculturist.

And under Public Health I include good housing and good food at reasonable rates, for I realise that the manhood of the country will be of little use until it is healthy, well-fed and comfortable.

As regards " Communications " you must develop the whole of your rural areas by good roads, railways, etc., so that the produce of the country can be transported as cheaply as possible.

To do all this I know that money is required and I would propose that after providing as much as is possible from ordinary revenue, the excess

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amount required for the moral and material improvement of the masses should be met by a loan. I may be told that it is not sound finance to raise a loan except for productive public works, but, Sir, it seems to me that Education and Public Health are productive in the sense that you improve the status and the earning capacity of a man and he should pay for it when he comes to earn his own livelihood.

My honourable friend (from Nasik), Mr. Pradhan, has told us that he is in favour of taxation in order to provide the money for Compulsory Primary Education. If you can raise the money in this way, well and good, but the method I suggest does not throw such a heavy burden on the people of the present generation, and is therefore deserving of consideration.

The Honourable Mr. G. B. PRADHAN: Mr. President, in the first instance, I may submit that I am very grateful to this honourable House for treating with indulgence the departments under my charge. A few criticisms have been offered as regards those departments under my charge, but before I reply to those criticisms, I wish to refer to the repeated statements which were made, and the repeated attacks made on the Honourable the Finance Member for under-feeding "transferred" departments and over-feeding the "reserved" departments.

Sir, it has been admitted on all hands that the Honourable the Finance Member is an intelligent and capable man; that he is a businessman. If he is an intelligent and capable man, then I ask "why do you not credit him with the same sentiments and feelings with which you would treat a right-minded Indian?".....

Mr. K. F. NARIMAN: Because he has associated himself with the vicious system of government.

The Honourable Mr. G. B. PRADHAN: My honourable friend, Mr. Nariman, remarks that it is so, because he has associated himself with the system. But I may assure this honourable House that whenever any demands for the "transferred" departments are made, he is anxious to meet those demands. He is as anxious as others to see the nation-building departments properly maintained and properly nursed. I may inform this honourable House that although he is holding the portfolio, in a reserved department he is not forgetful of the "transferred" departments. With this assurance, Sir, I shall now refer to the criticisms that were offered against my departments.

The first remark fell from my honourable friend, Mr. Swaminarayan. I was surprised to hear that remark. He said: "How the Government is able to know how much liquor is consumed in the Indian States territories?" I may inform him that all the Indian States territories are supplied with liquor from our own distilleries and we, therefore, know how much we have supplied and how much is consumed. Every three years we take account of the liquor that is consumed in a particular territory. We calculte the revenue upon that basis and then there is a readjustment over the contract terms. The other item is called "gain" on

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liquor. The way in which we calculate the amount was explained by me to the Finance Committee and I shall explain it now to this honourable House.

Supposing the cost of country liquor to this Government is X, the selling price which we charge to the shopkeepers or to the persons in the Indian States is X plus Y, and Y represents the gain which we get on liquor which is consumed in the Indian States territories. The Indian States territories whose excise rights have been purchased by this Government, naturally claim that " you do not allow us to distil our own liquor ; you sell your own liquor and that, too, at a price which enables you to make a profit over it. Then, really, that profit which you make on liquor consumed within our own boundaries is a profit which legitimately belongs to us. " So, they claim what is known as " Gain on liquor ". So, when my honourable friend, Mr. Swaminarayan, told this House that even though there are territories where no liquor is consumed, Government is actually paying them compensation, I do not know whence he gets this information.

Then, I am thankful to my honourable friend from Nasik for making a suggestion. He said : " Please explore other avenues, for instance, forest revenue ; you will be able to do it. " At the same time, my honourable friend from Poona, Mr. Gunjal, levelled some criticisms over the forest administration. Now, I read something about the time when this forest department came into existence. It is a mistake to suppose that the interests of the Forest Department are antagonistic to the interests of the Agricultural Department. The forests, as this House knows, are not the property solely of this generation ; they are the property of the generations to come. No generation can claim that it is their sole property. It has got to be preserved not only for the benefit of this generation, but also for the benefit of the future generations. So, the Forest Department is started with this object in view, that not only should the property be preserved, but it should be so managed that it should yield adequate revenue. My honourable friend suggested that fresh avenues should be explored, and I am thankful to him for that, as I said. But also, in the first place, let me tell this House that this Government in the current year got about Rs. 1,60,000 for the grass lands in the Poona District which were used by the Military Department for nothing. The Military Department for years together were enjoying these lands without paying anything, and the Secretary of State ruled that every Government utilising the property of other Governments shall continue to hold those lands upon the same terms on which they held them at the time the reforms were introduced. Fortunately for this Government, there was a paper transaction every year by which these *kurans* were handed over to this Government in April and again retaken in June. So, naturally this Government contended that there was practically a break of possession and there was a fresh lease every time, and so we are entitled to claim compensation. And not only are we entitled to claim compensation, but we are entitled to claim anything that we like from the date that the reforms came into force. We successfully contended this with the result that

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this Government got Rs. 1,60,000 for past arrears and will get Rs. 28,000 annually from the grass *kurans* in the Poona District alone. There are also other grass *kurans* in Belgaum and Ahmednagar. Naturally, the Government of India contend that "unless you satisfy us that there was a similar break of possession as in the case of Poona, we are not bound to give you any enhanced rent." That question is being explored. I may also tell my honourable friend from Nasik and other honourable friends here that, before timber is brought to the market, you have got to spend upon it. You have to construct roads; you have to construct railways. And plans are being made; roads are being constructed. But, first, you have got to spend and then you will reap the benefit of the expenditure which you are incurring. My honourable friend Mr. Deshpande complained that the money which is being spent on roads and railways for forests should be charged to capital. He rightly contended that, but there are certain rules which are made by the Secretary of State according to which, unless an amount, which is less than Rs. 5 lakhs, is able to show profit immediately as a commercial transaction, it cannot be charged to capital.....

Mr. P. R. CHIKODI: Can that rule not be got changed?

The Honourable Mr. G. B. PRADHAN: Yes, I am coming to that. Now, these forest roads really ought to be charged to capital, because they are made for exploring our forests which are going to bring us a revenue. But immediately we cannot show a gain. The moment the roads are constructed, there will be no gain. It will take some years before the road is ready. Then also you have to spend money for other purposes. Working plans have to be made, the forest has to be cut and the timber has to be brought to the market. So, it takes time. So, though our forest wealth is extensive, this wealth can be developed gradually and the timber from the several forests can be brought to the market by the construction of new roads. So, the moment this honourable House sees that there is more expenditure on forests, that need not frighten the House, because you will get three or four times the amount which you are actually spending.

Then, my honourable friend Mr. Gunjal,—he is not in his seat,—complained of certain privileges which were not given and which were claimed by the minority committee at the time of the Forest Grievances Enquiry Committee's report. But he did not refer to the several advantages which have been given by the Resolution that was issued in July 1927. There are certain difficulties. He claimed that the grazing fee should be reduced. But at the same time, this honourable House will note that as regards grazing, now for the same fee the whole district is made a unit, not a particular village. Then, as regards small cattle they are being exempted. These are the different privileges which are given and what privileges are given to the ryots now is made clear in the Government Resolution. That Government Resolution is being translated, as I said last time, and every man in this presidency will know exactly what his own rights are. There are, of course, other

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grievances, which are still under consideration, and I do admit that there is a representation from the Presidency Association, which is under the consideration of Government. It has been recently received by Government. But, as far as possible, those rights which were considered and conceded, were immediately given. Then, as regards further rights which could be given, Government will consider them and they will be given. As regards the insufficiency of grazing land, information is being collected and also ways and means are being found to increase the grazing plots where they are found to be insufficient.

Then, as regards agriculture, it was pointed out that more money ought to be spent and one or two of my honourable friends asked me as to what I have done as regards the killing of insect pest, and the removing of the insect pest. Now, Mr. President, honourable members themselves know that this year there is a deficit. They are complaining that there is no money, and yet if no such funds are coming forward for objects which are really at the heart of Government, still they are asking Government why that money is not coming forward. Now, I have visited two or three agricultural shows, and what I found was that by improving the Kolamba seed the output of the land is increased nearly 30 per cent. in rice areas ; in the Thana and Kolaba Districts and, similarly, in cotton areas there has been improvement in the quality and an increase in output.

We would like to put as much money as it is possible to get into the improvement of agriculture because agriculture is the main industry of this country, but unfortunately there is a great loss under the head Excise. I will take a separate opportunity of explaining to this honourable House as to how much revenue we have actually lost and whether it is possible or not to counterbalance it in some other direction. So, I submit, Sir, that these were the only criticisms so far as I was able to gather from the speeches of the honourable members which were levelled at my departments, but there was a pessimistic note everywhere. I must remind this honourable House that after all we are human beings, that mistakes are bound to occur and that it is for the honourable House to point out those mistakes.....

Mr. K. F. NARIMAN : Point out the mistakes and get prosecuted for doing so ? (Laughter.)

The Honourable Mr. G. B. PRADHAN : Censure us in your wisdom, but study the facts and figures carefully before, that you may better judge. Of course, the road is long and weary ; we may stumble as sometimes we must ; I invite their hand of co-operation to help us not to spurn us, to guide us, not to mislead us. My request to this honourable House, Mr. President, is that it is for them to offer constructive criticism, it is for them to show where we are erring, it is for them to remember that we are not infallible. I would beg them not to offer merely destructive criticism, because such criticism will not help one way or the other. So my submission to this honourable House is that, as the accredited representatives of the people, they are here to represent the grievances of the people, they

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are here to advise and guide us, and I assure them that any advice which comes from them will be absolutely welcome. But there need not be a pessimistic tone ringing through their speeches.

Mr. W. S. MUKADAM (Panch Mahals District) : Sir, after my entering this Bombay Legislative Council this is the fifth occasion on which I enjoy the privilege to-day of speaking on the general discussion of the budget of this enlightened and forward presidency of the country. I remember to have said in my first speech on the budget in 1924 that budgets satisfactory to the people of the presidency cannot be framed however intelligent and expert the Finance Member may be, unless and until the constitution of this Government is changed for the better. The present constitution we believe is faulty and injurious to the rights of the people. We have found by experience that the system of this Government is pernicious and it is this pernicious system that we want to put an end to. We have observed with great dejection that the change of the colour of the skin of the Finance Member does not bring results satisfactory to the people as the Finance Member has to perform his dance in a chalked-out plan in a compound the limits of which are fixed by Government. The position of the Finance Member is awkward and it is really more awkward when the Finance Member is an Indian, as he has to carry out the policy chalked out by Government, he has to please the people of the country and he has to satisfy his own conscience. Generally speaking, under the present constitution even a patriotic Indian Finance Member is not in a position to manage things to the satisfaction of the people of this presidency on all occasions, but in times of adversities and distress and when the people are under great calamities and famine and flood, an Indian Finance Member with patriotic feelings for the country and sympathetic attitude for his countrymen proves more useful and kind.

Though the budget, which is under discussion, is unsatisfactory and disappointing, I come forward to congratulate the Honourable the Finance Member. I heartily do so but my reasons are quite different from those of other honourable members for this action. Sir, some years back I remember, when the non-co-operation movement was in full swing, I was discussing certain important points with one of the district officers of my district, and I then said to him "your Government budget is nothing else but a form of jugglery." To this he replied very seriously saying "Mr. Mukadam, know it for certain that no nation is fit to rule without expert jugglers to frame the budget" (Laughter.) I now realise the real meaning of that reply. I congratulate most heartily Sir Chunilal Mehta, the Honourable the Finance Member, the expert juggler of the Bombay Presidency (Laughter) for proving to the world that even in an administrative capacity we, Indians, are second to none. Place an Indian anywhere and he is bound to go to the top.

This side of the House has so often brought to the notice of official members and repeatedly requested Government to manage to send copies of the budget so as to reach the honourable members at least

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fifteen days before the presentation of the budget. Unfortunately, all our requests have proved in vain. This indifference on the part of Government shows nothing else but narrow-mindedness on the part of officials. I think the non-officials are perfectly justified in demanding a breathing time from the Government to go through the budget if they honestly want us to make honest criticisms and concrete suggestions.

Sir, I have got some standing grievances of my district which I wish to put before this honourable House for favourable consideration. These grievances are of such a nature that they cannot be narrated before this House at any other time but at the time of the general discussion of the budget. In various ways my poor and backward district is unjustly treated by almost all the departments of Government. If patient hearing is offered to me, I will narrate the grievances in brief as I am sure every one of the honourable members of this House will be convinced of the facts and of the justification for us to raise a voice in this House.

Sir, to the great misfortune of the people of Panch Mahals, my district is considered by Government a fit place as a training ground for new officials to get experience and every new official is sent to Panch Mahals for obtaining experience and training. Officials without experience come to my district to command and rule over the people and go away to other districts to serve when they are trained and have obtained experience. Owing to this arrangement our people do not get advantage of the experienced and trained officers. This grievance is great but greater is the grievance which I now narrate. Government send, as a mark of punishment, to my district, officers and servants who are unfit, disobedient and corrupt. In short, it would not be too much to say that this unfortunate district is practically ruled by such people. I hope Government will listen to the voice of the people and do the needful to redress their grievance.

I wanted to say something about the bungling of the Back Bay Reclamation and the Development Department, but to save time for others, I will do it when the department comes for discussion before this House. When I remember the Development Department, I cannot help congratulating our Council comrade, Mr. Nariman, the hero of Back Bay Reclamation, for successfully proving his case and exposing the Government. Regular readers of the Harvey-Nariman case might be knowing how every day shameful stories of bribes and black deeds were coming out in the court from the mouths of several witnesses. After this exposure of the Development Department I was very keenly searching the columns of the " Times of India " every day for black-bordered news, as I thought, after this exposure, some of the men concerned in the affairs of the department may commit suicide for the sake of self-respect and shame. I am glad nothing of the sort has happened and all are safe to see what steps Government is going to take to set an example to other departments. I hope the honourable member Mr. Nariman will, on suitable occasions, in the Council throw more light on the previous history of the

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Development drama, and put before the people how and why this monster scheme has come into existence and how the speculators were enriched.

Looking to the budget, Sir, we see considerable increase in the expenditure of the police. The Police Department is the department which should not be spared under any circumstances from the bitter bullets of criticism. I would like to know definitely from the Government, as a representative of the people, whether this increase in the expenditure is made because the police is insufficient or the police is inefficient.

The Honourable Mr. J. E. B. HOTSON : Will the honourable member allow me to say that there is no increase ? There is an apparent increase owing to a change in the arrangement of the budget ; there is actually a decrease.

Mr. W. S. MUKADAM : Sir, I have observed and experienced and with great regret I declare that the police in the mofussil is inefficient, and they are not used for the purposes for which they are meant. The chief work of the police now-a-days has become to harass the public workers, to threaten the supporters of national feelings, to try to create divisions and sub-divisions in the cities and districts, to watch the movements of political workers, to attend meetings and send exaggerated reports of public activities, to go to prominent men and public workers to get information as to how many guests they have entertained and their whereabouts, to go to the station and note down what public men have left the place and where they are going, and in short to try to put down any sort of activity that would bring public or national spirit in the people. I find the police are perfectly indifferent to the cases of thefts, dacoities, loot, burglaries, *badmashism*, assault, etc. In villages, and particularly in the villages of the backward districts, it pains me much to say that the police, instead of proving a protection to the people, have actually sucked the blood of the poor. An ordinary constable of the police thana in the village behaves like a tyrant king and a luxurious lord of the land. He harasses the people in any way he likes ; he creates in villages such a panic that the most respectable merchants even dance attendance on him to satisfy his whims. Unfortunately, Government have given paramount power to the police, and to our utter regret they are misusing the power. Sir, I have got a number of instances of my district in my record to prove that the Police Department have proved a terror to the people. Sir, when we take these cases of police harassment to the high officials of the district, I have seen that they feel themselves in a fix. They understand the situation and get themselves convinced of the facts inwardly, but false departmental prestige stands in the way and keeps them at a distance from justice. Sir, I admit we do require sufficient police for our protection, as this Government have made us so weak, meek and feeble as to make us depend for self-protection on others. Even under the present circumstances, I would like to know from Government whether they are prepared to give us a guarantee for the protection

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of the poor and the weak and the protection of property. Sir, glaring instances of thefts committed just near the police chowkies at Godhra, the capital of my district, are still standing before my eyes, as fresh as they were before. If proper and strict and impartial supervision is kept, I think everything would come to a proper position.

Now, Sir, I touch the most delicate question, and that is the system of land revenue. The system of land revenue of this Government is faulty, defective and troublesome. It works very hard upon the poor agriculturist. Experienced men like the honourable member for Kaira (Rao Saheb Dadubhai Desai) and the honourable member for Surat (Mr. Shivdasani) have so often suggested various methods for the improvement of the system, to make it advantageous to the people. Representatives of the people of different districts and constituencies have requested Government times without number to make a considerable change in the existing land revenue system, but no attention is paid to them. It seems Government have decided to stand stern in this matter of vital importance—a matter on the strength of which the whole Government stands and moves. The bureaucracy, in this question, have become so proud and pedantic that any valuable suggestions by men of experience, position, prestige and responsibility are thrown in the waste paper basket.

Sir, I think it is my duty, as a councillor of Gujarat, to draw the attention of this Government to what is going on at Bardoli in the Surat district. I believe Government must be now in possession of the facts and figures regarding the Bardoli Satyagraha through their secret and open agencies. But I am not going to take up the time of the House by repeating what my honourable friend from Surat has said about Bardoli. I stand here to sound seriously a note of warning to this Government. I think I am in the right when I say that Government have committed the greatest blunder in driving the people of Bardoli to offer Satyagraha. Sir, it is not yet too late to mend matters. I know the strength of this Government. They wholly and solely believe in brute force and depend much on the batteries and bayonets of their soldiers. But, Sir, remember my words, that the discontent of the people has brought mighty powers to their knees. Sir, I would request Government not to unnecessarily tease the people of Gujarat. I believe if Government do not show the least inclination of a reasonable attitude in this mater, the workers of different parties and of different views, forgetting their differences, will muster strong at Bardoli under the banner of Mr. Vallabhbhai Patel to fight the cause of the agriculturists.

Major W. ELLIS JONES : Sir, the budget of the Bombay Presidency has been presented and the Honourable, Sir Chunilal, the Finance Member has earned the sympathy and appreciation of this House, for his efforts to present to the presidency a budget which will balance, in spite of the floods which affected the presidency and of a year in which trade has been poor and depressed. But, Sir, the Cotton Trade is disappointed that Sir Chunilal, neither, in his introductory speech, nor, in the Blue

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Book, gave any indication, any hint as to when that most inequitable tax, the Town Duty of one rupee per bale on cotton was going to be removed, or if not removed, at least reduced. The honourable the Finance Secretary in the Blue Book in reducing the estimate of the receipts from this tax, calmly states that the reduction is due to trade depression. Sir, I have to state that the tax is responsible for the depression and I would ask the Finance Department to go into this question.

Sir, the tax is inequitable in its incidence, for instance cotton from Bengal is taxed at the rate to-day of one rupee per 150 rupees of value, whilst cotton from Nawsari is taxed at one rupee per 230 rupees of value.

The Cotton Textile Enquiry Committee under Mr. Noyce recommended that at least half the tax as levied on local mills should be refunded but this, Sir, does not go far enough. The Port Trust in a memorandum on the falling off in the trade of the Port of Bombay in 1926 state as the first cause " the terminal tax of one rupee per bale on cotton " and they state further that one of the remedies, in fact " the first remedy beyond their own control," " the replacement of the terminal tax on cotton " and its replacement by some more equitable from of " taxation."

Sir, since this tax was first levied, the Government had received from the Cotton Trade in nine years over 2¼ crores of rupees. When the tax was levied it was for the benefit of housing the industrial portion of the population. Sir, the total cost of the Housing Scheme is not four crores, so that the Trade has more than paid its quota, but by a system of accounts we find that the sum taken from the Cotton Trade barely suffices for interest on the Housing Schemes. Sir, is it right that the Cotton Trade should house all citizens of Bombay ? Further from the Blue Books we find that from this tax other schemes were financed. Under these circumstances, I would ask on behalf of the Cotton Trade that as soon as possible, this encumbrance be removed.

When this tax was levied things were booming in the Cotton Trade. To-day they are depressed. Every anna must be accounted for and as a result of this tax many sources of revenue to the Government are to-day being closed, cotton is diverted to other ports, cotton being held up-country, so that the sums which we would be receiving in Bombay for handling this commodity are lost to this City and I hope that the Honourable, the Finance Member will give some hope to the cotton trade that whilst circumstances do not to-day warrant the removal or reduction of this tax, he will give some assurance that this tax will sooner or later be abolished before the damage to the trade is irretrievable..

Mr. K. F. NARIMAN (Bombay City, South): Sir, I stand here with great hesitation and reluctance to go through the annual formality of the criticism of the budget. I think that this kind of criticism would not do any benefit either to the Government side or to the non-official side. I find that extreme indifference is exhibited, instead of enthusiasm, by the non-official side, which is not surprising to me. This indifference

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is not due to the fact that members are not alive to their sense of responsibility or that they they do not realise the importance of the subject. As my honourable friend Mr. Mukadam put it, the members have become so sorely disappointed at not seeing any chance of improving matters by their efforts that they have as a last resort become indifferent. As my honourable friend Mr. Mukadam said, this is the fifth or sixth time that I am standing before this House trying to offer my suggestions. It has been our sad experience that the suggestions that we have made and the criticism that we have offered have absolutely fallen on deaf years and the time and trouble we have taken in going through these volume is a waste of private time of the members as well as the time of this House. Still we take this opportunity of offering a few general criticism not with a view to improve matters, because it is beyond redemption but simply to ventilate our grievances. That is the only object with which I rise. Last year when the Honourable the Finance Member presented the budget, although it was disappointing, there was excuse, because that was the first year he presented the budget. We hoped with a little more time and a little more experience during a period of 12 months, he would be able to make a better presentation. This year we have had the presentation of the budget. I personally never anticipated for a better state of affairs and so I am not at all disappointed. If the Honourable Sir Chunilal Mehta, who, as my honourable friend Mr. Mukadam described, belongs to a community that is well known for its business sagacity and for its adeptness in accountancy and economy, is not able to improve the financial situation of this presidency then I repeat again the situation is absolutely hopeless.

Now, I will deal with the financial situation so far as this presidency is concerned. If we look at the figures we cannot imagine where we are drifting. It is not only the financial position of the Government of Bombay : but look at all the important institutions directly or indirectly under the control of this Government. It presents the same tragic picture everywhere. Look at the budget of Bombay corporation, the Improvement Trust and the Bombay Port Trust. Everywhere the same tragic picture, the same stereotyped picture, enormous liabilities enormous sinking funds and deficits—the same stereotyped affair everywhere. When we seek to know the causes, those who are responsible try to evade the real causes. They attribute it to some superhuman causes and shift the responsibility on something else, such as the general trade depression or unfavourable climatic condition and other excuses. The authors of this tragedy try to shift the responsibility to some natural causes over which they have no control. If we try to go into the causes we find that we cannot exonerate the members on the official benches ; and that these causes attributed to by them do not stand. The present condition may partly be due to a small extent to natural causes, but it is very remote. We have to consider the other causes which have reduced this presidency to a state of absolute bankruptcy. No one should delude himself with the causes put forward by Government benches. But we have to examine and find out whether these causes exist in this

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presidency or all over this country and the other parts of the world. We know that there is trade depression all over the world. At least in this country, you cannot differentiate between this presidency from the sister presidency of Bengal in regard to trade depression.

The same is the case with regard to climatic conditions. The same condition prevails all over the country. If these are the causes leading to financial disruption and financial calamity, we should expect the same state of things in other presidencies, because there is no difference so far as the system of administration is concerned, method of administration is concerned, and even so far as the kind of persons responsible for the administration is concerned. In these respects the state of affairs is practically the same. Why is it, then, that this presidency alone has been drifting into this position, whereas other presidencies similarly administered are not ? Sir, I think the Finance Secretary cannot contradict the fact that the outstanding feature of the financial condition of this presidency is that this presidency is the most heavily taxed presidency in the country and has got the heaviest debt of all the presidencies. All the other provinces of India put together do not have as much debt charges as this presidency. These are facts which the Finance Secretary cannot contradict, because you cannot juggle with facts, you may juggle with figures here and there. Neither the Finance Secretary nor the Finance Member dare deny that this presidency is the most heavily taxed presidency and has the heaviest debt charges. Still, if we look to the condition of the people—this state of affairs can only be justified if in proportion the comforts, conveniences and amenities of the people have improved —if we look to the condition of the people, can even the best advocate of the Government of Bombay tell the people that the condition of the people of this presidency is in any way better than the condition of the people in other presidencies of India ? If you examine the condition of the people very closely—honourable members coming from the districts will tell you— the condition of the farmers of this presidency is not a jot better. If you go into their economic condition, they are in much worse condition than people in other parts of India. Then, what is the justification for this presidency incurring an enormous amount of debt and inflicting such heavy taxation without giving any return, return in the sense of comforts, convenience and happiness to the people of this presidency ?

Now, I will refer to the real reasons for this state of affairs, I know the Honourable Member (the General Member) may say that I have a peculiar bias or prejudice in my mind in regard to his department. But I earnestly state, and state with all my responsibility, that the only difference between this presidency and other presidencies, so far as their financial affairs are concerned, is the one which has been referred to only very cursorily by various speakers, namely that this presidency is the only presidency which suffered the development craze, whereas other presidencies were exempt from it. That is the only difference we find between the affairs of the other presidencies and this presidency. I would not attribute the financial calamity of this presidency entirely to that cause,

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but it certainly began with that, and I think it has been developing with the Development Department. I ask honourable members to consider the position from that standpoint and not consider that the criticisms I make come from a very biassed mind. I do clearly believe that the difficulties of this presidency started with the starting of the Development Department, and they are going to develop more and more until we do not know where they are going to lead us to. As regards this budget also I am going to point out how this Development Department is affecting the finances of the presidency, but before I do so, I want to ask honourable members who have presented the budget to say if they have been fair to this side of the House and if they have placed before us all the cards. Or is it all a jugglery of figures ? Every year I have been asking and I ask this year also, where is the Auditor General's report for the year which we are considering, where are the Accountant General's remarks ? The Finance Committee that is sitting is sitting only to consider accounts affecting amounts already spent without any capacity of saving a rupee. But apart from this report which may come in due course, have they placed all facts and figures before the honourable House after considering which only the honourable House can pass judgment ? We know it—and I am in a better position now to state that than before that only such facts and figures are brought before the House as suit the Honourable the Finance Member or other Honourable Members. Those facts and figures from their own records and books they will not produce, which are detrimental either to their prestige or to their position. I can point out several instances of facts and figures which in the ordinary course should have been before the House for its consideration before passing a judgment, but which have not been placed before the House deliberately. Now, Sir, you will remember that for the last so many years I have been, clamouring—and clamouring in this one direction only so far as I am concerned—I have been clamouring in the wilderness to turn your attention to the Development Department. The wound which has been injuring this presidency you will find there ; it is that wound that has to be healed. My honourable friend the Minister just now stated " Offers of constructive criticism we are prepared to have ; do not offer destructive criticism ; offer some constitutional agitation ; we are prepared to have it." I wish to ask the Honourable Minister, who has given us a bit of advice, what has been the position of a constitutional agitator and a constructive critic like myself. So far as the Development Department is concerned, I will ask my worst enemy in this House, or outside whether he could charge me with having ever offered any destructive criticism, having ever travelled beyond constitutional limits of agitation. I tried every means that the constitution gave me to have an enquiry started into the affairs of the Development Department. What was the demand of the House from 1924 ? It was merely to enquire into the affairs of the Development Department. The demand was addressed to those who were responsible for wasting—no, I would not say wasting, but spending—for spending 30 crores of rupees. It was merely a demand for enquiry into the affairs of the Development Department

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It was a very constitutional move ; a formal resolution was moved in the House ; it was debated and passed although honourable members on the other side of the House tried to canvas as many votes as possible. Yet what was the fate of that resolution ? What was the fate of that constitutional agitation ; what became of the constitutional agitator ? The Honourable Member in charge, under instructions or otherwise, stated that there was nothing to be enquired into, everything was all right ; it was merely a political stunt of the Swarajists ; it was merely playing to the gallery.

In 1923 when we asked for an enquiry to be made into the Development Department affairs, we were refused to have that enquiry. The Honourable Member declared to this honourable House that there was nothing to be enquired into. That was the compliment received by the agitators—the constitutional agitators—at the hands of the responsible members of Government. But I may submit, Sir, that at the same time, when the non-official members were asking for an enquiry, a tussel was going on in the secret chambers of the Government themselves over the Development Department. This was going on between the Deputy Financial Adviser appointed by the Government of India and the Officer in charge of the Department. If that is the case, it is not unnatural that the agitation would go on outside this House. In 1923 the Deputy Financial Adviser appointed by the Government of India was clamouring for the bad state of affairs of the department. He knew the records of the Government, but the public outside, without knowing the private records of Government, were also clamouring for an enquiry and still no heed has been paid to their demand. In this connection, Sir, I will refer to a few documents—documents which the Government cannot now controvert. They have been produced before the public and I think there is now no objection to refer to those documents. You will find, Sir, that in 1923 the Deputy Financial Adviser stated that he was disgusted with the state of affairs prevailing in the Development Department. He, therefore, sent in a memorandum, practically an ultimatum—in which he described the state of affairs of the Development Department as " intolerable." He stated further that " unless the affairs of the department have been improved, we cannot pull on further." That is the memorandum which was submitted by a responsible officer of Government. That was the situation in 1923, so far as that particular department was concerned. There is no such irresponsible department as the Development existing in this country as well as in any other country in the world. In that department all the rules and regulations and even the Government Resolutions passed in this honourable House are not observed. All these rules are not, it seems, applicable to this department in particular. All the officers in this department, who were expected to report the best way in which this department can be managed, were only mindful of one fact, and that is how to increase the loans and private profits.

Now, Sir, when the attention of the Government was drawn to this state of affairs by their own responsible officer, Government did not

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take any notice of that fact. Government knew that there was something wrong with the department, and still when the non-official members asked for an enquiry, Government bluntly told them " the affairs of the Development Department are all right, there is nothing wrong." Sir, I would refer my honourable friend (the Honourable Sir Cowasji Jehangir) to the memorandum, dated July 1923, received by Government from the Deputy Financial Adviser. In that memorandum he has criticised the persistence of the executive officers of the Development Department in purchasing stores locally in contravention of the standing orders....

The Honourable Sir COWASJI JEHANGIR: Will my honourable friend tell me what that document is about ?

Mr. K. F. NARIMAN: It is with regard to purchase of stores. Therefore, I say, Sir, I say deliberately that the Government members are directly responsible for all the losses of the Development Department. I would not in any way hold them responsible for this before 1924. But after that time,—after the attention of Government was drawn to the state of affairs in the Department—I submit that they are wholly responsible for the losses. The Government members knew that there was something wrong with the department and still they refused to grant the request of this honourable House for a public enquiry. If they had allowed to hold public enquiry into the affairs of this department, I am sure a large amount would have been saved. The Government wanted to save their prestige by not holding an enquiry, but ultimately they were not able to save that prestige. Their prestige has already gone. If they had granted an enquiry, at least they would have been able to save public funds. But now they have lost both.

Government members knew the state of affairs, and therefore they were trying to evade answers to questions put from this side of the House. Sometimes Government members were making statements in this House, which we were asked to take as gospel truth. If any honourable member were to say that he did not believe in the statements made by Government members, I am sure he would have at once been pulled by the Chair. But now what do we find ? We find that those " gospel truths " have now turned out to be " satanic lies." (Laughter). Not only this House knows but people outside this House also know that some statements made about the Development Department were not true at all. That is the position, Sir, of the constitutional agitation which I may show, with due deference to my friend, the Honourable Minister (the Honourable Mr. G. B. Pradhan), who is a strong student of constitutional agitation. (Laughter.) That position, I may submit, drives a constitutional agitator to an unconstitutional agitation. So, you will observe, Sir, that all our efforts of constitutional agitation have failed. Our demand for a public enquiry into the affairs of the Development Department had nothing to do with any agitation of the political nature ; it had nothing to do with the Swaraj Party or any other party. It was simply because we wanted to save public funds, which were wasted over a department without any chance of success.

The Honourable the PRESIDENT: The honourable member has already exceeded his time-limit by a few minutes. At any rate I may tell him that he cannot go on after 4 o'clock, when the House has to adjourn for tea.

Mr. K. F. NARIMAN: Sir, I shall now take only three minutes to finish my speech. I know I shall get several other opportunities to speak on this particular subject. But, Sir, looking to the budget, what do we observe? We find that Rs. 50 lakhs have been estimated in the current year's budget to feed this white elephant. Mind, Sir, Rs. 50 lakhs every year has to be spent after this item. Is it not waste of public money, when there is starvation in the country? Of course, the Honourable Ministers will not feel this because they are receiving fat salaries and they would not feel starvation. (Laughter.)

I, therefore, appeal to the Honourable the Finance Member as well as the other honourable members of this House to turn their attention to the right direction and try to save Rs. 50 lakhs, which are annually spent after the Development Department without any ghost of chance of success. I have already exceeded my time-limit and I do not wish to go on any longer for the present.

(*After recess*)

The Honourable the PRESIDENT: Order, order. Swearing in of new members.

Mr. W. B. Hossack then made the prescribed oath of allegiance to His Majesty the King-Emperor, and took his seat in the Council.

Dr. M. D. GILDER (Bombay City, North): Mr. President, so far, during the last few days' discussion on the budget, clouds have gathered and burst over the south end of the Government bench, where, according to the answer given to a question to-day, the members of the Cabinet in charge of the transferred departments are perpetually seated below the members of the Executive Council. Most of the clouds have burst on the head of the Honourable the Finance Member, and his imperturbability and nonchalance remind me of events more than a quarter of a century ago when we were both in college and he led our teams in the field of sport. He showed the same apparent nonchalance, but behind that nonchalance there was always a shrewd summing up of the situation and a shrewd judgment of the capabilities of the different actors on the scene.

Coming now, Sir, to the north end of the front Government bench and starting with the lowest member of the Cabinet heirarchy, according to the honourable member (the Moulvi Saheb), we were told this afternoon by that Honourable Minister not to show a mood of pessimism in our speeches. Now, can there be anything else but pessimism when during the budget debate last year, though the Honourable Minister was asked repeatedly to define his policy with regard to prohibition, he spent the time in answering minor objections and never told us anything of what he was going to do or what his efforts to carry out the policy of prohibition were to be? Then, Sir, talking of pessimism, if you look

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at the report of his department, can anything be more pessimistic than this ?

" The difficulties in this Presidency of enforcing prohibition are really stupendous and difficult to realise. "

There is a note of pessimism for you, Sir. Then, further on you find this sentence :

" Prohibition must come from within and not without. "

When I read that, I was not sure in my mind whether any official of a sovereign legislative body would make a remark like that, when the legislative body had definitely declared for prohibition. But what can we do ? We are not a sovereign legislative body. In the words of the music master we can hardly be called a demi-semi-demi sovereign body. Sir, if we were a sovereign legislative body, I might draw the Honourable Minister's attention to what might have happened if we were a sovereign body electing our own ministers. In the report of the Finance Committee there is a statement by one of the honourable members who says that prohibition is possible in this presidency and the cost of that will not exceed Rs. 60 lakhs. As a sovereign legislative body able to elect its own Ministers would not that body have put in that man as Minister, and not a man who would not give out his policy ?

I admit, Sir, that as regards prohibition, we have advanced far beyond what was the situation several decades ago. For instance, the Collector of Thana, when the temperance movement spread in this presidency, wrote something like this :

" Should we sit quiet and allow the movement to continue and thereby forfeit a lot of revenue, or are measures to be adopted which will bring the people to their senses ? "

Sir, so well was the lesson taught and learnt then that even to-day in the Prohibition Committee's report you see to-day a diagram and the constituency from which the Honourable Minister comes (Thana) is painted dark brown and is one of the most paying customers of the Excise Minister himself.

Sir, the rationing system introduced several years ago by the honourable gentleman who is now the Leader of the House has succeeded to certain extent, especially when there has been liberty to the licensees to practically charge whatever they like. So far as country liquor is concerned, the prohibition progress is good. But what is it as regards foreign liquor ? Can we be anything but pessimistic on that matter ? Wherever we may go, we find that the consumption of foreign liquor, and particularly of cheap foreign liquor, has increased. We must remember, Sir, that as regards country liquor the monopoly belongs to the Government. But as regards foreign liquor, the profits all go to the foreign manufacturer. That is another point which we should remember, and as I said in my speech last year, when I drew the attention of the Honourable Minister, the Government of India has given him full powers in their orders on the Excise Committee's report to limit the number of shops as he likes and to charge whatever fees he

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likes for the licenses. I trust that when he speaks about prohibition, he will give us some idea of what he intends to do in future, as regards foreign liquors ?

On the postage stamps on letters that we receive through the post the Government of India put a stamp " Support Indian Industries." I notice there was a question on that point in our second question list, but just see how the Government of Bombay is supporting Indian industries. Turn to page 268 of the Blue Book. Item 48 is purchase of cots for the Central Mental Hospital, Yeravda, Rs. 3,472. Nobody can object to the purchase of cots for Mental patients though I wonder whether the Honourable Minister knows what several medical men know, namely, that such patients not being accustomed to the use of cots, are often found sleeping underneath the cots, not on them. But read the last line, the amount has been put in the High Commissioner's budget. Cannot Indian industries even make beds for Indian lunatics ?

Look a little further down and come to item No. 51—purchase of furniture for the maternity ward of the Civil Hospital, Belgaum, Rs.1,160. This sum has been provided for in the High Commissioner's budget. My friend here tells me that this is an attempt to impress loyalty on the mind of the child at its very birth by surrounding it with furniture of British make. When we were talking about the expenditure of this department in the October session we were told by the honourable member the Secretary of this department, that Government have got experts in their departments and that these experts advise them ; and this is, I believe some of the advice that they received from their experts. Their experts consist mainly of members of the Indian Medical Service—a service in which there is a separation of posts reserved for Europeans and Indians, the only service in which Indians are not considered fit to hold posts reserved for Europeans and a service which even at this time of day in the Bombay Presidency is seeking to perpetuate this rank inequlity. Not only that but even when the service is withdrawing it is burdening us with expenditure. Look, Sir, at the Civil List under the chapter giving names of professors of the Grant Medical College. You will find that some of those posts which were held by the Indian Medical Service men in former days and which have been given to their nominees are getting Rs. 1,000 for what ? For the work that is being done by other men of equal qualifications and equal capacity for Rs. 300. You will find some men with first class European degrees receiving not more than Rs. 300 and you will find others with degrees and diplomas not at all comparable with these European diplomas doing comparatively less work and getting Rs. 500 and more. The Honourable Minister has got a chance now. There is a post so far belonging to the service which will now be thrown open to Indian medical men. I hope that when that post comes up for consideration, the Honourable Minister will consider the question very seriously and appoint an Indian to hold it, after inviting applications. The man who administers the J. J. Hospital gets, I believe, an allowance of Rs. 150 or Rs. 200, and that is a point he should keep in mind in fixing the pay of this post.

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Then look at the stores indents, indents for medicines, indents for instruments. I can tell you to-day that there exists in the Physiological Laboratory of the Grant Medical College an instrument which cost more than 400 pounds sterling. It was indented before the War. That instrument has not been used once. A similar instrument was ordered and has arrived in the Goculdas Tejpal Hospital. That instrument has not been used more than half a dozen times in the case of half a dozen patients. Sir, if this is not extravagance, I should like to know what is, and I should merely sound a note of warning to the Honourable Minister that he should do well not to depend on his " experts " especially after we have known how the Honourable the General Member has fared as the consequence of his depending on the advice of " experts " in another department.

The Honourable Sir COWASJI JEHANGIR : Mr. President, I do not propose to take up more than seven or ten minutes of your valuable time, and I would not have ventured to speak on the general discussion of the budget had it not been for certain remarks made by my honourable friend Mr. Nariman which I think require immediate contradiction.

My honourable friend Mr. Nariman charged Government just now with neglecting to take his advice to appoint a committee, and he said that if we had appointed that committee things would not have been as bad as they are. He further stated that at that time, in October 1924, when he moved that resolution Government were aware of the very muddled condition of the Development Department, and, to prove his statement he said that he had documentary evidence. I must confess that I was not aware of what documentary evidence he had in mind, but luckily enough I have had half an hour of the tea interval to be able to produce that document and here is the documentary evidence that he evidently had in mind. It was a controversy between the Superintending Engineer and the Audit Officer not in his capacity as financial adviser but as audit officer, and they seem to have come to somewhat strong language between themselves on a certain point. The point was, whether the Superintending Engineer should apply to Government for the purchase of a certain article. The Superintending Engineer was of the opinion that he had the power but the Audit Officer was of the opinion that he had not, and over that they came to fairly—I wont say " strong language "—but unusual language. In connection with this the Audit Officer said that the position had become " intolerable." He did not apply the word intolerable to the financial position of the Development Department but he applied the word intolerable to the position between himself and the Superintending Engineer on that particular occasion. I was rather startled when my honourable friend said that the Deputy Financial Adviser had stated that the financial condition of the Development Department so far back as January or February 1923 was intolerable. The word intolerable applied to the criticism of the Superintending Engineer on the action of the Audit Officer.

[Sir Cowasji Jehangir]

Now, Sir, this is the documentary evidence which my honourable friend Mr. Nariman has made so much of. These are the facts and I place them before the House.

I will now come to this committee that my honourable friend moved for appointment in this House. I will take honourable members back a little further than that. It was in the August session of 1924 that my honourable friend Mr. Lalji Naranji tabled a resolution for the appointment of a committee. Unfortunately the resolution got crowded out and it was not moved, but seeing the importance of that resolution, Government immediately sent it to the Advisory Committee which was then in existence, as a special reference. I will read out the resolution tabled by my honourable friend Mr. Lalji Naranji :—

" In view of the conclusions arrived at during the period of War boom that the land available in Bombay was inadequate having proved erroneous, this Council recommends to Government that a Committee with a non-official majority be forthwith appointed to enquire into the activities of the Development Department as to how far and in what directions such activities should be continued or eliminated..... "

That was a part of the resolution tabled by my honourable friend Mr. Lalji Naranji, which Government accepted without the vote of this House and sent as a special reference to the advisory committee which was in existence at the time. On the 24th of October 1924, my honourable friend Mr. Nariman moved the following resolution, and I would like honourable members to hear it :

" That a committee consisting of 12 non-official and elected members be appointed to enquire into the whole administration and working of the Development Directorate, to suggest ways and means of effecting retrenchment, and to report on the advisability or otherwise of continuing the scheme taken in hand ; that the Development Directorate be requested to co-operate with the said committee and afford all facilities and help in conducting the said enquiry and in making the said report ; that an independent officer or expert be appointed to help the said committee. "

Now, Sir, I ask, what is the material difference between the two resolutions ? I have read them over and over again very carefully ; I have read them when my honourable friend moved his resolution ; I have read them out to the honourable House now, and I ask, except in one line at the bottom, where the assistance of an independent officer is asked for, what is the material difference between these two resolutions ?

Mr. K. F. NARIMAN : Investigation into the past.

The Honourable Sir COWASJI JEHANGIR : So also did the honourable member Mr. Lalji Naranji's resolution require an investigation. Government informed the House that they had accepted the honourable member Mr. Lalji Naranji's resolution. But it was pointed out by certain honourable members that the advisory committee as constituted at the time did not contain representatives of this House in as large a number as they would like. I promptly said that Government would be only too pleased to consider the addition of any number of honourable members of this House to the advisory committee, and during the discussion, of which I have got a report before me, several names were suggested ;

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but I am afraid there was a little bit of misunderstanding on the opposite benches as to which names should be suggested, and by the time we nearly went to the vote I was suddenly told that the names that had been sent to me on a piece of paper were acceptable to the opposite benches. There was no time to consult; I promised to do my best to include the names on the advisory committee, but the resolution was put to the vote and my honourable friend Mr. Nariman carried the day by four or five votes. Within four days of the passing of that resolution—the resolution was passed on the 27th October—on the 31st of October, my honourable friend Mr. Nariman and the honourable members suggested by the opposite benches were offered seats on the advisory committee. I have now shown that the resolution which was submitted to the advisory committee was, for all practical purposes, the same as the resolution moved by my honourable friend.

An Honourable MEMBER: Question.

The Honourable Sir COWASJI JEHANGIR: It is for you to decide, and I am ready to leave the two resolutions on the table of the House for comparison by any honourable member who will look at them in a fair and impartial manner. My honourable friend Mr. Nariman and other members were offered seats, but I am sorry to say he declined the invitation.

Mr. K. F. NARIMAN: Why?

The Honourable Sir COWASJI JEHANGIR: I have got his letter in which he has stated the reason why.

Mr. K. F. NARIMAN: The advisory committee had only advisory power, whereas I wanted a committee to investigate.

The Honourable Sir COWASJI JEHANGIR: The Committee suggested by Mr. Nariman was also only advisory. I have placed both the resolutions before the House, and I would ask honourable members to judge as to the difference. My honourable friend Mr. Nariman's refusal has been put in two or three foolscap pages.

Mr. K. F. NARIMAN: The committee was only an advisory committee, with no power to investigate, and therefore I refused.

The Honourable Sir COWASJI JEHANGIR: The committee suggested by my honourable friend was also advisory. He said the committee was to report. My honourable friend Mr. Lalji Naranji's resolution also wanted the committee to report. Both the committees could only be advisory. Government could not possibly appoint a committee of this House to take executive action, nor does the resolution of my honourable friend Mr. Nariman suggest it. Therefore, my position is perfectly clear, as far as the accusation placed before this House by my honourable friend that he was not given an opportunity is concerned. I contend that Government gave him ample opportunity on that occasion. It was for the honourable member to accept or refuse; he refused it. We could do nothing but accept his refusal, and nobody regrets it more than myself that my honourable friend did not serve on that advisory

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committee, for it was that particular advisory committee that made that well known report on the Back Bay reclamation, and showed Government and the public what losses there were on the project. That was the committee that actually made the report; that was the committee on which my honourable friend had a chance to serve, and that was the committee on which my honourable friend could have done valuable work. I regret that, for some reason or other, he did not avail himself of the opportunity we gave him, and I say nobody regrets it more than I do. Well, Sir, that is the position so far as the speech of my honourable friend to-day is concerned. I will not take up the time of this House any further. I have just answered the point that my honourable friend placed before the House. I trust we shall have the pleasure of hearing him again. I am ready to discuss the matter further. In the meantime, I have only explained the two points that my honourable friend raised before the House.

Mr. K. F. NARIMAN: On a point of personal explanation, Sir. The Honourable the General Member has made a statement, and in fairness to myself and to the House I might be permitted to state that I did not join the committee because it was only an advisory committee. When I asked that extended powers should be given to the committee to investigate, it was refused by Government, and therefore I refused to serve on the committee.

Mr. M. D. KARKI (Kanara District): Sir, the more I read the budget and the more I hear of it, the more I become convinced of the bankrupt state of this presidency, in spite of the speeches delivered by many honourable members to the contrary. To begin, Sir, it has become a habit with the Government of Bombay to present a deficit budget. What does this show? It shows, in my opinion, lack of administrative wisdom in those who are responsible for the administration of this presidency. Not only is there a deficit in the budget, but there is also a decrease in the balances. To make at least both ends meet should be the motto of a person, whether private or public, but Government have shown that it is wanting in that. Sir, it is said, and rightly said that, to live upon balances, is not a wise policy of a good government. The Bombay Government has actually been living on the balances, and so the policy adopted by the Government is not at all wise. The result of all this is it seems to me that the progress of this presidency is not possible under the existing circumstances. The Members of Government state that money bills should be passed in order to have more money for their administration. The taxable capacity of the people of this presidency has however already been exhausted, and no more taxation is possible. Even if we tax ourselves further and more money is realised thereby, there is no certainty that that money will be applied to the welfare of the people at large. Then, what measures should be adopted if we want real progress in the right direction, without taxation. The only answer that suggests itself is that there should be retrenchment. Many honourable members who have spoken before me have suggested the ways in which effective retrenchment can be effected.

[Mr. M. D. Karki]

I am not going to repeat the same but I wish to add one more with regard to it. We all know that the expenditure incurred on the Forest Department is extraordinarily heavy. If we refer to the figures in statements II and III in the Blue Book and strike a mean by working them out we will find that Government are spending an amount of Rs. 40·25 lakhs for obtaining a revenue of Rs. 29 25 lakhs in the Forest Department. The administration of this department can be carried on even by Revenue Department agency without spending such a large amount of money on forest establishment. It is said that the forests of our presidency would yield immense revenue in future. Under the present circumstances I would suggest that it is a myth. The forest officers hold out false hopes to justify their existence and nothing more. In this department I submit that retrenchment can be very effectively carried out. The Chief Conservator's post which was created in recent years was proposed for being abolished by the retrenchment committee appointed during the life-time of the second Council of this House, but Government did not see their way to abolish it and effect economy. Besides the post of the Chief Conservator's post there are other posts similar to it. Kanara, for instance, is divided into five divisions for purposes of forest administration. These five posts are not necessary now. They might have been necessary at the time when they were created. Now more or less they have become posts of enjoyment and merry-making. For the purposes of revenue administration Kanara is divided into two divisions. Now, I submit it is not necessary to have the five divisions for forest administration. It is sufficient if we have only two divisions, just as in the case of the Revenue Department. If three posts of divisional forest officers in Kanara are abolished there will be a lot of saving. Besides, the pay of the forest establishment has been increased since 1921 and I would submit that the increase in the pay of the officers should be done away with. In this way if retrenchment is effected, that is, if the post of the Chief Conservator and the three posts of the divisional conservator of forests are abolished and the increase in the pay of the establishment is done away with, there will be a saving of thousands of rupees. It may be said that the abolition of these posts and the reduction in the pay will impede the progress of forest administration and that the creation of the chief conservator's post, etc., has added to the forest revenue. I humbly submit that in spite of the creation of that post and the increase in the pay the revenue in the ordinary course would have increased. The chief conservator of forests does not do any remunerative work. All his work is confined to inspection and touring. The forest administration is now simply to work out schemes strictly in conformity with the policy laid down by Government—forests are to be exploited and regenerated. These are the two main things to be done now. So, such a heavy estalishment involving an expenditure of such a large amount is not necessary. It is stated that the forests are a great asset to this presidency as they contain valuable produce. I submit that this is simply an illusion and can never be realised. The accessible portion of the forests contains no valuable produce. The rich and valuable portion

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of forests are inaccessible. To exploit it the construction of roads and railways involving heavy expenditure will be necessary. Even if we construct roads and railways at great cost the cost of extraction of forest produce from that region would be more and its price would be higher than that of timber imported from other countries. Therefore I submit that the promises given by the forest department are not real promises and that the expected revenue from the forests will not be such a big amount as has been promised by them.

The Honourable the PRESIDENT: Order, order. I am sorry to interrupt the honourable member. Honourable members will see that they will have to adjourn at 6 o'clock and give some time to the Honourable the Finance Member for his reply. So, between that and now there are only a few minutes. There are still a few more speakers. I therefore request the honourable member to finish his speech quickly. Ten minutes only would thereafter be given to such honourable members as may get a chance.

Mr. M. D. KARKI: I join my honourable friend Mr. Angadi in stating that the grievances of Karnatak have not been heard by Government. It is a pity that the question of Kanara stands unsolved up till now. His Excellency, the present Governor, visited Kanara twice in his regime—once in the year 1925 and once more in 1927. As it was a private visit in 1925 no address was allowed to be presented to His Excellency; but I had an interview with him. On that occasion His Excellency remarked that Kanara was a lovely country and that her ports were beautiful. In the year 1927 I however managed to present an address to His Excellency by the spice gardeners of Sirsi, Siddapur and Yellapur talukas at Sirsi. Grievances were represented with regard to land assessment, forests and sanitation. His Excellency after his arrival in Bombay informed me that the matters referred to in the address were referred to the Honourable Ministers and the Honourable Member in charge of departments to which the matter related. I am sorry to say that nothing has been yet done and it is not known whether anything would be done. The Honourable Minister told me to-day only that steps have been taken to have the grievances redressed. I do not know how far progress as been made.

We suggested to His Excellency that the various recommendations made by the non-official members of the committee appointed in 1925 should be fully and effectively given effect to. And unless and until these recommendations were given effect to, our grievances would not be redressed with regard to forest matter. I hope the Honourable the Minister for forests will see his way to help the lovely country of Kanara in her present distressed condition. (At this stage the Honourable the President rang the bell).

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I am thankful to the honourable members of this House who have advocated the cause of the departments which are in my charge. I think these departments do need more and more, and I have pressed the claims of these departments on the attention of the Honourable the Finance

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Member. The forecast of my demand for Education was 2,27 lakhs, for Medical 56 lakhs and for Public Health 36 lakhs. But the coat had to be cut according to the available cloth, and consequently, I got asmuch as it was possible to get. However, I have all along observed during my tenure of this office that the Honourable the Finance Member has always treated the transferred departments with every consideration which they deserve. For the current year five lakhs more were given than was decided upon, which enabled me to remove the cut in the grants to the aided secondary schools to the extent of Rs. 3,97,000. It also enabled me to add a sum of Rs. 50,000 as grant to the University and Rs. 53,000 to the budget provision for schemes of expansion under the Primary Education Act. This year also my demand for expansion schemes was put up to 27 lakhs of rupees, that is it was about 17 lakhs more than the last year's. And honourable members must have noticed that I have been able to get Rs. 5,47,000 more. The credit for all that is certainly due to the Honourable the Finance Member who found the money. Of course whether that addition for compulsory schemes would stand or not would depend upon how the Finance Bills are treated by the honourable House, because I have been cautioned that if those Finance Bills do not go through the House then the Department of Education alone may have to stand a cut of 5 lakhs, so that all that will go if the Finance Bills fail.

There has been a suggestion by one of the honourable members from Belgaum that certain Government colleges should be abolished. I understood him to refer to the Elphinstone College as well as the Deccan College. I myself had this idea, and I wanted to see whether it was not possible to reduce the cost of Government colleges by abolishing these colleges. I looked into the papers relating to the subject, and I found that in the time of Dr. Paranjpye, the question was examined and it was found that as these colleges were founded on the basis of certain endowments it was not possible to abolish them. Consequently, I feel that it is not possible to go on the line which was suggested by the honourable member Rao Bahadur Angadi.

He then referred to the proposal in the budget on the revenue side for increasing the fees in Government colleges and secondary schools. Now, if we are to find more money for the aided institutions which receive grants from Government it can only be done by saving money on the institutions which are managed by Government. In conversation with managers of private colleges I found that they were experiencing very great difficulty with the present scale of fees to make both the ends meet. When I asked them to take the initiative of raising the fees, because nothing prevented them from doing so, they said that Government should give the lead. Further, the honourable member Rao Bahadur Angadi suggested that Government colleges should be abolished and should be substituted by technical colleges. It practically means that he considers them of less importance. Therefore, if fees were raised in Government colleges, there would not be very much harm done, because at present we are turning out many arts graduates and increasing unemployment,

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and therefore only those who can afford to pay the higher fees will be going to colleges and they will be making the colleges self-supporting, and make it possible for more Government funds to go to aided colleges. As regards secondary schools there has been the same complaint. The scale of fees which the managers of aided secondary schools are ordinarily expected to charge is not less than two-thirds of Government fees, but there is no prohibition to their raising the scale of fees in their schools, but they are shy and they cannot take the initiative. Take, for instance, the example of a school like the Elphinstone High School, where several boys go in carriages and in motor cars. If such boys paid a little more, paid fees which would stand on a level with the fees charged in the school known as the Bharda School, I do not think that there would be any difficulty. Under these circumstances, as Government are being pressed for funds, they have provided on the revenue side Rs. 1,00,000 more as estimated revenue by raising the fees in colleges and about Rs. 97,000 more as estimated revenue by increasing the fees in secondary schools. This will help some of the aided institutions which are struggling by increased income from fees. There are many applications from aided institutions of a secondary type coming up to Government for grant, but Government have not the money to give them. If fees are raised, there will be less demand on their part and Government also will be in a position to pay having so much more revenue to meet the demands of deserving institutions which stand in need of grants. The increase in fees will necessitate more freeships.

The same honourable gentleman referred to certain Government orders which were passed with reference to schemes of expansion of primary education. There was a great deal of discussion inside the Government whether under the Act as it stood schemes of voluntary expansion could be allowed. After a lengthy discussion, this year several schemes of voluntary expansion have been allowed, and orders have been issued that whatever new schemes are put up before Government, a part of these schemes, at least one-third, should be schemes of compulsion, because while everybody wants more and more schools, no one is prepared to apply the principle of compulsion and consequently Government while allowing expansion on a voluntary basis in local board areas have to ensure that at least a third of the schemes submitted will be schemes of compulsion.

My honourable friend, Dr. Gilder, referred to Indian made articles being, in the first instance, used by Government. This honourable House knows, that in the ordinary course, articles which are not made in this country are ordered out from outside. But if it is found that those articles could be had here and at a cheaper rate, it is open to this Government to pass the orders to that effect.

There is one more point which I want to answer. It is the point for which my honourable friend, Rao Bahadur Angadi, was just now getting up. It is this. Government have asked various local boards, in view of the financial difficulties, to launch their own schemes on their own

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hook, if they can afford them, on condition that the Government will, when funds permit, reimburse them for whatever may be due to those bodies according to law and the rules. My honourable friend, perhaps, wants me to tell him from what time the grant will be allowed. I would say that the undertaking is intended to be met when funds permit and will take effect from the date the schemes are brought into operation after Government approval.

Mr. F. J. GINWALLA (Bombay City, North): Sir, last year I made several suggestions in regard to retrenchment, specially retrenchment in the General administration. But Sir, I find that those suggestions have not been given effect to. Sir, it has been stated by all the honourable members here that we are having a deficit budget, we are having a bankruptcy budget, that we are having a bad budget and that we are living from hand to mouth. And what is the reply given to us by the Government Benches? They say "Well, after all we are getting on. We are going to have a surplus of Rs. 3 lakhs, if we get the provincial contribution from the Government of India." The Honourable Ministers also say "Whenever we go to the Honourable the Finance Member to ask for demands for our departments, he readily gives them." What we find is this. The Government Benches state that there is after all no danger in the state of affairs, and everything is going on all right, and will go on all right. That is the reply we get from the Government side.

On the other side, that is, on the non-official side, what do we find? We observe that they have sounded a note of warning to Government. They told Government that it was dangerous to have such a state of affairs. How long are we going to have this state of affairs.

Sir, I shall now refer to some items in the budget. Look at the state of affairs and what do we find? When we turn to the revenue, we see that the big source of getting revenue is from agriculturists. But what is the condition of these agriculturists? Is it that the agriculturists are better off to bear this burden of heavy taxation? I ask: "Is it proper for Government to tap that source? I am sure that the Honourable the Finance Member and the Honourable the Revenue Member will agree with me that the condition of agriculturists is very poor. In this connection I may point out, Sir, that my honourable friend, Mr. Surve had told the Government last year about the hardships of agriculturists. I, therefore, submit, Sir, that Government is not justified in levying such heavy taxation on the poor agriculturists. Last year I had given notice of resolutions, regarding the levy of additional assessment in the Alibag taluka in contravention of the resolution of this House, but I am sorry to say that my resolutions could not be taken up on account of the procedure of this House. I wish, Sir, that one hour should be given daily to the consideration of resolutions as is given to questions. That is the only way for reaching the resolutions which stand in the name of honourable members. I may further point out, Sir, that the condition of these agriculturists has been growing worse than before. In Bardoli taluka people have actually started a movement of satyagrah for the enhanced

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assessment, which is headed by Mr. Vallabhbhai Patel, for whom compliments were offered the other day by the Honourable the Finance Member, for his activities in the times of floods. If you turn to Alibag, there is also a Satyagrah movement started by the people. So, wherever you go, you find that the agriculturists have expressed their inability to bear further taxation. But the Government are determined to increase taxation and levy on the poor agriculturists. That is the history of the agriculturists.

Then, we come to the other subject. The other item of deriving revenue is Excise. The Honourable the Minister for Excise has told us that it is falling off. I am glad that the revenue is falling. But we want to know from the Honourable the Minister what steps he has taken as regards the policy of Prohibition. Is he going to take steps in that direction in Satara as an experimental measure ? I hope he will do so at an early date.

Turning to Forest, What do we find ? We are told, Sir, that through Forest we can promote our industries. I ask, Sir, " Are the Government serious in this respect ? " Are they prepared to encourage match and paper industry ? I do not think so. So long as there is a foreign element, I do not think, Sir, that this country will be allowed to develop its match industry and the paper industry. Several years ago Government told us that they were going to do wonders in improving the industry of this presidency. But nothing has been done so far. Several lakhs were voted for the expenses of a Director and what has happened ultimately ? This Director of Industries has been removed in the end. I may ask the Honourable Minister whether he has taken any action on the suggestions made by my friend, Mr. F. E. Bharucha, the late Director of Industries. He has made valuable suggestions in the report, but I do not think that the Honourable Minister has given any consideration to them.

Now, Sir, I turn to another point, and that is that the financial condition of this presidency is also due to the reckless policy and stepfatherly treatment given by the Government of India to this presidency. The injustice done to this presidency by the Government of India is the Meston Settlement, which time and again has been condemned by this House. That is one thing. And the second thing is the exchange policy of the Government of India. That policy is responsible for the pressure on agriculture. That is responsible for the present depression in the industries and we are reaping the first fruits of that reckless policy of the Government of India, and we cannot do better than condemn this policy, this stepfatherly treatment given to this presidency by the Government of India. I may add further that even for the textile industry, which is the key industry of this presidency, the Government of India is not coming to its aid. In spite of the report of the Tariff Board, the Government of India is doing nothing to save this industry and.....(At this stage the bell was rung by the President, the honourable member's time being up).

The Honourable Sir CHUNILAL MEHTA: In the first place, Sir, I wish to thank the honourable members for having spared in these three days' discussion the poor Finance Member in his personal capacity. I noticed with great gratitude, Sir, that the discussion this year has gone rather on the budget and what it contains than on the Finance Member and the position that he holds. I am grateful, Sir, to the honourable member Mr. Owen for having given the House the benefit of his long experience, which experience he applied to the study of the Blue and the White Books this year in particular. Sir, he has got many years of audit experience behind him, and I think he struck a note, which came as a welcome relief from the note of absolute pessimism which was struck by most of the honourable members opposite. I will proceed later on, Sir, to show why there is no justification for the extreme pessimism that seems to have taken hold of several members of the House. I would like, Sir, also, before I proceed to answer the bigger questions that have been raised, to dispose of the one particular question which the honourable member Major Ellis Jones raised in regard to the cotton cess. I do not know, Sir, whether he was speaking on behalf of the Millowners' Association. I presume he was not. He was speaking, I think, on behalf of the cotton trade, which he so ably represents in this House. Now, the question of the cotton cess was very fully considered, as the honourable member is aware, by the Tariff Board, and the recommendation which that Board has made is that Government should examine the situation and see whether a rebate from the cess cannot be given in favour of the Millowners' Association. I am afraid they do not mention the cotton trade, and all I can say to the honourable member just now is that, as I have tried to explain in my budget speech, not only is the whole of that cotton cess—at least the portion of it that comes to Government—absorbed in the losses on industrial housing, but in addition to the sum derived from the cotton cess, something like Rs. 5 lakhs will have to be borne by the general revenues. I am not sure whether this House fully understood it, and I am not sure whether, if they understand it now, they will be prepared to part with any part of the proceeds of the cess. In any case, the Bombay Municipality and Government are both partners, they share in this cess, and we have, in view of the recommendation of the Tariff Board, written to the Bombay Municipality to find out what their views on this matter are. Anything more than that I am afraid I am not able to say to satisfy the honourable member Major Jones.

Sir, the three days of general discussion are usually days of tribulation for the Finance Member. Twice, Sir, I have listened to the debate, and I have listened this time sometimes with amusement, sometimes indeed with surprise, and always with patience and fortitude, such fortitude as I was able to exercise. The amusement proceeds not indeed because all the intricacies of this very complex budget are not fully understood by all members of the House: In fact, I may say quite frankly that I congratulate the many members of the House on the way in which they have been able to understand all the intricacies of the budget in the short time that they have after the sending of these two formidable volumes to them. The amusement arises when a member

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like my honourable friend Rao Saheb Dadubhai Desai who ought to know, and certainly pretends that he does know, tries to square the hard facts and figures of the budget with his fanciful preconceived notions; when he tries to make the circle a square, it certainly excites in me a certain amount of amusement, and I think the Finance Member is entitled to some little amusement in all these three days. The surprise arises when honourable members, who also ought to understand and who belong to constituencies which certainly must send representatives who understand figures well, not in one year but even in a second year, should stumble over the very points that were explained to them in the previous year. Sir, I was referring to the debate that took place last year and I find that the representative of the Millowner's Association from Ahmedabad made exactly the same mistake which he put before the House this year when he talked about the loan position of this Government. Indeed it was surprising that he could not see that accumulations towards sinking fund are made towards the repayment of debt and are not in any sense an addition to the debt. For the rest, of course, the Finance Member has to exercise what fortitude he can.

Sir, I explained last year that it is not for the Finance Member to lay down any policy; that, indeed, after the examination of the constitutional position by the Muddiman Committee, it has been decided that the Finance Member should be deprived of such small administrative subjects as he was in charge of. It is for the Members and Ministers themselves to make their policy. I say that they have done it to the best of their ability. I have not the least complaint as to either their diligence or their ability in managing their departments. It is not for the Finance Member to say that so much money shall be spent in such and such a direction, that the rural area shall obtain such and such a slice of the general revenues. The Finance Member is rather in the position of, in the picturesque language of my honourable friend Rao Saheb Dadubhai Desai, the watch-dog. He has to watch that expenditure is not needlessly undertaken, that it is not incurred in a lavish or extravagant spirit and if the criticism that has been levelled for all these days has any justification at all, then I think that those who have accused the present Finance Member of sitting too tightly on the public purse have been sufficiently answered. Enough will be the satisfaction to me to feel that I have not, again in the picturesque language of the same honourable member who would even deprive posterity of the pleasure of cursing, degenerated into a lap-dog from a watch-dog.

I will refer, Sir, to the debt position again in order to make it perfectly clear because I felt that even so shrewd a follower of the budget as my honourable friend Mr. Marzban was not able fully to estimate at their true value the remarks that I made at some length in my speech. We will have at the end of next year a debt of something like 28 crores of rupees. We will incur, if we are allowed to do so, a further debt, when all the schemes are completed which have been explained in detail on page 21, of 11 crores. We have in addition, a debt (but not a redeemable

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debt, that is to say a debt which is not to be repaid but on which only a yearly interest of something like 3·32 per cent. has to be paid to the Government of India) of about 9 crores for our old prereform irrigation schemes. The rest of the debt that appears on page 25 is, as has been explained on that page and in the notes as fully as we possibly could explain them, is incurred on behalf of the local bodies which are making regular payments towards its extinction.

I understood from my honourable friend Dr. Ambedkar that he did not see that any provision was made for the amortisation of this debt. This debt, I would like to remind the House again, is, most of it, for purposes which the Council will recognise as productive, but even for these purposes the amortisation has been fixed at 60 years for productive debt and 30 years for non-productive debt. Moreover, as I explained last year—I think it will bear repetition again—this Government, in view of the fact that it must be very careful with regard to its future borrowing especially for unproductive purposes, has accepted the limit of five lakhs under which no loan can be raised. I think that the honourable members opposite will not consider that a debt of 28 crores of rupees (including nine crores for the Sukkur Barrage and some other productive irrigation schemes) is excessive for the resources of this presidency. Remember, moreover, that out of the debt of about 316 lakhs which we inherited from the Government of India, we shall have paid back about 2¼ crores and we shall have to pay only 102 lakhs at the end of the next year. I would like to ask the honourable members, who represent the big municipal corporation of Bombay city, whether in comparison with the resources of this city and of its debt they think that this Government has gone headlong in the matter of its debt policy.....

An Honourable MEMBER: The Bombay Municipal Corporation may not be right in their policy.

The Honourable Sir CHUNILAL MEHTA: I do not think that ours is wrong, I am not prepared to say that the policy of the Bombay Municipal Corporation is right or wrong. I leave that to be protected by the honourable member Mr. Marzban. So much for the debt position.

Sir, I was somewhat at a loss to understand what my honourable friend Mr. Balubhai Desai suggested we should do with regard to the losses on the Back Bay. I really was not able to understand what his proposal was. If he meant, as I was told by some honourable members who also listened to him with care, that the losses should not be amortised by subvention from the general revenues, it is certainly opposed to all proper financial canons and it is certainly opposed to the decision of this House itself. I do not think he could have meant that.

I will now refer to the reduction in our balances which, as the figures now stand and are shown in the books, might cause apprehension in the minds of honourable members. It is true that our balances have gone down from Rs. 664 lakhs to the figures which are shown in the Blue Book, but out of Rs. 664 lakhs, Rs. 81 lakhs was only loan balance. It was excess borrowing. That loan balance was used in not borrowing that

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much amount next year from the Government of India. Loan balance is not our true balance at all, and therefore it ought not to be taken into consideration. Rs. 195 lakhs was the Famine Fund. That Famine Fund, even after the heavy drafts that have been made upon it for various purposes, of which the Council is well aware, still stands at Rs. 162 lakhs, or will stand at the end of next year at Rs. 162 lakhs. The ordinary balances are invested, most of them, as follows. My honourable friend the representative of the University said that if commercial standards were to be applied to the Government accounts, they would be shown to be in a very hazardous condition. Well, I would like him to apply commercial standards, and I think he will find that the position is by no means hazardous, so far as the balances are concerned. We have Rs. 7 lakhs in the balances which is known to the House. We have Rs. 123 lakhs invested in the Sukkur Barrage, which was formerly in our balances and belongs to our balances, and can at any time be put back into our balances. We have lent out Rs. 150 lakhs roughly to the flooded area. This was drawn also largely from our balances and will, I hope, be recovered. I am certain it will be recovered. If the Government of India remit the provincial contribution, as we hope they will, we shall get back Rs. 37 lakhs, which would be added to the balances. The total will be some Rs. 3 crores. Sir, I do not think that, looked at from that point of view, the position can be said to be as dark as has been painted, and I think that any future Finance Member ought to be grateful, as I was grateful for the large balances that were handed to me. If you take the balances which other provinces possess, you will find that they are nothing like this size. I only draw attention to it to show that the presidency is not only not bankrupt, but is not on the verge of bankruptcy, and never will be.

Mr. B. G. PAHALAJANI: What about half a crore for the Development Department ?

The Honourable Sir CHUNILAL MEHTA: The Development 32½ lakhs is already included in this account. We pay that every year, and we shall have to continue to pay it.

Mr. H. B. SHIVDASANI: What about the cotton cess ?

The Honourable Sir CHUNILAL MEHTA: The cotton cess has already been included, as I explained.

Mr. H. B. SHIVDASANI: That is also going to Development.

The Honourable Sir CHUNILAL MEHTA: It is. I think the honourable member Dr. Ambedkar, in a well reasoned speech, spoke of the comparison between this Government and other Governments with regard to the apportionment of the revenues between the reserved and the transferred departments. I do not wish to labour that point, because I explained it at considerable length last year, but I do not wish also the House to feel that there is any kind of jugglery or window-dressing in this at all. I do not wish to take them through any papers that are not before them at the present moment. I would request them only

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to turn to page 10 of the Blue Book; I trust honourable members will take the trouble of doing so. The accounts of 1922-23 show that the reserved departments got Rs. 801 lakhs; that Rs. 801 lakhs rose to Rs. 959 lakhs in the revised estimates of 1927-28. If you like to take the budget figures for the next year I have not the least objection. These figures are before the House; take them at 959 lakhs. This 959 lakhs includes, as the note indicates, Rs. 89,12,000 being the interest payable on loans to three local bodies; that was not included in the first three or four years. Therefore, one is legitimately entitled to deduct Rs. 89 lakhs. That leaves Rs. 870 lakhs; I trust honourable members are able to follow me. Out of those Rs. 870 lakhs, they must deduct the item of Rs. 25,95,000 shown on page 7 for Bombay Development Scheme reserved, because it is a new item against which Rs. 21 lakhs are credited on the revenue side. We are annually paying a subsidy on industrial housing of Rs. 5 lakhs to the Development Department. One can deduct also the Rs. 32 lakhs legitimately; if you do not want to deduct it, I do not mind. If you deduct the Rs. 26 lakhs, you have Rs. 846 lakhs as the total expenditure in 1927-28 on reserved departments. It is easy to see that the increase is about 5 per cent., 801 lakhs to 846 lakhs. Now, take the transferred departments. Rs. 453 lakhs was spent in 1922-23. That has risen to Rs. 546 lakhs, a difference of Rs. 93 lakhs; on Rs. 453 lakhs, it is 20 per cent. I do not think, Sir, it can be said that the transferred departments have in any way been starved, and I am very grateful to the Honourable Ministers for having stated openly that in the allocation such as is possible within our restricted revenue, the Finance Member has looked with a partial eye to the transferred departments.

Mr. H. B. SHIVDASANI: Take the expenses charged to capital.

The Honourable Sir CHUNILAL MEHTA: I will come to that presently. It may be contended that I am not taking the year 1921-22. Well, I have got figures for that year also. The great increase in 1921-22 on account of the transferred departments was to be found in Civil Works which, the House will see, rose to Rs. 188 lakhs in that year. In the previous year it rose to Rs. 207 lakhs. In those two years, all the leeway that had to be made up on account of the war was made up, very large sums of money were given for construction of buildings, and that went to 41—Civil Works, and it must further be remembered that 41—Civil Works is for the construction of buildings both for the reserved and for the transferred departments. I do not wish to go into that point any further.

To answer the question of the honourable member Mr. Shivdasani, if he turns to that same page 6 of the budget of 1927-28, he will notice that from 1921-22 when Civil Works was at Rs. 188 lakhs, it suddenly dropped to Rs. 106 lakhs in the next year, to Rs. 97 lakhs in the third year, to Rs. 90 lakhs in the fourth year, and so on. Why? Because from that year the Government with the consent and full concurrence of the Council took from loans expenditure which was ordinarily debited

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to revenue. It is on that account I was not in a position to take the year 1921-22. I trust I have made the position fairly clear to the honourable members.

But there is something more. We are compared with the other provinces. I am glad that comparison is made, because it enables me to show how with very limited resources that came to us as a result of the Meston Settlement and in spite of that, we are very far from being as the honourable member Dr. Ambedkar said the last of all provinces. On the contrary I think we can claim even the first place. As a result of the reforms the Central Government lost about 18½ crores of rupees to the provinces. Of that 18½ crores of rupees Rs. 867 lakhs was distributed to the provinces; and 983 lakhs of rupees was left as contribution which was finally to be remitted to the provinces. What do we get in comparison to all the provinces on both these heads? Madras got Rs. 228 lakhs; the United Provinces Rs. 167 lakhs; the Punjab Rs. 114 lakhs; Bihar and Orissa Rs. 182 lakhs; and Bombay Rs. 37 lakhs. In percentages Madras got 26 per cent.; Punjab 20 per cent.; United provinces 20 per cent.; Burma 30 per cent.; Bengal 6 per cent. and Bombay 3½ per cent. (An Honourable Member: They had to pay more.) They had not. The honourable member is thinking of the Rs. 983 lakhs which are the contributions. These contributions I will deal with presently. Out of the Rs. 867 lakhs the portion of the gift that came to Bombay was Rs. 37 lakhs. On that slender sum we were supposed to introduce all the beneficent schemes that belong to the transferred departments. With that legacy and with the high standard of expenditure already prevailing we were supposed to go in for primary education, prohibition, medical relief and various other schemes on the paltry sum of Rs. 37 lakhs. The Rs. 983 lakhs were distributed as follows. I do not think I need refer honourable members to the Devolution Rules. I have no doubt they are well aware of it. Of the sum of Rs. 983 lakhs Madras got Rs. 348 lakhs; the United Provinces Rs. 240 lakhs; the Punjab Rs. 175 lakhs; and Bombay Rs. 56 lakhs. A portion of this Rs. 983 lakhs was permanently remitted to the various provinces in various proportions as the honourable House is aware. In the year 1925-26 Madras got a permanent remission of Rs. 126 lakhs; the United Provinces Rs. 56 lakhs; the Punjab Rs. 91 lakhs; Bengal a practically permanent remission of 63 Lakhs. In the next year these provinces again got: Madras including Rs. 126 lakhs Rs. 183 lakhs; the United Provinces Rs. 89 lakhs: the Punjab Rs. 90 lakhs. In the next year 1927-28 Madras got an additional Rs. 116 lakhs as permanent remission *plus* a temporary remission of 49 lakhs; Bengal Rs. 93 lakhs; the United Provinces Rs. 99 lakhs permanent and Rs. 52 lakhs temporary; the Punjab Rs. 60 lakhs permanent and Rs. 26 lakhs temporary. When such a huge sum of money like Rs. 348 lakhs is practically thrown at the head of one province alone amounting nearly to 25 per cent. of the provincial revenue what else can it do but spend it on nation-building departments? (An Honourable Member: Why not Bombay get more?) Because Bombay was not strong enough to make its voice felt. When making these comparisons

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honourable members forget that with these enormous sums which make our mouths water, any province will go forward in the nation-building activities. It is to the credit of Bombay that in spite of this heavy handicap she is not behind the others. Remember further in the expenditure debited to the reserved departments we have to bear no less a sum than one crore of rupees on interest alone. Excluding Development Department we have to spend no less than 96·67 which is reserved and debited to the reserved departments, part of which is on account of the transferred departments. This shows comparisons of this character are not easily made and ought not to be accepted without proper examination.

I think this honourable House has not forgotten a statement made by my predecessor on precisely the same question. He argued and I think he argued correctly that this division between the transferred and reserved was thoroughly artificial and that there was no ground whatever to think that the irrigation department was not for the benefit of the public, was not a nation-building department, because it was administered by a member of the executive council. We spend no less a sum than Rs. 1·11 crores on irrigation which is debited to the reserved departments. He suggested that a more rational apportionment would be between the departments which may be called law and order departments and the rest may be included in the nation-building departments and pointed out that the expenditure on the former rose by 26 per cent. while the expenditure on the nation-building departments rose by 147 per cent. with the slender resources that we received from the Government of India. I will ask honourable members who have got commercialexperience and who have gone through many depressions, more depressions than I have seen in my life, in Bombay whether they can remember a severer period during the last 25 or 50 years and whether a balanced budget of this character is one that is altogether to be despised, whether the only criticism that can be levelled against the position of the Bombay Government is that it is bankrupt. It is nothing of the kind. In the next year's budget we have taken as our stamp revenue Rs. 4 lakhs less than the revised figure of the current year. I have not counted on any improvement in the commercial situation ; nor have I added anything to the scheduled taxes. The only amount which I am doubtful about but which is placed at the figure adopted on the advice of our revenue officers is the land revenue. I do not think it can be stated that the administration of the finances of this presidency has been such as to lead the presidency to bankruptcy. My only regret is that we are unable to free ourselves from the mire of stagnation into which we have fallen. We have not the resources at the moment which will enable us to incur fresh recurring expenditure. I think it will be wholly unwise with the resources that we have at present to gamble, as one newspaper stated, in futures. We do not like gambling. We have, therefore, placed our estimates at figures which, I think, even representatives of the commercial world will not challenge. I am afraid I see no prospect before me of this presidency being able to launch forth into fresh recurring expenditure

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of any magnitude. We must not forget that had we not had this burden of the Development Department upon us, we should have been able to spend towards nation-building departments the money that we have now to devote towards the amortization of the losses. It is a misfortune which we cannot avert; we have tried to meet it as best as we could. I therefore trust, Sir, that the House will see that no good purpose will be served by day in and day out saying that the presidency is bankrupt. I think, Sir, the man who goes on saying that to himself every day and every morning will possibly delude himself into such a situation. I am sure that if and when it is possible to get the Statutory Commission to see the injustice that has been done to Bombay we shall be able to place more funds at the disposal of the Ministers.

I was accused last year, Sir, of misleading the Council, because I had not shown in the revenue accounts the fifty-six lakhs which were likely to be remitted by the Government of India. I am equally blamed to-day for showing a surplus of three lakhs by counting upon the remission of 37 lakhs. I do not know, Sir, really where to take advice from the honourable members opposite. Some of them, far-seeing people like my honourable friend from Nasik, (Mr. R. G. Pradhan) and my honourable friends Mr. Munshi and Dr. Ambedkar would wish me to put forward before the House proposals of heavy taxation. Some of them would say that the taxable limit has absolutely been reached. What course is a poor Finance Member to steer? Is it not wise for him to stick to the two modest bills that are already before the House? I think that is the wisest course that he can follow.

One last word I wish to say in regard to the criticism that was levelled by my honourable friend Mr. Hoosenally Rahimtoola. He was of course speaking from his great experience as an *ex*-chairman of the Standing Committee. He asked: "Why do Government not find out why the cost of living in Bombay is higher than anywhere else? Is it not their duty to reduce the cost and standard of living and consequently I presume even the small emoluments that the inferior servants and the lowly classes in this presidency get?" Sir, I trust that that argument will not be put forward before the Statutory Commission. Our whole case for a revision of the Meston Settlement has been based upon the fact that the cost of living in this presidency is high. There is no doubt that it is high, and I would like to have the unvarnished verdict of the honourable members opposite whether it is right that the standard of living should be raised or whether we should keep down the humble and the depressed in the low condition in which they live. Examine, Sir, the cost of living and the standard of life in all the civilized countries of the world. Which country stands now at the highest? Is it America or is it Russia; is it England or is it Turkey? Sir, it ought to be both our gratification and our constant endeavour to see that the standard of the small man, both in the towns and in the villages, is raised, that he lives a better life, he clothes himself better, that he has more opportunities of enjoyment and of leisure. Sir, that is what we want

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to aim at. (Mr. R. S. Asavale : What efforts are made by Government?). The results of the efforts, Sir, that have been made may be small; indeed I have expressed my regret that they have not been greater. But those efforts can only be commensurate with our resources and are to be seen in all the past years of administration of this presidency, whereby we have reached the present standard of life of the people both in the country and in the town. It is, Sir, with that object that even in a budget like this, which has been most difficult to balance, that Government have put forward their scheme for the inferior Government servants and for the backward classes. Sir, I hope that these sums will be increased in the future when circumstances improve. But it is an earnest of the intentions of Government in this direction.

Sir, I have done. I should like only to thank the honourable member Mr. Munshi for the very kind words that he was good enough to use. Sir, I have tried to do my duty, and the only satisfaction that I can hope to feel is that I have not forfeited the respect of the House.

The Honourable the PRESIDENT : The House is adjourned till one o'clock on Friday, the 24th February 1928.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Friday, the 24th February 1928

The Council re-assembled at the Town Hall, Bombay, on Friday, the 24th February 1928 at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMIN, Mr. H. J.
ANDERSON, Mr F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
HARRISON, Mr. C. S. C.
HOSSACK, Mr. W. B.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMEI

JOG, Mr. V. N.
JONES, Major W. ELLIS
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order.

The Honourable Sir COWASJI JEHANGIR : Sir, may I make a short statement with regard to the question *re* "Reclaimed Land purchased by the Government of India" asked by Rao Saheb D. P. Desai on the 20th February 1928.

The Honourable the PRESIDENT : Yes.

The Honourable Sir COWASJI JEHANGIR : Rao Saheb D. P. Desai has asked Government in that question as to what is the cost per yard for the portion of Block No. 8 that is to be handed over to Government of India. I have replied to his question that the cost is about Rs. 15 per square yard. But this morning I may inform this House that I have received latest information that the cost to Government for this portion is not Rs. 15 but Rs. 17 per square yard.

Rao Saheb D. P. DESAI : May I know how much is to be realised from the Government of India ?

The Honourable Sir COWASJI JEHANGIR : Rs. 20.

The Honourable the PRESIDENT : Questions.

NEW LIQUOR SHOPS, BOMBAY CITY

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) whether any new refreshment bars and foreign liquor shops were allowed to be opened in the city of Bombay during the last three years ;

(*b*) if so, how many and in which ward or wards of the city ?

The Honourable Mr. G. B. PRADHAN : (*a*) and (*b*) No new refreshment bars were opened in Bombay City during the last 3 years, but 2 new permanent refreshment stall licenses and 1 new hotel license were issued in A ward. In addition to these 3 licenses 32 new wholesale and importers' licenses were granted, and 64 existing licenses were not renewed. Out of the 32 new licenses 28 were in A ward, 2 in E ward and 1 each in C and G wards.

Mr. R. S. ASAVALE (Bombay City, North) : May I know if any demand was made by the public for these new licenses ?

The Honourable Mr. G. B. PRADHAN : Yes.

FOREIGN LIQUOR SHOPS, DADAR-NAIGAUM ROADS JUNCTION

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) under what circumstances the extension of time was granted to the foreign liquor retail shop at the junction of Dadar and Naigaum Roads ;

(*b*) whether the advisory committee was either informed or consulted for this extension of time ;

(*c*) if not, why not ?

The Honourable Mr. G. B. PRADHAN : (*a*) The Honourable Member is referred to the reply given by Government to the question asked by Mr. S. K. Bole which is published at pages 29-30 of Part I of Volume XVIII of the Bombay Legislative Council Debates.

(*b*) No.

(*c*) The concession was granted in December 1925 when the Collector had the power to sanction extensions of time to Refreshment Rooms without consulting the Advisory Committee.

PANDHARPUR SHRINES : CONDUCT OF WORSHIP

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state whether they are aware of the fact that the Samastha Shri Pundlik Pujari Koli Community at Pandharpur had been in the enjoyment of the exclusive privilege of conducting the worship in the temples of Mahadeo and of facilitating the visit of pilgrims to the shrine long before the Badves ever came to Sholapur ?

The Honourable Mr. J. E. B. HOTSON : The Honourable Member has asked two other questions on the same subject. For the sake of clearness it is preferable to answer them all together.

The District Magistrate of Sholapur made a full and careful enquiry into the claims of the Samastha Shri Pundlik Pujari Koli Community to exclusive privileges in the matter referred to in these questions and found that the Community had failed to prove the existence of these exclusive rights, or any priority of date. Government after consideration of the memorial made to them by the Community and the District Magistrate's order came to the conclusion that the District Magistrate's order was correct and justified by the facts.

Government have no reason to believe that this decision has provoked any general dissatisfaction in the Koli Community in the Presidency as a whole.

Mr. R. S. ASAVALE (Bombay City, North) : It is not a fact that the District Magistrate before the one who has issued the orders had allowed the use of these rights by the Koli community ?

The Honourable Mr. J. E. B. HOTSON : Yes, it is a fact. One District Magistrate made summary enquiries and found that the claims of that community were just. But when protests were made by the other parties, the next District Magistrate made careful enquiries into the question and found that the previous decision was wrong.

Mr. S. K. BOLE : May I know who is right in the judgment of these two District Magistrates ?

The Honourable Mr. J. E. B. HOTSON : On the consideration of the two reports, Government found that the second District Magistrate was right in his decision.

PANDHARPUR SHRINE : RIGHTS OF KOLIS

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state whether they are aware that the Samastha Shri

Pundlik Pujari Koli Community at Pandharpur enjoy exclusive rights and privileges regarding—

(*a*) performance of puja of the Deity in all the temples of God Mahadeo in the town of Pandharpur;

(*b*) the ownership and managership of the priests regarding temples and properties attached thereto;

(*c*) performance of puja of the Deity Shri Pundlik in the temple situate in the heart of the river Chandrabhaga at Pandharpur;

(*d*) conducting their Yajmans (clients) belonging to the Koli Community in different parts of India who come on a pilgrimage to Pandharpur to the Shrines for Darshana of the Deity Shri Vithoba without any impediment;

(*e*) supervising the puja performance by such clients and patrons in the temple and officiating as priests on such occasions ?

The Honourable Mr. J. E. B. HOTSON: The Honourable Member is referred to the answer given to his first question on the same subject.

PANDHARPUR SHRINE: COLLECTOR'S ATTITUDE TOWARDS KOLIS

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state whether they are aware that the attitude taken up by the Collector of Sholapur in the matter of the rights of the Koli Community at Pandharpur has caused great dissatisfaction to the whole of the Koli Community of the Presidency ?

The Honourable Mr. J. E. B. HOTSON: The Honourable Member is referred to the answer given to his first question on the same subject.

INDIAN TROOPS IN CHINA: CONTRIBUTION BY BOMBAY GOVERNMENT

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) whether any amount was contributed by them towards the amount spent by the Government of India in the despatch of Indian troops to, or their maintenance in, China during the last war in China;

(*b*) if so, how much ?

The Honourable Sir CHUNILAL MEHTA: (*a*) No.

(*b*) Does not arise.

DAM ON THE RIVER PANJARA

Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(1) whether they are aware that there is a dam of the river Panjara near the old distillery buildings at Dhulia;

(2) whether they are aware that that dam has become unnecessary now;

(3) whether they are aware that on account of that dam, sand has accumulated at the bed of the river, causing great floods with comparatively little rain;

(4) whether they are aware that the dam is a permanent menace to the city of Dhulia on account of such floods ?

The Honourable Sir COWASJI JEHANGIR: (1) Yes.

(2) No, the bandhara is necessary even though there is no irrigation under it. It ensures a supply of water to the Distillery and supplements the water requirements of Dhulia town to a material extent. During the hot weather when the surface flow in the river ceases, the subsoil supply held up by the bandhara becomes available for use through shallow pits made in the river bed and is largely used for bathing and washing purposes by the people. If the bandhara is removed, the sand in the river will be washed away and the underground storage above the rocky bed will be lost. The removal may also adversely affect the new scheme for the town water supply as the field of infiltration may become poor thereby.

(3) The portion of the river above the bandhara has silted up, but there is no occasion for alarm on this score.

(4) No, the bandhara is not a menace to the town. The houses are on the high bank and are protected against damage by floods in the usual manner noticeable in the case of riverside towns.

TOLL BARS IN WEST KHANDESH: REMOVAL

Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state when it would be the turn of West Khandesh to have its toll bars removed in pursuance of the Council Resolution to remove all toll bars in course of time, in the Presidency ?

The Honourable Sir GHULAM HUSSAIN: It has not been found possible to abolish any tolls during the years 1926-1927 and 1927-1928 on account of financial stringency. It has also been decided not to abolish any tolls during the year 1928-1929 for the same reason. It is therefore not possible to say when the turn of West Khandesh will come.

DISTRICT SCHOOL BOARD, THANA: ADMINISTRATIVE OFFICER

Mr. S. K. BOLE: Will Government be pleased to state—

(*a*) whether it is a fact that the district local board, Thana, selected a person other than the one recommended by the school board for the post of the school board administrative officer;

(*b*) whether under section 9 (1) of the Primary Education Act the Chairman of the said school board had lodged a complaint against the illegal selection by the district local board with the Collector through the President, District Local Board, Thana, and the Director of Public Instruction;

(*c*) whether they will place the opinions of the Collector of Thana, the Director of Public Instruction and the Remembrancer of Legal Affairs on the Chairman's complaint, on the table;

(*d*) whether Government had duly considered the legal point involved in the selection made by the district local board ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes.

(*b*) Yes.

(*c*) Government do not think that any useful purpose will be served by placing the correspondence on the Council Table. Moreover, the opinions of Government officers are for the information of Government only and cannot be disclosed.

(*d*) Yes.

DISTRICT LOCAL BOARD, THANA: ADMINISTRATIVE OFFICER

Mr. S. K. BOLE: Will Government be pleased to state—

(*a*) whether there are any cases in which Government have accorded their approval to a person selected by the local authority but not recommended by the school board; if so, to name them;

(*b*) whether there are any cases in which school boards have rejected persons not recommended by them but selected by local authorities and approved by Government: if so, to name them and state how the matter was set right in each case;

(*c*) whether the district school board, Thana, have resolved not to allow Mr. Gatne to resume his duties as administrative officer as he was *not recommended* by the school board;

(*d*) whether Government are aware that the progress of primary education would suffer as a result of the unhappy controversy that may ensue between the school board and the district local board owing to the passing of the resolution referred to above;

(*e*) whether it is a fact that the Chairman had requested Government to hold up their orders for 6 months in view of the impending elections of the district local boards in November next and thus to help to avoid the unhappy controversy over the appointment of the school board administrative officer; if so, what were the reasons that prompted Government to reject the Chairman's reasonable proposal and issue orders so hurriedly?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes. Surat City Municipality.

(*b*) No.

(*c*) The District School Board, Thana, resolved on 13th September 1927, not to allow Mr. Gatne to take over charge as School Board Administrative Officer. Mr. Gatne has, however, since been allowed to join the post.

(*d*) Does not arise.

(*e*) Yes. Because Government were of opinion that the intention of the Legislature in passing section 9 (1) of the Bombay Primary Education Act, 1923, was that the power of appointment of the School Board Administrative Officer should vest in the Local Authority.

I would add to the printed answer that "since then the said Chairman has communicated to the Government a resolution of the School Board approving the work and abilities of Mr. Gatne."

Mr. S. K. BOLE: Is it a fact that the Poona Municipality found Mr. Gatne incompetent?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

Mr. W. S. MUKADAM (Panch Mahals District): May I know the date on which this resolution has been passed ?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is about a fortnight or twenty days ago.

PUBLIC SERVICE: EMPLOYMENT OF INHABITANTS OF THE BOMBAY PRESIDENCY

Mr. S. K. BOLE: Will Government be pleased to state whether effect has been given to Finance Department Resolution No. L.—395, dated 22nd May 1925, in all the Departments of Government ?

The Honourable Sir CHUNILAL MEHTA: Yes.

PENSION OF PEONS AND MENIALS: RULES

Mr. S. K. BOLE: Will Government be pleased to state whether superior services pension rules are to be applied to the pension to be given to peons and menial staff in Government service ?

The Honourable Sir CHUNILAL MEHTA: Yes. That is the intention of Government. The necessary provision for the purpose has been made in the next year's budget.

Mr. S. K. BOLE: When are Government going to give effect to the resolution passed in this Council in the year 1925 recommending an increased scale of pay to peons ?

The Honourable Sir CHUNILAL MEHTA: I hope the question will be considered when the financial condition improves.

CHITNIS TO THE COLLECTOR OF RATNAGIRI

Mr. S. K. BOLE: Will Government be pleased to state for how many years the present incumbent of the post of Chitnis to the Collector of Ratnagiri is holding the post ?

The Honourable Mr. J. L. RIEU: The present incumbent officiated in the post from 4th February 1919 to 4th March 1919 and from 1st February 1921 to 4th April 1924, and has been holding it substantively since 5th April 1924.

Mr. S. K. BOLE: How long are Government going to keep him on the same post ?

The Honourable Mr. J. L. RIEU: The question of his transfer is under consideration.

CO-OPERATIVE SOCIETIES IN THE DECCAN

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) how many co-operative credit societies there are in the villages irrigated by the Nira, Godavari and Pravara Canals;

(*b*) (*i*) their total loans outstanding, (*ii*) the amounts overdue and (*iii*) the amounts of authorized extensions for each of the last three years ?

The Honourable Mr. G. B. PRADHAN: (*a*) and (*b*) The information is given in the following table:—

Year	Total number of societies	Total loans outstanding	Total amounts overdue	Total amounts of authorised extensions
		Rs.	Rs.	Rs.
1924-25	61	25,65,039	5,47,332	3,65,352
1925-26	68	33,30,478	8,42,231	3,44,079
1926-27	75	34,06,518	12,60,992	3,83,463

Rao Saheb D. P. DESAI: Has the Honourable Minister brought the state of affairs to the notice of the Honourable the General Member?

The Honourable Mr. G. B. PRADHAN: Not specially.

Rao Saheb D. P. DESAI: Is the Honourable Minister aware that excessive water rates are charged by the Honourable the General Member?

The Honourable Mr. G. B. PRADHAN: I can tell the honourable member that, as a matter of fact, that question is before Government, and the expert of the Government of India has actually visited this Government more than two or three times, and Government are considering how the growing cost could be reduced.

Rao Saheb D. P. DESAI: Has the Honourable Minister drawn the attention of the Honourable the General Member that as the people are losing so much they cannot afford to pay high charges?

The Honourable Mr. G. B. PRADHAN: The Honourable the General Member himself is always present at those meetings, and I think he will consider everything.

SUKKUR BARRAGE: STORE-KEEPER, DRAGLINE DIVISION

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) the name, qualifications and salary of the Store-keeper, Dragline Division in the Sukkur Barrage;

(*b*) what his occupation was before he was employed as Store-keeper, Dragline Division?

The Honourable Sir COWASJI JEHANGIR: (*a*) There was a storekeeper in the Division up to 31st October 1927 only. Particulars regarding him are given below:—

Name.—Mr. M. E. Ghadiali, L.E.E.

Qualifications.—Studied up to previous class. Holding Bombay University Matriculation Certificate. Holding second class certificate from the V. J. Technical Institute, Bombay, in Electric Technology. Holding Telegraphy certificate from the City and Guilds Institute of London and Bombay Government Competency Certificate.

Salary.—Rs. 210 per mensem.

(*b*) He was employed as Upper Subordinate (temporary) in charge of the Ahmedabad Electric Sub-division under the Electrical Engineer to Government, on pay, including allowances, of Rs. 242 per mensem.

SCHOOL BUILDINGS: COLLAPSE IN FLOODED AREAS, GUJARAT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) how many school-buildings have collapsed in the flood-stricken districts of Gujarat;

(*b*) when the work of re-constructing them will be undertaken?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) The number of school-buildings that have been partly or wholly damaged in the flood-stricken area are as under:—

Ahmedabad	..	54
Kaira	..	84
Panch Mahals	..	15 (14 Local Boards and 1 Municipal School-Building.)
Broach	..	20

(*b*) In Ahmedabad, plans and estimates for re-construction or repairs have been prepared in most of the cases and the work will be taken up as soon as provision is made in the budget and the amounts are sanctioned by the respective boards.

In Panch Mahals, the work will be taken up as soon as the Board's funds permit. Out of the 20 school-buildings damaged in Broach, 11 are reported to require repairs to the extent of Rs. 100 to Rs. 500 each. The District Local Board, Broach, is getting the remaining 9 buildings which are slightly damaged repaired from the current year's repairs grant. The repairs to the 11 buildings and to those damaged in the Kaira District will be taken up by the respective District Local Boards as soon as funds become available.

Mr. W. S. MUKADAM: Will Government be pleased to state whether they are prepared to give monetary help to Panch Mahals looking to the backward state and the poor condition of the people?

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member refers to the answer to the next question, he will see that the answer to the present question is in the negative.

SANITARY AND MEDICAL RELIEF: FLOODED AREAS, GUJARAT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) what amount was sanctioned for sanitary and medical purposes for the flood-stricken parts in Gujarat and how much of it was spent by Government;

(*b*) whether they intend to give special grants to the local bodies for this purpose ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) A supplementary grant of Rs. 12,000 for expenditure on the extra sanitary measures required to be undertaken on account of the floods was sanctioned by the Legislative Council in the last Session. The Director of Public Health and the Surgeon General with the Government of Bombay were also authorised to incur expenditure in connection with these measures from the grants at their disposal. The total expenditure incurred up to 31st October 1927 amounts to about Rs. 12,500.

(*b*) No.

ALIENATED AND UNALIENATED VILLAGES: LOCAL FUND CESS COLLECTION

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether the remuneration of village officers for the collection of local fund cess in unalienated villages is paid out of the local fund cess collected in the village, or from the general revenue of the village ;

(*b*) whether under the Local Boards Act of 1923 the expenses of remuneration of village officers for the collection of local fund cess are recovered from the local boards in (1) alienated villages, and (2) in unalienated villages ;

(*c*) whether the practice of recovering the remuneration to be paid to the village officers for the collection of the local fund cess in alienated villages from the holders of the villages is still continued ;

(*d*) if the answer to (*c*) be in the affirmative, whether they intend to discontinue this practice ?

The Honourable Mr. J. L. RIEU : The Honourable member is referred to the reply given to Rao Bahadur Kale's question on the same subject on the 23rd February 1928.

Mr. L. M. DESHPANDE: Sir, I do not want to ask my next question.

CITY MAGISTRATE, POONA

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(*a*) whether the City Magistrate, Poona, has put any restrictions upon parties, witnesses and the public at large, so far as attendance at his Court is concerned ;

(*b*) if so, whether he has done so with the permission of his superior officers ; if so, to lay on the Council table a copy of such permission ;

(*c*) whether he has issued instructions to his office to post a constable at the head of the staircase leading to his Court-house, with instructions to him not to permit all and sundry from going into the Court-house, except such parties and their pleaders as are called ;

(*d*) whether it is a fact that the Magistrate is in the habit of calling all and sundry as " badmash " irrespective of their status and position in life ;

(*e*) whether one Mr. V. B. Daware, a witness in criminal case No. 556 of 1927 before the City Magistrate, Poona, was prevented from attending the said Magistrate's Court at the time mentioned in the summons ;

(*f*) whether he was afterwards prosecuted under criminal case No. 133 of 1927 of Poona Bench I for disobeying the said summons ; if so, with what result ;

(*g*) whether the said Mr. Daware has served the Magistrate with notice under Section 80, Criminal Procedure Code ;

(*h*) whether the said Magistrate has given any reply thereto ;

(*i*) whether they have issued any orders countermanding the aforesaid restrictions imposed by the City Magistrate, Poona ; if not, whether they intend to do so ?

The Honourable Mr. J. E. B. HOTSON : (*a*) and (*c*) No restrictions have been placed by the City Magistrate, Poona, upon parties and witnesses attending his Court. An orderly stands at the entrance of the Court to regulate and control the admission of the public.

(*b*) The Magistrate has authority under the Criminal Procedure Code to make such arrangements. He does not require the permission of any superior authority.

(*d*) No.

(*e*) No.

(*f*) Yes. He was acquitted by the Poona Bench.

(*g*) Yes.

(*h*) Yes. An acknowledgment was sent by return of post.

(*i*) No.

Mr. B. G. PAHALAJANI : Are Government aware that the defence put in by Mr. Daware was that he was not allowed by the police constable to enter the court. that he was prevented from entering ? Was that defence accepted ?

The Honourable Mr. J. E. B. HOTSON : Yes ; that was the defence that was accepted.

Mr. B. G. PAHALAJANI : Does Government think the judicial decision is wrong ?

The Honourable Mr. J. E. B. HOTSON : That is not a matter which we can discuss in this House.

Mr. B. G. PAHALAJANI : Does Government intend to appeal against that decision ?

The Honourable Mr. J. E. B. HOTSON : No.

FOREST SHIKARI FINES

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) the total amount of fine levied from shikaries for entering forest areas in order to kill wild beasts and thus save the damage done to their crops by these beasts ;

(*b*) whether any fee is levied for passes given to persons who undertake such shikar ?

Honourable Mr. G. B. PRADHAN: (*a*) It is not possible to say how many of the persons who may have been fined for shooting in forests in contravention of the rules for the preservation of game in reserved or protected forests entered the forests not for the sake of sport but to destroy wild animals for the protection of their crops.

(*b*) The Honourable Member is referred to the scale of fees given in section 125 of the Bombay Forest Manual, Volume II. In Kanara District holders of gun licenses for crop protection are, however, permitted to shoot wild animals, free of charge, in the forests of their villages; and Forest villagers are permitted under certain condition to beat or hunt, for pig, tiger, or panther, in any reserved forest in such localities where the Collector, in consultation with the Conservator of Forests, considers that the destruction of crops caused by these animals is serious.

Rao Bahadur R. R. KALE: May I ask whether similar concessions, are extended to forests in other districts?

The Honourable Mr. G. B. PRADHAN: Government have never considered that question. If the honourable member gives notice Government will consider it.

GRAZING GROUNDS: INCLUSION IN RESERVED FORESTS

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state whether their attention has been drawn to the fact that the *gayaran* is being reduced owing to more areas being included as reserved forest?

Honourable Mr. G. B. PRADHAN: Government are aware that the grazing areas are not sufficient in some localities. This deficiency is however not due to the circumstance of large areas of gairan having been included in Reserved Forest.

DISFORESTATION: EFFECT ON RAINFALL

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) whether they are aware that there has been a general diminution in the average rainfall owing to forests being denuded of trees;

(*b*) whether they propose to take any steps in this matter?

The Honourable Mr. G. B. PRADHAN: (*a*) No.

(*b*) Does not arise.

Mr. L. M. DESHPANDE: As regards (*a*), will Government be pleased to say whether there is any general diminution in the average rainfall?

The Honourable Mr. G. B. PRADHAN: There has been no diminution in the average rainfall.

LEGAL PRACTITIONERS, DOHAD

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(*a*) the number, names and qualification of pleaders of the Dohad Bar in Panch Mahals District;

(*b*) whether it is a fact that Mukhtyars are still allowed to practise in Dohad Courts ;

(*c*) if so, the names and qualification of such Mukhtyars ;

(*d*) whether they intend to continue the practice of allowing Mukhtyars to practise in Courts in the Panch Mahals ;

(*e*) if so, the reasons for continuing the practice ?

The Honourable Mr. J. E. B. HOTSON : (*a*) The names of the pleaders do not appear to be of any general interest. It is reported that there are five who practise regularly at Dohad, of whom four are LL.Bs. and one a B.A.

(*b*) Mukhtyars are allowed to practise in the First Class Magistrate's Court at Dohad, but not in the Subordinate Judge's Court.

(*c*) The two Mukhtyars who have been allowed to appear are both Municipal Councillors and Members of the District and Taluka Local Boards.

(*d*) and (*e*) Whether to permit Mukhtyars to appear or not is a matter entirely within the discretion of the Court.

POLICE JAMADAR, ADADRA : INSULT AND ASSAULT ON A MEWASDAR

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware of the fact that the Police Jamadar of Adadra in Kalol taluka had insulted and assaulted a Mewasdar, Mr. Bharatsinh Jitsinh Baria, on the ground that the said Mewasdar has failed in his duty to give information at the Police Thana of the name of a female guest, the Thakarani Saheb of Kadwal State, who had put up at his place ;

(*b*) whether it is a fact that this Mewasdar had never informed the police any day of the names of his guests ?

The Honourable Mr. J. E. B. HOTSON : (*a*) The allegations are not supported by the facts. The Head Constable having reason to consider that there were some suspicious circumstances about the Thakarani's visit sent for Bharatsinh and questioned him about his guest. He reported the facts to the Sub-Inspector. The Deputy Superintendent afterwards enquired into the complaint that Bharatsinh had been assaulted or insulted, but it was not substantiated by any evidence.

(*b*) There had not been any previous occasion to make enquiries about Bharatsinh's guests.

Mr. W. S. MUKADAM : Are Government aware that when the officer of the Police Department went there to make inquiries, he gathered all those people and threatened them to give a particular sort of statement before him ?

The Honourable Mr. J. E. B. HOTSON : Government are not aware of that.

Mr. W. S. MUKADAM : On this question, will Government be pleased to make enquiry without my giving fresh notice ?

The Honourable Mr. J. E. B. HOTSON : A Deputy Superintendent is a responsible officer and Government are certainly not prepared to believe any allegations against him unless they are supported by evidence.

POLICE JAMADAR, ADADRA : GRAZING GROUND FOR HORSE

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware that the Police Jamadar of Adadra is in the habit of letting his horse loose to graze in anybody's field full of crop ;

(*b*) whether it is a fact that the Jamadar abused Mewasdar Raisinh Motibhai when he brought the Jamadar's horse to him and requested him to manage his horse well with a view that the others may not be troubled and put to any loss ?

The Honourable Mr. J. E. B. HOTSON : (*a*) The Head Constable is not in the habit of allowing his pony to graze in any one's fields. His pony got loose two or three times during the last 12 months but was soon caught. The Head Constable has been ordered to take better care of his pony in future.

(*b*) Raisinh was questioned by the Deputy Superintendent about this, but was unable to give any evidence.

Mr. W. S. MUKADAM : Are Government aware that this man was threatened to give a particular sort of evidence by the officer who was sent to make enquiry ?

The Honourable Mr. J. E. B. HOTSON : That also Government are not aware of.

Mr. S. K. BOLE : Sir, the question was asked about a horse, and not a pony. (Laughter).

The Honourable Mr. J. E. B. HOTSON : I am afraid it was a small horse.

Mr. B. V. JADHAV : Is it not a fact that some of the police officers require fodder or gram for their horses to be supplied by the villagers ?

The Honourable Mr. J. E. B. HOTSON : I do not think that question arises out of this.

Mr. W. S. MUKADAM : Are Government aware that a police jamadar who gets a pay of only Rs. 20 or Rs. 30 and has to maintain a horse, has got 10 or 12 members in the family which he has to support ?

The Honourable Mr. J. E. B. HOTSON : Government are not aware of that.

POLICE JAMADAR, ADADRA : FORCED SUPPLY

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether it is a fact that the Jamadar of Adadra in Kalol taluka of Panch Mahals district demanded dangar (rice) for pahuva (parched rice) from Mewasdar Baria Raisinhbhai Motibhai free of charge which the Mewasdar refused as he was not in a position to give ?

The Honourable Mr. J. E. B. HOTSON : No.

POLICE JAMADAR, ADADRA : USE OF STRAY HORSE

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether it is a fact that the Police Jamadar of Adadra in Kalol taluka caught a stray horse and, instead of impounding it, kept it for his personal use for more than 20 days from the 5th October 1927 ;

(*b*) whether it is a fact that the Sub-Inspector of Police, Kalol, knew of the fact and on his rebuking the Jamadar the stray horse was put in the cattle pound ?

The Honourable Mr. J. E. B. HOTSON : (*a*) The Head Constable did catch a stray horse but did not keep it for his own use.

The facts are that a chestnut mare came into the Thana compound sometime during November 1927 and the Head Constable thinking that he knew the owner sent word to him and kept the pony till his reply came.

The Head Constable reported the facts to the Sub-Inspector who told him to send it to the pound if it were not claimed. As the supposed owner said it was not his property, it was sent to the pound.

POLICE JAMADAR, ADADRA : COMPLAINTS OF HIGH-HANDEDNESS

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether it is a fact that some merchants and agriculturists have submitted a written complaint about the high-handedness of the Police Jamadar of Adadra ?

The Honourable Mr. J. E. B. HOTSON : Yes. Government have made enquiries and are fully satisfied that the complaints are entirely without foundation.

HARASSMENT OF TEMPLE DEVOTEES BY GHANCHIS

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware that on the 15th September 1927 some Ghanchis approached the Swaminarayan Temple at Godhra and abuse the devotees therein and wanted to stop them from singing their religious Bhajans with music in their own temple ;

(*b*) whether it is a fact that this was admitted by Mr. Bhagat, a Ghanchi, in the Round Table Conference held on the 19th September 1927 presided over by Mr. H. V. Braham, I.C.S., the Collector of Panch Mahals ;

(*c*) whether they made any inquiry and got from Mr. Bhagat the names of those Ghanchis who had gathered near the Swaminarayan Temple and abused the devotees ;

(*d*) if no efforts are made to get the names of these Ghanchis, the reasons for not doing so ?

The Honourable Mr. J. E. B. HOTSON : (*a*) It is understood that an incident of this nature did take place.

(*b*) There is no record of any such admission having been made. When meetings are arranged with the object of reconciling conflicting parties, it is most desirable, as the Honourable Member will admit, that those present should speak their minds freely and should not attempt to conceal any facts which may be contrary to their interests. It is obvious that such frankness would not be possible if official action were to be taken on admissions which must be regarded as having been made " without prejudice."

(*c*) and (*d*). The aggrieved persons' proper remedy was to complain or give information to the Police. It has been ascertained that this was not done. There were therefore no grounds on which action could have been taken.

POLICE SUB-INSPECTOR, GODHRA

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state the name of the Sub-Inspector of Police who was posted at Godhra in the month of August and September 1927 ?

The Honourable Mr. J. E. B. HOTSON: Goram Khan Kamal Khan from 1st August 1927 to 16th August 1927 and Yasin Miyan Bava Shah from 17th August 1927 to 30th September 1927.

PRIMARY SCHOOLS IN NORTHERN DIVISION

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state—

(*a*) whether they are aware that it is only the Northern Division in the Bombay Presidency, where no new local board schools were opened since the introduction of the Montford Reforms;

(*b*) if so, the reasons why the Northern Division has been differently treated from other Divisions;

(*c*) whether they are aware that there have been several demands for primary schools from several school-less villages of Gujarat with a population of more than 1,000 and in some cases even more than 2,000;

(*d*) if so, why such villages have not been provided with schools up till now ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) and (*b*) It is not only in the Northern Division but in all other divisions in the Presidency that no new schools could be opened till 1924-25 owing to financial stringency. Later on, however, when funds became available, Government invited the District Local Boards to submit proposals for opening new schools and providing additional teachers in existing schools wherever necessary on the condition that District Local Boards were prepared to bear one-third share of the additional cost involved and since then Government have sanctioned grants for opening new schools, etc., to those District Local Boards which have agreed to bear one-third share of their cost.

(*c*) and (*d*) There have been demands for primary schools from several of the school-less villages in Gujarat (*vide* the statement attached showing the number of school-less villages). But those villages could not

be provided with schools owing to the unwillingness of the Boards to bear one-third share of the additional cost involved.

Statement showing the number of school-less villages with a population of more than 1,000

Name of the District	Number of School-less villages	Remarks
Ahmedabad	3	In one of these villages, there was a school but it had to be closed for want of numbers.
Kaira	11	Out of these, only one village has a population of more than 2,000.
Panch Mahals ..	12	Many of these villages are mostly inhabited by hill tribes and hence schools are not likely to thrive there.
Broach	0	
Surat	9	Out of these, only one village has a population of more than 2,000. Five of these villages are not in urgent need of Local Board Schools.

Mr. W. S. MUKADAM: May I know from whose report this information has been taken that many of these villages are mostly inhabited by hill tribes? I refer to the answer *re* schools in Panch Mahals.

The Honourable Dewan Bahadur HARILAL D. DESAI: From the reports of the officers of the Educational Department.

Mr. W. S. MUKADAM: Out of these 12 villages, how many are inhabited by hill tribes?

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member will give me the names of the villages which are included in this number, I will try to get the information he requires and supply it to him.

Rao Bahadur B. R. NAIK: It is true that no new school has been opened in the Northern Division since the introduction of reforms?

The Honourable Dewan Bahadur HARILAL D. DESAI: The question is answered in the reply to (*a*) and (*b*).

Rao Bahadur B. R. NAIK: My question was whether as a fact no new schools were opened in Gujarat during the last five years?

The Honourable Dewan Bahadur HARILAL D. DESAI: It is not only in the Northern Division but in all other divisions in the presidency that no new schools could be opened till 1924-25 owing to financial stringency. Later on, however, when funds became available, Government invited the district local boards to submit proposals for opening new schools and providing additional teachers in existing schools wherever necessary on the condition that district local boards were prepared to bear one-third share of the additional cost involved and since then Government have sanctioned grants for opening new schools, etc., to those district local boards which have agreed to bear one-third share

of their cost. As the boards did not bear their one-third share none were opened.

FIELD WELLS : SARBHON

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) how many field wells there are in the village of Sarbhon, taluka Bardoli, district Surat, and how many of them contain water to the depth of 5 feet and how many below 5 ;

(*b*) how many of these wells are used for irrigation purposes ?

The Honourable Mr. J. L. RIEU : (*a*) There are 42 field wells in the village. At present all contain water to the depth of 5 feet, but in summer the water goes below 5 feet in 39 cases. Only 3 wells contain water to the depth of 5 feet throughout the year.

(*b*) Only 3.

Rao Bahadur B. R. NAIK : Have Government taken any steps to repair these 39 wells ?

The Honourable Mr. J. L. RIEU : I believe they are privately-owned wells.

Rao Bahadur B. R. NAIK : Are any irrigation charges levied on those fields which contain these wells ?

The Honourable Mr. J. L. RIEU : Possibly on those used for irrigation but not on the others.

ASSAM TEA PLANTATION : DISAPPEARANCE OF TWO GIRLS FROM TALODA

L. M. DESHPANDE on behalf of Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(*a*) whether it is a fact that two minor girls, the wards of one Raymal Baba Bhil of Taloda, district West Khandesh, disappeared from their village about four months ago ;

(*b*) whether it is a fact that the girls have been taken to Assam for working on the tea plantation by two of the coolies from Assam who had come to Taloda and who disappeared from Taloda simultaneously with the disappearance of the girls ;

(*c*) whether the Agent of the Assam Planters at Dhulia had any hand in the matter directly or indirectly ;

(*d*) whether it is a fact that a complaint against the Agent of the Assam Planters or his Assistant or accomplices has been registered by the Sub-Inspector of Police, Taloda, and, if so, what inquiry has been made and with what result ;

(*e*) whether any statements of the girls or of any other persons on their behalf have been recorded before the City Magistrate, Dhulia ;

(*f*) whether Government have taken any steps to ascertain the whereabouts of the unfortunate girls by referring to the proper authorities in Assam ?

The Honourable Sir CHUNILAL V. MEHTA : (*a*) The two girls left Taloda in June last. One of them was 20 years of age and the other 16.

(*b*) The girls were taken to Assam for working on a tea plantation. The two coolies were from Taloda itself and not from outside and the girls accompanied the two coolies willingly as their wives.

(*c*) The Agent registered and forwarded the two girls and the two coolies after they were produced before and certified by the First Class Magistrate, Dhulia City.

(*d*) A complaint was lodged by Raymal Baba Bhil before the Police, but on enquiry it was found that the girls were not under sixteen years of age and that they went of their own free will to Assam and hence no action could be taken in the matter.

(*e*) The statements of the girls were not recorded by the First Class Magistrate, but he questioned them and certified them after he was satisfied that they were willing to go to Assam, and knew the conditions under which they were going.

(*f*) Government have made enquiries and have ascertained that the girls are in Assam and that they are willing to stay there.

SCHOOLS : GRANT-IN-AID

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(*a*) to place on the table a list containing the names of such of the aided secondary schools whose grants were reduced in the years 1926-27 and 1927-28 in this Presidency with reasons for such reduction in each case ;

(*b*) to state whether the Director of Public Instruction received any petition for reduction of over one-half of the grant from any of the schools at Ahmedabad. If so, to place on the table copies of the said petition with reminders and replies if any ;

(*c*) to say whether the City High School of Ahmedabad is the only institution in Ahmedabad whose grant was at a stroke reduced by over one-half ;

(*d*) to inquire and state whether the proprietor of the said school had taken active part in the last election at Ahmedabad for a defeated candidate ;

(*e*) to state if the Educational Inspector, Northern Division, had considered the merits and demerits of the reduction in the grant before this action. If so, to place the reports and the other papers of enquiry on the table ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The accompanying statement giving the required information is placed on the Council table.

(*b*) Yes. In the opinion of Government no useful purpose will be served by placing on the Council table copies of the correspondence referred to.

(*c*) Yes.

(*d*) After enquiry, it does not appear that the Proprietor, City High School, Ahmedabad, took any part in the last Council or Municipal elections for a defeated candidate.

(*e*) In view of the condition of the City High School, Ahmedabad, observed at the time of the last and previous inspections, a grant equal to the difference between the admitted expenditure and the total fee receipts of the previous year was considered reasonable to enable the school to make both ends meet, and a grant of Rs. 2,368 was sanctioned.

No.	Name of School	Grant paid in			Reasons for reduction of grant
		1925-26	1926-27	1927-28	
1	2	3	4	5	6
	A. V. Schools	Rs.	Rs.		
	Bombay Division				
1	Proprietory and Fort High School, Grant Road, Bombay.	4,800	4,579	Grants not yet paid to any schools.	Grant admissible paid.
2	G. E. Institute, Dadar ..	8,561	8,531		Do.
3	King George English School, Dadar	12,805	12,803		Do.
4	Gokhale Education Society's High School, Girgaon.	6,116	6,110		Do.
5	M. M. A. V. School, Umbergaon ..	1,724	1,550		Poor efficiency of the school.
6	English Class, Primary School, Bhivandi.	196	195		Grant admissible paid.
7	Municipal A. V. School, Malegaon..	1,443	1,441		Do.
8	Do. Yeola ..	1,213	1,075		Poor efficiency of the school.
9	John Elphinstone High School, Alibag.	4,969	4,419		Grant admissible paid.
10	K. E. Society's High School, Mahad.	2,327	2,160		Poor efficiency of the school.
11	A. P. Mission High School, Vengurla.	3,208	3,207		Grant admissible paid.
12	Shri Ram English School, Deogad .	2,000	1,845		Do.
13	A. V. School, Kankavli ..	728	670		Do.
	Girls' Schools				
14	Princess A. V. Girls' School, Bombay.	2,721	2,398		Grant admissible paid.
15	Bai R. F. D. Pandya Girls' School .	4,754	2,100		Do.
16	Indian Education Society's Girls' High School, Dadar.	4,436	4,245		Do.
17	Sir C. J. Readymoney A. V. School, Bombay.	1,569	1,200		Do.
18	Municipal Girls' English Class, Bandra.	488	369		Do.
	Central Division				
1	Poona Night High School ..	1,762	1,600		Grant admissible paid.
2	English Class, Jejuri	197	150		Unsatisfactory condition of the class.
3	A. M. A. V. School, Sirur ..	433	381		Do.
4	English Class at Islampur ..	158	113		Grant admissible paid
5	Muslim High School, Panchgani ..	1,500	1,150		Unsatisfactory condition of the school and a fall in numbers.

No.	Name of school	Grant paid in			Reasons for reduction of grant
		1925-26	1926-27	1927-28	
1	2	3	4	5	6
		Rs.	Rs.		
6	S. P. G. Mission High School, Ahmednagar.	2,649	2,468	Grants not yet paid to any schools.	Grant admissible paid.
7	A. M. A. V. School, Vadala ..	1,100	1,049		Do.
8	New English School, Jalgaon ..	3,664	3,573		Unsatisfactory condition of the school.
9	High School, Erandol ..	2,100	2,000		Do.
	Northern Division				
1	City High School, Ahmedabad ..	5,000	2,368		Unsatisfactory condition of the school.
2	E. M. A. V. School, Prantij ..	862	850		Grant earned was paid.
3	Surajmal A. V. School, Patdi ..	1,034	992		Do.
4	A. V. School, Sabarmati ..	375	..		School closed.
5	I. P. Mission A. V. School, Anand .	1,052	1,045		Grant admissible paid.
6	Nityanand A. V. School, Sarsa ..	762	629		Do.
7	Ewbank A. V. School, Kalol ..	774	769		Do.
8	M. M. Pipardiwala High School, Rander.	3,583	3,573		Do.
	Girls' Schools				
9	M. W. Young Ladies' High School, Broach.	3,432	3,270		Poor efficiency of the school.
	Southern Division				
1	New English School, Dharwar ..	4,237	3,967		Grant admissible paid.
2	St. John's A. V. School, Gadag ..	900	800		Unsatisfactory condition of the school.
3	Gilganchi Artal High School, Belgaum.	5,123	4,920		Grant admissible paid.
4	Municipal A. V. School, Saundatti .	325	300		Unsatisfactory condition of the school.
5	Municipal A. V. School, Bagalkot ..	2,276	2,100		Poor efficiency of the school.
6	Hindu High School, Karwar ..	2,973	2,902		Grant earned paid.
7	Gibb High School, Kumta ..	4,819	4,698		Grant admissible paid.
	Sind				
1	A. V. School, Nasarpur ..	1,310	1,279		Grant admissible paid.
2	Do. Halla ..	240	200		Poor efficiency of the school.

No.	Name of school	Grant paid in			Reasons for reduction of grant
		1925-26	1926-27	1927-28	
1	2	3	4	5	6
		Rs.	Rs.		
3	A. V. School, Hallani	300	250	Grants not yet paid to any schools.	Decrease in the number of pupils.
4	Do. Nawabshah ..	1,100	1,029		Grant admissible paid.
	English Teaching Schools				
	Boys' Schools				
1	Antonio D'Silva High School, Dadar.	11,387	11,100		Grant earned paid.
2	St. Mary's English Teaching School, Mazgaon.	5,200	4,870		Grant admissible paid.
3	St. Michael's School, Mahim ..	6,156	6,000		Do.
4	St. Andrew's Parish School, Bandra.	9,450	9,300		Do.
5	Ornella's School, Poona ..	2,900	2,793		Do.
6	Roman Catholic School, Bhusawal .	3,312	3,250		Poor efficiency of the school.
7	St. Paul's High School, Belgaum ..	6,000	5,868		Grant admissible paid.
	Girls' Schools				
8	Queen Mary's High School, Girgaum.	17,500	17,036		Grant admissible paid.
9	St. Joseph's School, Bhuleshwar ..	4,000	3,938		Do.
10	Divine Providence School, Belgaum.	1,137	1,100		Grant earned paid.
11	St. Joseph's School, Byculla ..	5,707	..		For irregularities in accounts, etc., no grant was paid.
12	R. C. School, Lonavla ..	1,477	1,477	1,000	For inadequate staff and low standard of teaching. The school has been removed from the aided schools list.

PUBLIC SERVICE : INDIANIZATION

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased—

(*a*) to lay on the Council table a statement showing the progress of Indianization in each public service year by year since 1921 ;

(*b*) to state whether the proportions in each service between Indians and Europeans, as recommended by the Lee Commission have been reached ? If not, why not ?

The Honourable Sir CHUNILAL MEHTA: (*a*) The attention of the honourable member is invited to the Civil Lists for the years in question which contain full information on the subject. (Copies of the Lists are available in the Legislative Council Library.)

(*b*) The Lee Commission did not contemplate or recommend that the proportion laid down by them for each of the Imperial Services which have not been provincialized should be reached in the current year as is suggested by the question. Appropriate formulæ for recruitment to these Services have been adopted giving effect to the recommendations of the Commission on this matter.

Mr. R. G. PRADHAN: May I request the Honourable the Finance Member to be so kind as to oblige me by getting his own office to prepare the statement for me ?

The Honourable Sir CHUNILAL MEHTA: I find it very difficult to say "yes" because if every honourable member wished that to be done, I do not know whether we could meet such requests. I think it would be impossible.

Mr. R. G. PRADHAN: That is a hypothetical "if" and the matter is of considerable public importance.

The Honourable Sir CHUNILAL MEHTA: They are made often.

Mr. R. G. PRADHAN: Can nothing be done at all ?

The Honourable Sir CHUNILAL MEHTA: If the honourable member will leave it to me, I will see what can be done, but I do not make any definite promise.

Mr. R. G. PRADHAN: As regards (*b*) I have not made the suggestion as supposed by the honourable member; all that I want to know is whether the proportions to be reached up to date as recommended by the Lee Commission have been reached.

The Honourable Sir CHUNILAL MEHTA: The answer is already there namely, appropriate formulæ for recruitment to these services have been adopted giving effect to recommendations of the Commission on this matter.

Mr. R. G. PRADHAN: I request the Honourable the Finance Member to tell me plainly whether the proportion to be reached up to this year has been reached.

The Honourable Sir CHUNILAL MEHTA: No proportion has been laid down for every year. That is where our difficulty comes in. All that the Lee Commission recommended so far as I recollect now is that by a certain time a certain proportion of each of the services should be indianised, and in order to reach that stage after a certain number of years certain formulæ have been worked out and these have been followed. In that sense effect has been given to the recommendations made.

Mr. R. G. PRADHAN: May I know whether the proportions that should be reached up to date has been reached ?

The Honourable Sir CHUNILAL MEHTA: Yes, I think so.

Rao Bahadur R. R. KALE: The Civil List has not been supplied to us yet this year Has the practice been discontinued ?

Mr. P. R. CHIKODI : Recently I made a written reference to Government complaining that we are often referred in answers to questions to the Civil List, but that only one copy of the Civil List is supplied to us in a year.

The Honourable the PRESIDENT : The honourable members are referred in the reply to the Civil List which is in the Council Library.

Mr. P. R. CHIKODI : Are we to come down to Bombay from the moffussil to refer to the copy that is kept in the Council Library ?

Rao Bahadur R. R. KALE : My question was whether the practice of supplying the Civil List has been discontinued.

The Honourable the PRESIDENT : I do not know how that question arises here.

The Honourable Sir COWASJI JEHANGIR : May I explain, Sir. I believe the Civil List is supplied to honourable members only once a year but the copy that is supplied is the complete copy for that year. I believe it is supplied in July of each year.

Rao Bahadur R. R. KALE : It used to be supplied in January but this year it has not yet come to us.

The Honourable Sir COWASJI JEHANGIR : January or July, one complete copy will go to the honourable members.

The Honourable the PRESIDENT : Order, order. All this is foreign to the question before the House.

Mr. R. G. PRADHAN : Will the Honourable the Finance Member place on the Council table the appropriate formulæ for recruitment referred to in the reply ?

The Honourable Sir CHUNILAL MEHTA : Certainly, we will.

EXCISE ADVISORY COMMITTEES : RECOMMENDATIONS

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to lay on the Council table a statement showing the recommendation or recommendations, if any, made by each of the Excise Advisory Committees in the Presidency and the action taken thereon by the proper authorities ?

The Honourable Mr. G. B. PRADHAN : There are 288 Excise Advisory Committees and during the year 1926-27 they made 608 recommendations. Statistical information in regard to these is given in Appendix B to the Excise Administration Report for the year 1926-27 a copy of which has been furnished to the Honourable Member. The collection of the information required by the Honourable Member for all the Committees would involve a considerable amount of time and labour. It is therefore suggested that he should select one or more particular Committees in any one district, when the information in regard to them will be obtained.

INDIAN REGISTRATION ACT AMENDMENT BILL : OPINIONS

Mr. R. G. PRADHAN (Nasik District) : Will the Honourable the Minister for Forests and Excise be pleased to lay on the Council table a

statement showing the names of individuals and public bodies from whom opinions have been received up to date on the Indian Registration Act (Amendment) Bill and the opinion given in each case ?

The Honourable Mr. G. B. PRADHAN : Copies of the communications received in response to the Press Note, dated 19th August 1927, in which those interested in the proposed legislation were asked to submit their opinions are placed on the Council table.

VILLAGE PANCHAYAT COMMITTEE REPORT

Mr. R. G. PRADHAN (Nasik District) : Will the Honourable the Minister for Local Self-Government be pleased to state—

(*a*) the reason for not having yet given effect to the recommendations of the Village Panchayat Committee ;

(*b*) whether he intends to take the necessary legislative action in the matter, and, if so, when ?

The Honourable Sir GHULAM HUSSAIN : (*a*) The recommendations are still under the consideration of Government, and I am as anxious as my honourable friend to give effect to it as early as possible.

(*b*) The question cannot be answered unless Government have fully considered the report.

DHARAMIYU TANK, BUTWADA VILLAGE

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the Dharamiyu tank in the village of Butwada in the taluka of Valod in the Surat District—

(*a*) the area of the tank ;

(*b*) the area of the land assessed to it for Himayat ;

(*c*) the Himayat assessment on the tank ;

(*d*) whether the embankment of the tank is in good condition ;

(*e*) the number of pipes on the tank and the condition in which each is at present ;

(*f*) whether the tank is at present deep enough ;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs ;

(*h*) what is the condition of the tank at present ;

(*i*) whether complaints have been received from the people about this tank ;

(*j*) whether Government have decided to put this tank in a good state of repair ;

(*k*) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR : (*a*) 20 acres and 2 gunthas.

(*b*) 35 acres and 39 gunthas.

(*c*) Rs. 80-2-7.

(*d*) Yes.

(*e*) The tank has two pipe outlets of 6" diameter of which one is in good order but the other requires overhauling.

(*f*) Yes.

(*g*) The tank was last repaired in 1924-25 at a total cost of Rs. 360. The repairs consisted of (1) strengthening the bund, (2) renewal of pipe outlet and (3) petty repairs to the waste-weir and the second outlet.

(*h*) The tank is in good condition and in working order. Repairs to one of the pipe outlets and the waste-weir are required.

(*i*) Yes.

(*j*) and (*k*) Yes, repairs to the pipe outlet and the masonry waste-weir will be carried out after the plans and estimate are prepared and sanctioned. The repairs will cost about Rs. 650.

TODDY SHOP, LAL DARWAJA, SURAT

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether there is a toddy shop situated on the public road at Lal Darwaja, Surat City;

(*b*) whether this shop is situated near the junction of several streets where high class and respectable Hindu families are residing;

(*c*) whether a Hindu temple of Kabirpanthaji is situated just opposite to this toddy shop;

(*d*) whether toddy drunkards sit to drink toddy on the main road which is very narrow at this point;

(*e*) whether it is a fact that at times the drunkards when they are intoxicated mock ladies who may be passing;

(*f*) whether an application was made to the Assistant Collector of Excise and the Collector of Surat for the removal of this shop to some other place;

(*g*) whether the shop was inspected in 1924 and orders were passed for its removal;

(*h*) whether these orders have still remained unexecuted;

(*i*) whether the Advisory Committee with the Collector of Surat as its President unanimously resolved to cancel the Lal Darwaja toddy shop;

(*j*) if so, why this unanimous Resolution of the Excise Advisory Committee has not been given effect to;

(*k*) what are the reasons for keeping the shop at its present site;

(*l*) whether Government intend to remove this shop;

(*m*) if so, when?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes. There is a toddy shop known as the Lal Darwaja shop, but it is in a side street and not on the main road.

(*b*) No.

(*c*) No. On the other side of the street but not immediately opposite to the shop there is the back wall of the compound of a Hindu temple. The entrance to the temple is in another street.

(*d*) No.

(*e*) Government are not so aware.

(*f*) Yes.

(*g*) Yes.

(*h*) Yes.

(*i*) Yes.

(*j*) The shop has a large custom, and if it were closed, there would be no shop in the near vicinity to which its customers could go. The effect of the closure might therefore be to drive people to the use of more deleterious drinks or drugs.

(*k*) Because it is not so objectionable as it is represented to be and no more convenient site can be found.

(*l*) No, unless another suitable site in the neighbourhood can be found.

(*m*) Does not arise.

Mr. H. B. SHIVDASANI: With regard to (*d*), my question is "Whether toddy drunkards sit to drink toddy on the main road which is very narrow at this point", and the reply is "No". What does it mean?

The Honourable Mr. G. B. PRADHAN: They do not sit.

Mr. H. B. SHIVDASANI: I want to know whether Government have made enquiries whether ladies are being mocked.

The Honourable Mr. G. B. PRADHAN: The reply, that Government are not aware of it, is based upon enquiries made.

Mr. H. B. SHIVDASANI: The reply says that Government are not aware?

The Honourable Mr. G. B. PRADHAN: Enquiries were made and it was found that there is nothing to show that ladies are being mocked while passing along the road.

Mr. H. B. SHIVDASANI: Part (*j*) of the reply says "The shop has a large custom, and if it were closed, there would be no shop in the near vicinity to which its customers could go." Is it the policy of Government to supply toddy?

The Honourable Mr. G. B. PRADHAN: Yes. It is not the policy of Government that people should be driven to illicit distillation or smuggling.

Mr. H. B. SHIVDASANI: Then why was it ordered in 1924 to close this shop?

The Honourable Mr. G. B. PRADHAN: I want notice of the question.

Mr. H. B. SHIVDASANI: The notice is there, and you have said yes.

The Honourable Mr. G. B. PRADHAN: You want the reason for it.

Mr. H. B. SHIVDASANI: At that time, was there no demand for toddy?

The Honourable Mr. G. B. PRADHAN: You want the reason for closure of the shop in 1924, and I want notice for it.

Dr. M. D. GILDER: On what grounds did the Advisory Committee with the Collector of Surat recommend that the license for the shop should be cancelled?

The Honourable Mr. G. B. PRADHAN: I want notice of the question.

Mr. H. B. SHIVDASANI : With regard to (*i*), are not Government prepared to accept the recommendation of the advisory committee including the Collector, with regard to the abolition of the shop ?

The Honourable Mr. G. B. PRADHAN : No.

Mr. H. B. SHIVDASANI : On whose advice are Government acting ?

The Honourable Mr. G. B. PRADHAN : On the advice of the Commissioner of Excise.

Mr. H. B. SHIVDASANI : What is the advisory committee for ?

The Honourable Mr. G. B. PRADHAN : It is for advice, and that advice is considered by Government.

Mr. J. C. SWAMINARAYAN : Is the Commissioner wiser than the advisory committee and the local officers ?

The Honourable Mr. G. B. PRADHAN : He is the expert officer of Government.

SADAKPORE VILLAGE TANK

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the tank in the village of Sadakpore in the Taluka of Chikhli in the Surat District—

(*a*) the area of the tank ;

(*b*) the area of the land assessed to it for Himayat ;

(*c*) the Himayat assessment on the tank ;

(*d*) whether the embankment of the tank is in good condition ;

(*e*) the number of pipes on the tank and the condition in which each is at present ;

(*f*) whether the tank is at present deep enough ;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs ;

(*h*) what is the condition of the tank at present ;

(*i*) whether complaints have been received from the people about this tank ;

(*j*) whether Government have decided to put this tank in a good state of repair ;

(*k*) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR : (*a*) The area of the Him tank in R. S. No. 327 of Sadakpore village is 58 acres and 4 gunthas.

(*b*) 69 acres and 33 gunthas.

(*c*) Rs. 117-11-4.

(*d*) Yes, except a portion of it, which is under repairs.

(*e*) There are 4 pipe outlets to this tank all of which are in good order.

(*f*) Yes.

(*g*) The tank was last repaired in the year 1909-10 at a cost of Rs. 850 and is being repaired again this year at an estimated cost of Rs. 430. The repairs consist of strengthening the bund and clearing the silt from the pipe outlets.

(*h*) The tank is in good condition and will be efficient in all respects after the completion of the repairs now in hand.

(*i*) Yes.

(*j*) and (*k*) Yes, *vide* reply to (*g*) above.

NAVU TANK : KOLVA VILLAGE

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the Navu tank in the village of Kolva in the Taluka of Jalalpore in the Surat District—

(*a*) the area of the tank ;

(*b*) the area of the land assessed to it for Himayat ;

(*c*) the Himayat assessment on the tank ;

(*d*) whether the embankment of the tank is in good condition ;

(*e*) the number of pipes on the tank and the condition in which each is at present ;

(*f*) whether the tank is at present deep enough ;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs ;

(*h*) what is the condition of the tank at present ;

(*i*) whether complaints have been received from the people about this tank ;

(*j*) whether Government have decided to put this tank in a good state of repair ;

(*k*) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on those repairs.

The Honourable Sir COWASJI JEHANGIR : (*a*) 21 acres and 34 gunthas.

(*b*) 46 acres and 4 gunthas.

(*c*) Rs. 143-3-9.

(*d*) Yes, except a portion which is crossed by a cart track.

(*e*) There are four pipe outlets to the tank. They are all in good order.

(*f*) Yes, but at present the tank does not hold water to the full extent as water flows out by the deep ruts formed on the cart track which passes through the tank bed.

(*g*) The tank was last repaired in 1923-24 at a cost of Rs. 298. The repairs consisted of putting the outlets in working order and strengthening the worn-out portion of the bund.

(*h*) The tank is in good condition excepting the defects mentioned in (*d*) and (*f*) above.

(*i*) Yes.

(*j*) and (*k*) No repairs are required except the filling up of the ruts formed by the cart traffic. The filling up is to be done by the villagers themselves under sections 84 and 85 of the Irrigation Act.

Mr. H. B. SHIVDASANI : With regard to (*j*) and (*k*), what steps have Government taken to get the ruts filled up by the villagers ?

The Honourable Sir COWASJI JEHANGIR : I cannot give you any definite idea.

Mr. H. B. SHIVDASANI : What is the policy of Government in this matter ?

The Honourable Sir COWASJI JEHANGIR : The villagers are supposed to do their own duty, and I do not know how often they are reminded about it.

LOCAL BOARD ELECTIONS : POLLING STATION AT WAGHECH

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether Waghech, Taluka Bardoli, District Surat, was a Polling Station for the District and Taluka Local Board Elections in Surat;

(*b*) if so, since when;

(*c*) whether it is a fact that all of a sudden this polling station has been abolished for the present Local Board Elections;

(*d*) what is the distance of each village included in this group from Waghech and from the polling station to which the voters will have to go now;

(*e*) what was the reason of the abolition of this polling station;

(*f*) whether it is a fact that this will cause inconvenience to the voters;

(*g*) if so whether Government intend to restore this polling station?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes.

(*b*) Waghech-Sarbhon was a polling station in 1924.

(*c*) After proper enquiry and consideration it was abolished.

(*d*) Distances of the villages included in the group from Waghech (abolished polling station) and Sarbhon (present polling station) are as under :—

Name of village included in the group	Distance from Waghech (abolished polling station)	Distance from Sarbhon (present polling station)
	Miles	Miles
1. Kharad	2	3½
2. Chhitra	2	4
3. Kunvadia	1	4
4. Puni	2	1½
5. Tighra Sarbhon	2	2½
6. Babla	3	¾
7. Ancheli	3½	1¼
8. Bhuwasan	2	1
9. Jakharda	2½	1
10. Gosarda	2	1½
11. Malekpore	4	4
12. Amalsadi	4	2½
13. Supa	2	4
14. Pera	1½	4½
15. Ninat	3	1½
16. Shahpore Sarbhon	3	1½
17. Nogama	1	2½
18. Pardi Vagha	1	2½
19. Siod	3	3
20. Pardi Pata	2	2½
21. Lakhanpore	2	3
22. Ambheti	1½	3½
23. Tarbhon	1½	2
24. Vadoli	2½	1½
25. Sarbhon	3½	..
26. Pati	4	1
27. Waghech Sarbhon	..	3½

The reason was to give facility for more voting; that object was attained as could be seen from the total number of votes recorded now and in the past. Percentage of voting 1924 and 1927 is given below :—

	1924	1927
Taluka Local Board election—		
Non-Muhammadan	46 per cent.	55 per cent.
Muhammadan	33 per cent.	67 per cent.
District Local Board election—		
Non-Muhammadan	49 per cent.	66 per cent.

(*f*) No. It cannot be said to have caused inconvenience to the general body of voters attached to the polling station. Those villages which are now a little more distant from the polling station might naturally feel inconvenienced.

(*g*) Not unless any sufficient grounds are observed for doing so.

BIGARISFALIA DADHORA VILLAGE TANK

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to give the following information about the tank in the village of Bigarisfalia Dadhora in the taluka of Bulsar in the Surat District—

(*a*) the area of the tank;

(*b*) the area of the land assessed to it for Himayat;

(*c*) the Himayat assessment on the tank;

(*d*) whether the embankment of the tank is in good condition;

(*e*) the number of pipes on the tank and the condition in which each is at present;

(*f*) whether the tank is at present deep enough;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs;

(*h*) what is the condition of the tank at present;

(*i*) have complaints been received from the people about this tank;

(*j*) have Government decided to put this tank in a good state of repair;

(*k*) if so, when will they repair the tank and what repairs will be done to the tank and how much amount will be spent on these repairs?

The Honourable Sir COWASJI JEHANGIR: (*a*) The area of the Methiu tank in R. S. No. 198 in Dadhora Falia of Bigri Village in the Bulsar taluka is 6 acres and 3 gunthas.

(*b*) The area of land assessed to Himayat is 25 acres and 4 gunthas.

(*c*) The Himayat assessment on the tank is Rs. 59-2-6.

(*d*) Yes.

(*e*) There is only one outlet to the tank which is in good condition except that the ends of the earthenware pipes require renewal.

(*f*) The tank holds sufficient water for irrigation purposes.

(*g*) The tank was last repaired in 1908 at a total cost of Rs. 500. The details of the repairs then carried out are not available.

(*h*) It is on the whole in good condition.

(*i*) Yes.

(*j*) and (*k*) The plans and estimates for necessary repairs costing about Rs. 1,000 have already been prepared. The work will be taken in hand as soon as possible next year.

PARDI SCHOOL: RENT GRANT

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether the Educational Department refused in the year 1917 to allow the Pardi Anglo-Vernacular School to have a fifth standard for want of a suitable building;

(*b*) whether the Educational Department refused in the year 1919 to allow the Pardi Anglo-Vernacular School to have a sixth standard for want of a suitable building;

(*c*) whether when in 1920 the Pardi Anglo-Vernacular School applied for permission to have a sixth standard the Education Inspector replied "A good building essential";

(*d*) whether a new building was built for this school in the year 1923-24 at a cost of Rs. 55,000 for the building alone;

(*e*) whether no building grant was received for this school from Government;

(*f*) whether the Education Inspector in his No. 13154, dated 19th February 1926, addressed to the Director reported as under:—

> "The school has charged a monthly rent of Rs. 250, *i.e.*, Rs. 3,000 per annum for its own building on which no building grant has been claimed. The rent calculated at the numbers likely to be reached comes to Rs. 1,312 per annum, but the actual cost of only the construction of the building was Rs. 55,000. As it was constructed before the instructions contained in your No. S-67 (*c*)-C of 1st December 1924, regarding admission of rent of school building, I have admitted Rs. 250 per month as a reasonable rent and made no deduction therefrom."

(*g*) whether the Director of Public Instruction was pleased to order that the school should be allowed a rent of Rs. 581 per year;

(*h*) whether the Society which conducts the Pardi Anglo-Vernacular School has applied to Government to reconsider this decision;

(*i*) if so what decision Government have arrived at on this application?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No. The managers applied for permission to open Standard V not in 1917 but in 1918 and the permission was granted.

(*b*) The permission for opening Standard VI was not refused for want of a suitable building but on account of other deficiencies in the school.

(*c*) No.

(*d*) Yes.

(*e*) No building grant has been applied for and none has been sanctioned.

(*f*) Yes.

(*g*) Yes, but the amount of Rs. 581 was afterwards revised and raised to Rs. 1,012 per annum.

(*h*) and (*i*) No representation on the subject has yet reached Government.

LIQUOR SALES, AHMEDABAD: HOLI HOLIDAYS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) the sale of foreign liquor in gallons on the 17th and 18th of March 1927 (namely the Holi holidays) in the refreshment bar of Messrs. E. R. Fanibanda and Sons located at the "Fanibanda Building" near Sehr Kotda Police Chowky, Ahmedabad;

(*b*) the average sale of foreign liquor in gallons during the month of March 1927 in the same shop;

(*c*) if the sale of foreign liquor on the dates which were the Holi holidays far exceeds the average sale during the month of March 1927, whether it is a fact that the overwhelming excess of sale was due to all the other country liquor shops having been closed and only refreshment bars having been allowed to be kept open?

The Honourable Mr. G. B. PRADHAN: (*a*) The sale of foreign liquor at the Refreshment Room of Messrs. E. R. Fanibanda and Sons amounted to 81 and 225 bulk gallons on the 17th and 18th March 1927 respectively.

(*b*) About 17½ bulk gallons.

(*c*) Yes.

Mr. J. C. SWAMINARAYAN: Is not the object of Government frustrated by allowing the millhands to resort to the refreshment room and consume ten times the average sale of liquor on Holi holidays?

The Honourable Mr. G. B. PRADHAN: The Collector was given discretion in the matter, as the honourable member was informed in reply to one of his questions.

Dr. M. D. GILDER: Is the Honourable Minister satisfied that the Collector used his discretion in the proper way, when the sale of foreign liquor rose up by more than 1,300 per cent. on that date?

The Honourable Mr. G. B. PRADHAN: It will be considered next time and brought to the notice of the Collector.

Dr. M. D. GILDER: Is the Honourable Minister satisfied that the Collector has used this discretion in the proper way?

The Honourable Mr. G. B. PRADHAN: This state of things will be considered next time.

Mr. J. C. SWAMINARAYAN : Why was not the sale of foreign liquor at the refreshment room closed on the Holi Holiday in the interest of the preservation of peace ?

The Honourable Mr. G. B. PRADHAN : Discretion was given to the Collector and he exercised it as he thought fit.

GUJARAT COLLEGE : ADDITIONAL CLOTHING FOR PEONS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the Principal of the Gujarat College gives Dhotars, Paghdis, white-coats over and above the usual uniforms to the two out of the three college peons whom he uses as his personal peons ;

(*b*) if so, from what provision of the budget these articles are supplied to the personal peons of the Principal ;

(*c*) if there is no provision in the budget, the source from which that expenditure is defrayed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*), (*b*) and (*c*) Two out of the four college peons only were given white uniforms in 1926-27 and the cost was met from the Domus Fund.

Mr. J. C. SWAMINARAYAN : Is the money intended for the benefit of the hostel students to be utilised for the uniforms and the clothing of the peons ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is presumed that the principal has acted within the authority vested in him by the rules.

Dr. M. D. GILDER : What is the Domus Fund ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is a fund, made up of the contributions made by the hostel students.

Mr. J. C. SWAMINARAYAN : For what purposes is this fund supposed to be utilised ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is used, under the discretion of the principal, for the general interests of the college.

Mr. W. S. MUKADAM : What is the constitution, and what are the names of the office bearers of this fund ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I require notice of the question.

Rao Bahadur R. R. KALE : Is this a private or a public fund ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is not a fund over which Government have any control ; the college authorities have control over it.

Mr. B. V. JADHAV : Are Government satisfied that the principal exercised his discretion in the right way ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government have not gone into that question.

MOULVI RAFIUDDIN AHMAD : Then what is the object of this question ?

The Honourable Dewan Bahadur HARILAL D. DESAI : To elicit information only.

MOULVI RAFIUDDIN AHMAD : The answer is that the money has been met from the Domus Fund. The Domus Fund is for the use of the students. Why should it be used for the peons ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, it is an argument ; not a question.

MOULVI RAFIUDDIN AHMAD : Is this fund not for the use of the students, and if it is, why is it used for the peons ?

The Honourable Dewan Bahadur HARILAL D. DESAI : All that would be determined by having the rules before the Council.

MOULVI RAFIUDDIN AHMAD : Will the Honourable Minister do so then ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Will the honourable member give me notice ?

MOULVI RAFIUDDIN AHMAD : Certainly, this is notice, public notice.

Mr. S. K. BOLE : What is the meaning of the word " Domus ? "

The Honourable the PRESIDENT : Next question.

HOSTEL ACCOMMODATION : R. C. HIGH SCHOOL, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) the number of students for whom accommodation has been provided in the Hostel attached to the R. C. High School of Ahmedabad ;

(*b*) the number of students actually residing in the said hostel during the last five years ;

(*c*) the number of vacancies that remained unfilled owing to want of students desiring to avail themselves of the accommodation provided in that hostel during the last five years ;

(*d*) if there is more accommodation than what is actually availed off in practice, whether Government propose to throw open the surplus accommodation to the students of other grant-in-aid or recognised schools of Ahmedabad ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) 100.

(*b*) 43 in 1922-23.
43 in 1923-24.
58 in 1924-25.
59 in 1925-26.
60 in 1926-27.

(*c*) 57 in 1922-23.
57 in 1923-24.
42 in 1924-25.
41 in 1925-26.
40 in 1926-27.

(*d*) No. If students of other schools are admitted to the hostel, it will be difficult to exercise proper supervision and maintain discipline.

Mr. J. C. SWAMINARAYAN : When there are so many vacancies, will Government try to make the surplus accommodation available to the students of other grant-in-aid or recognised schools of Ahmedabad ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I have explained in reply to part (*b*) of the question that the difficulty is that if other schools are admitted to the hostel, it will be difficult to exercise proper supervision.

Mr. J. C. SWAMINARAYAN : If the authorities of a grant-in-aid school would co-operate with the authorities of the R. C. High School for maintenance of discipline, would not Government allow the students of that High School in the hostel ?

The Honourable Dewan Bahadur HARILAL D. DESAI : When Government receive any proposals which are considered suitable to get over the difficulty, they will be considered.

MR. T. HARVEY : SERVICE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) the department in which Mr. Harvey of the Harvey-Nariman case is serving at present ;

(*b*) his present salary ;

(*c*) his present age ;

(*d*) how many years it is possible for him to serve Government before retiring from service ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Mr. Harvey was serving in the Reclamation Branch of the Development Department and has proceeded on leave with effect from the 3rd January 1928.

(*b*) Mr. Harvey's pay, when he proceeded on leave, was Rs. 2,150 *plus* compensatory local allowance of Rs. 225 and overseas pay £13-6-8.

(*c*) 42 years.

(*d*) Mr. Harvey belongs to the Madras Public Works Department and will, on return from leave, revert to that Government. He can serve the Madras Government for another thirteen years.

Mr. J. C. SWAMINARAYAN : Is it not a fact that Government had undertaken to recover the amount from Mr. Harvey in case he lost the case ?

The Honourable the PRESIDENT : That question has been put and answered.

Mr. W. S. MUKADAM : What reason did Mr. Harvey give in his leave application for going to England ?

The Honourable Sir COWASJI JEHANGIR : He took the sanction of the court before he left, because judgment was not delivered.

Mr. W. S. MUKADAM : What reason did he assign in his leave application ?

The Honourable Sir COWASJI JEHANGIR : Leave was due to him.

Mr. W. S. MUKADAM : Is he returning ?

The Honourable Sir COWASJI JEHANGIR : Not to this presidency.

Mr. W. S. MUKADAM : Going where on his return ?

The Honourable Sir COWASJI JEHANGIR : To Madras presumably.

Mr. W. S. MUKADAM : Are other provinces willing to take him ? What arrangement did Government make when he proceeded on leave to recover the amount from him ?

The Honourable the PRESIDENT : That does not arise.

REFRESHMENT BARS, AHMEDABAD : CLOSURE ON HOLIDAYS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the refreshment bars of Ahmedabad where foreign liquor is sold were closed on Katl-ki-Rat and Taboot holidays during the current year 1927 in the city of Ahmedabad ;

(*b*) if the answer to (*a*) is in the affirmative, why the question of reasonable facilities for obtaining liquor provided by refreshment rooms was cast aside by Government who allowed the refreshment bars to be kept open during the Holi holidays of the current year 1927 on the ground of affording reasonable facilities to the drinking public ;

(*c*) the reasons why the refreshment bars of Ahmedabad which are regarded as " foreign liquor " shops liable to be closed in pursuance of Government Resolution, Revenue Department, No. 1459-C, dated 10th April 1922, on Mohurrum public holidays are not regarded as " foreign liquor " shops on Holi holidays and are allowed to be kept open on those holidays ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) and (*c*) Government Resolution No. 1459-C, dated 10th April 1922, to which the Honourable Member refers has been modified by Government Resolution No. 1459-C, dated 16th April 1923, under which refreshment rooms in the mofussil can be kept open during the Holi and Mohurrum holidays. Under section 42 of the Bombay Abkari Act, 1878, however, it is open to the Collector to require that any shop in which any excisable article is sold by retail shall be closed at such time as he may deem it necessary for the sake of the public peace and to order that such shop shall remain closed. It is in the exercise of this discretion that a refreshment room is allowed either to remain open or is closed during the Holi and Mohurrum holidays.

Mr. J. C. SWAMINARAYAN : Is it not a danger to public peace to keep the refreshment rooms open on Holi holidays ?

The Honourable Mr. G. B. PRADHAN : As I have already stated the discretion is vested in the Collector to keep open or close the refreshment

rooms on those days. If the Collector has not exercised his discretion properly, it is open to the honourable member or any body to bring the matter to the notice of the higher authorities.

REVENUE DEPARTMENT, AHMEDABAD : GRADUATE EMPLOYEES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) how far effect has been given to Government Resolutions, Revenue Department, No. L.C.-2627, dated 14th December 1926 and 19th May 1927, regulating promotions of graduates in the Ahmedabad District ;

(*b*) whether it is a fact that clerks drawing Rs. 65 per mensem are posted on scheduled posts carrying Rs. 85 while graduates possessing the necessary qualifications contained in Government Resolution No. L.C.-2627 of 14th December 1926 are still retained on clerical posts ;

(*c*) if so, whether they intend to recompense the graduates whose claims have been neglected ?

The Honourable Mr. J. L. RIEU : (*a*) Full effect has been given to them.

(*b*) Yes. The non-graduates were selected to act in scheduled posts before the issue of the Government Resolution, dated 14th December 1926. Accordingly, when vacancies occurred later, they were reappointed to act, as their experience in the various branches of work made them more useful than graduates with less service and experience.

(*c*) The claims of graduates are not being neglected. Appointments to scheduled posts are being made in accordance with the orders of Government which enjoin that due regard should be paid both to seniority and other considerations such as merit.

LIQUOR LICENSE, AHMEDABAD : APPLICATION FOR RENEWAL

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether Mr. Nowroji Framji of Ahmedabad applied to the local authorities during the years 1923 and 1924 either for the renewal, revival, restoration or extension of his foreign liquor license which ceased to exist from 1st April 1922 ;

(*b*) if the reply to (*a*) is in the affirmative why the request of Mr. Nowroji Framji was refused and what were the grounds of refusal ;

(*c*) why in spite of Mr. Nowroji Framji being a licensee of very old standing and having not committed any breach of excise rules he was not granted his request in any shape, though during that interval of time a shop in which foreign liquor was to be sold was allowed to be opened in Kapasia Bazar, Ahmedabad, on or about 1st July 1923 ;

(*d*) if the reply to (*c*) reveals that a shop for selling foreign liquor was opened on 1st July 1923 in Kapasia Bazar, Ahmedabad, why the claims of Mr. Nowroji Framji were not considered in connection with that shop in spite of his being a licensee of very old standing.

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) Mr. Nowroji Framji holds a hotel license. He held an "off" license which was cancelled in 1922 as it was found that he paid no attention to his business.

(*c*) and (*d*) No "off" license was granted in the locality where Mr. Nowroji's hotel is situated, and this being the case he had, apart from his inability to conduct another shop, no claim to be granted a license so far away as Kapasia Bazar.

TRAINING COLLEGE : REFUSAL OF ADMISSION TO MR. PATEL

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether Mr. Bhikhabhai Kuberbhai Patel, a life-member of the Charotar Education Society and the manager of the D. N. High School, applied to the Principal of the Secondary Training College for admission without a stipend ;

(*b*) whether it is a fact that the said applicant was refused admission ;

(*c*) if so, the grounds on which his application was not granted ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) Yes. It may, however, be noted that the statement made in part (*a*) of the question that Mr. Patel applied for admission without a stipend is not strictly correct. No mention of a stipend was made in his application.

(*c*) The application was refused because other candidates were considered more suitable.

FOREIGN LIQUOR LICENSE : RESOLUTION OF AHMEDABAD MUNICIPALITY

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the municipal board of Ahmedabad has unanimously passed a resolution making a demand on 21st September 1927 that the foreign liquor "Off" license granted to Mr. Fanibanda near Sehr Kotda Police Chowki, Ahmedabad, which was temporarily revived against the wishes of the local Excise Advisory Committee, be completely closed on the expiration of its new term ;

(*b*) whether the resolution of the municipal board referred to in (*a*) was communicated to Government ;

(*c*) if the answer to (*b*) is in the affirmative what steps Government have taken to close the said license on the expiry of its new life ?

The Honourable Mr. G. B. PRADHAN : (*a*) A Resolution to this effect was passed. Government are not aware whether it was passed unanimously.

(*b*) Yes.

(*c*) None. After reconsideration of the whole case Government have decided to continue the license.

Mr. J. C. SWAMINARAYAN : Is not the resolution of the municipality to be taken in account in considering the location of shops ?

The Honourable Mr. G. B. PRADHAN : There is a huge literature as regards this Fanibanda and Sons. But Government have come to the conclusion that these are manipulated on account of trade rivalry and jealousy.

Mr. J. C. SWAMINARAYAN : Has the Municipality of Ahmedabad trade rivalry against Messrs. E. R. Fanibanda and Sons ? Does the Hon'ble Minister impute motives to the members of the municipal board and the advisory committee ?

The Honourable Mr. G. B. PRADHAN : There are certain persons who are against Fanibanda and Sons on the advisory committee. They passed a resolution to close this shop. They are also members of the municipal board. Consistently with the resolution they passed in the advisory committee they wanted to pass a similar resolution on the municipal board. The resolution was carried. This is a statement of fact.

Mr. W. S. MUKADAM : Have Government received official reports to the effect that because those persons have personal grudge they voted in favour of that resolution ?

The Honourable Mr. G. B. PRADHAN : As they are confidential they cannot be placed on the Council table. Besides, there is a huge pile of applications and petitions which I am prepared to place on the table, if the honourable member desires.

BOMBAY EDUCATIONAL SERVICE : SELECTION POSTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) the number of selection posts in Bombay Educational Service ;

(*b*) how many of them have been filled ;

(*c*) how many of them have not been filled together with the reasons for not filling them in each case ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) 23.

(*b*) 10.

(*c*) 13. Government have decided that selection grade posts need not be filled up simply because they are vacant and have instructed the Director of Public Instruction to recommend the appointment of an officer to the selection grade only if in his opinion he is fully deserving of it and his pay is inadequate considering his qualifications, experience and standing in the service.

FOREIGN LIQUOR LICENSES : ISSUE TO COUNTRY LIQUOR TRADERS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they received a petition from Mr. Naorojee Framjee dated 13th January 1927, requesting them to issue a distinct Government Resolution providing that foreign liquor licenses should not be

given to the persons who have permanent interests in the country liquor trade ;

(*b*) if the answer to (*a*) is in the affirmative, whether they instituted any enquiries on that petition ;

(*c*) which officers of Government were entrusted with the work of those enquiries, and what were the reports from those officers ;

(*d*) what were the final decisions arrived at by the Government on that petition ;

(*e*) whether any reply was sent to Mr. Naorojee Framjee and the nature of that reply ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) Yes.

(*c*) The Commissioner of Excise was consulted. Government are not prepared to place his report on the Council table.

(*d*) The decision of Government was that it was not necessary to issue orders debarring country spirit licensees from having any interest in the sale of foreign liquor in the same locality.

(*e*) The petitioner was informed in accordance with the decision indicated in the reply to clause (*d*).

" OFF " LICENSE, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they have received complaints that one Mr. Mancher-shaw Burjorjee Karayawalla, a servant of Messrs. E. R. Fanibanda and Sons, Foreign wine merchants, near Saher Kotda Police Chowky, Ahmedabad, has been moving among the people in a motor car of his masters and collecting signatures from the people with a view to mislead the Government about the " off " foreign liquor license of his masters ;

(*b*) if the answer to (*a*) is in the affirmative, what steps Government have taken or propose to take to check the activities of Messrs. E. R. Fanibanda and Sons and their employees in connection with the license ?

The Honourable Mr. G. B. PRADHAN : (*a*) Allegations to this effect were made in a petition addressed to Government praying that the foreign liquor " off " license issued to Messrs. E. R. Fanibanda and Sons might be discontinued.

(*b*) Government have taken no steps to enquire into the truth of the allegation, and do not propose to take any.

MAMLATDARS : SELECTION OF PROBATIONERS

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) the number of probationers for the post of Mamlatdars in the Presidency selected last year ;

(*b*) how many of them are (*i*) Brahmins, (*ii*) Marathas and allied classes, (*iii*) Backward classes, and (*iv*) Mohamedans ;

(*c*) whether the recruitment is annual and whether efforts are made to select candidates from all communities ;

(*d*) what is the average time required for a probationer to get the Mamlatdar's post in the Presidency, and Mukhtiarkar's post in Sind ?

The Honourable Mr. J. L. RIEU : (*a*) Six.

(*b*) Brahmin	1
Marathas and allied classes	*Nil.*
Backward classes	3
Mahomedans	2

(*c*) The replies to both questions are in the affirmative.

(*d*) 7 to 10 years in the Presidency proper and 3 to 5 years in Sind.

Mr. R. S. ASAVALE : Is there any depressed class man among the men appointed under the column of backward classes in the answer given ?

The Honourable Mr. J. L. RIEU : I cannot say.

INDUSTRIES DEPARTMENT : WORK DONE

Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state—

(*a*) what is the expenditure which Government has incurred for maintaining the Department of Industries in the Bombay Presidency upto 1926 ;

(*b*) how many industrial institutions the department has opened and, if any, where ;

(*c*) how many old industries which were neglected have been revived ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*), (*b*) and (*c*) The attention of the Honourable Member is invited to the Annual Report of the Department of Industries of the Bombay Presidency for the year 1925-26.

CATTLE CENSUS : POONA CITY

Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state—

(*a*) whether the census of cattle was ever taken in Poona City ;

(*b*) how many cows are kept by each of the following castes, *i.e.*, Brahmins, Marathas, untouchables, Mahomedans, and the number per thousand of the population of each community ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes ; in 1925.

(*b*) The information is not available and could not be collected without an undue expenditure of time and money, for which Government can see no justification.

Mr. SYED MUNAWAR : Sir, may I be allowed to ask questions on behalf of my hon'ble friend Mr. S. C. JOSHI ?

The Honourable the PRESIDENT : I have stated yesterday that honourable members should be in their places at question time and that I would not be lenient in the future in case they were not present. Now, I have decided that I should not allow any leniency to members who are not in their places at question time.

Are there any honourable members desirous of taking their seats ?

Mr. H. Dow then took the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat.

Rao Bahadur R. R. KALE : (Satara District) : Sir, at the October session of the Council at Poona, I had asked a question, which is at page 785 of Vol. XXI of the Official Report, in these terms :

" Will Government be pleased to state whether they intend to adopt as an experimental measure the principle of total prohibition in the Satara District, the consumption of liquor in which is the smallest, as leading towards the goal of total prohibition in this province, on the lines followed in parts of Madras and Central Provinces ? "

To that, the Honourable Minister gave his reply as follows :

" Government are unable to make any statement on the subject at the present time. "

In connection with that, I asked a supplementary question in these words :

" Will Government be pleased to say whether they contemplate taking any action regarding prohibition in the Satara District ? "

And the Honourable Minister gave a reply stating :

" The matter is under consideration. "

I find that owing to some reason or other the supplementary question and the answer to it do not find a place in the official report, and I wish to bring that matter to your notice and to request that something may be done to see that the thing is set right.

The Honourable the PRESIDENT : To begin with, I would call upon the Honourable Minister to inform the House whether the supplementary question was asked and the answer given.

The Honourable Mr. G. B. PRADHAN : Some such question was put and I remember to have answered it in that form.

The Honourable the PRESIDENT : Now, I must point out to honourable members that I have allowed this statement to be made to-day and the defect to be set right. For future, I should like to lay down very clearly, that I would be reluctant to give any such opportunity, because it is the practice everywhere of all legislatures and the House of Commons, that the report is to be taken as final and conclusive. Here in Bombay, in both the Council Halls of Bombay and Poona, possibly because of the construction of the halls, honourable members are not audible, and it is just possible that the honourable member was not heard by the reporter and the omission was made. It was brought to my notice even this morning that the reporter was not following certain supplementary questions because they were put in low tones. I would, therefore, at this very moment request honourable members to speak as loud as they possibly can to help me and also the reporters.

Now, as to the question of corrections being allowed, it must be brought to the notice of honourable members that when copies of their speeches or of the questions they ask are sent to honourable members for correction, they have an opportunity to see that very moment, on that day or the second day, whether a certain thing they stated is or is not there. And if it is not there it is their duty to bring it to my notice

[The President]

or to the notice of the Secretary that an omission has been made. The honourable member, I am sure, was given a copy of what he had asked that day, and when he saw that his supplementary question was not there, he should have brought that to the notice of the President. To be brief, in future I would not allow any such statements to be made to correct any statements and the report will be taken as the final corrected report.

GOVERNMENT BILLS

BILL No. II OF 1928 (A BILL FURTHER TO AMEND THE INDIAN STAMP (BOMBAY AMENDMENT) ACT, 1922)

(Motion for first reading)

The Honourable Sir CHUNILAL MEHTA: Sir, I introduce Bill* No. II of 1928 (A Bill further to amend the Indian Stamp (Bombay Amendment) Act, 1922).

The Honourable the PRESIDENT: Bill No. II of 1928 (A Bill further to amend the Indian Stamp (Bombay Amendment) Act, 1922 is introduced.

First reading.

The Honourable Sir CHUNILAL MEHTA: Sir, I beg to move that Bill No. II of 1928 be read a first time.

Sir, this bill is a very short bill, and probably the Council will agree it is also a very innocent bill. My remarks, Sir, on the bill will be proportionate to the size of the bill. The history of the Stamp Bill is well-known to the House. As the Council are aware, it was first introduced in 1922, and it was then given a life of four years. In 1922 we followed other provinces, taking their lead, which we do not often like to do. Almost all provinces have got this legislation and the major provinces, namely, Bengal, Madras and the Punjab, have placed their enhanced fees on a permanent footing, but the honourable Council of the Bombay Presidency has thought it right that Government should come up to them for sanction on every occasion. In 1926, therefore, the Government placed this bill before the House, and it was allowed for one year. In 1927 again, the House will remember that after a strenuous debate the House was convinced that it was necessary that it should continue also for another year. I heard an honourable member say two days ago that this bill should not either be introduced by Government or be accepted by the Council, because Government had promised that they would keep it in existence only for one year. Well, I take it that the honourable members are aware that no such promise was ever given, but that on the contrary Government's desire was to place this bill permanently on the statute book. But the Council wished it otherwise, and, as usual, Government succumbed. I mention this, Sir, only to show that there is no breach of any kind of undertaking which was never given.

Now, Sir, the reasons why the bill should remain on the statute book are not very far to seek. I will summarize them very briefly. After

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the three days debate that we have already had, I do not think that I need mention how necessary it is, from the financial point of view, that the bill should continue. If honourable members are to be taken at their word, I cannot understand how there is any escape for them but to sanction these bills, and probably permanently. We cannot, as I explained last night, undertake any fresh recurring expenditure without having in sight any permanent revenues wherefrom to meet such recurring expenditure. I do not think it is necessary to dilate any further on that aspect.

The other aspect, Sir, is, as was explained last year, that we have been in negotiation with the Government of India for the exchange of a portion of the stamp revenue for a pie rate on the income-tax. The proposals that the Government of India made to us in September 1927 indeed showed, on their calculations, that a fair amount of benefit would accrue to this province; some 22 lakhs were supposed to be derived by this province over and above the amount that they would give up by giving up the items of stamp revenue. I did not altogether accept that calculation, as I had doubts that the advantage is as great as is made out. I think that on certain items of Stamp Revenue sufficient weight has not been given to the expanding nature of these items. I, therefore, did not wholly accept the Government of India's calculations. But there is no doubt that substantial benefit was offered to this Government. As I explained on a former occasion, this Government would have been prepared to accept that benefit with thanks, had it been allowed to do so by the other provinces which were also interested in the question. Some of the provinces stood to gain very little. One province, namely, our sister province of Bengal, sought to gain only Rs. 3 lakhs.

Mr. J. C. SWAMINARAYAN: Will the Honourable the Finance Member explain what that pie-rate system is? In what way are the calculations made according to that system?

The Honourable Sir CHUNILAL MEHTA: The calculation of this system is in this manner. For any amount that each province would give up to the Government of India in the shape of Stamp revenue, the Government of India would take the total assessable income of that province and would fix a pie-rate. It is proposed it should be three pies on every rupee of the assessable income which would be given to the provincial Government in return for the stamp revenue that they give up.....

MOULVI RAFIUDDIN AHMAD: What will be the aggregate amount that the Bombay Government will stand to gain?

The Honourable Sir CHUNILAL MEHTA: According to their calculation, we stand to gain Rs. 22 lakhs.....

Mr. H. B. SHIVDASANI: Would the pie-rate be different for different provinces?

The Honourable Sir CHUNILAL MEHTA: No. The rate will be uniform for all the provinces, namely, three pies on every rupee. We

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had asked for a differential pie-rate for ourselves in view of the failing of the Devolution Rule 15 and also in view of the expanding nature of some of the items of Stamp revenue that we would be giving up. But that was not agreed to. However, the fact remains that a large number of provinces refused to accept this exchange. One province definitely said that it was a breach of the Meston Settlement, that the Government of India has no business to treat so favourably the Bombay Presidency. However, the Government of India are not prepared to make any change in the Meston Settlement so long as all the provinces do not agree and they were not also prepared to do so in view of the appointment of the Statutory Commission.

Honourable members will remember that I explained to them last year that the proposition brought forward by the Finance Member of the Government of India was altered at the instance of this province and of other provinces that any arrangement that they proposed was merely to be temporary until the whole question was reviewed by the Statutory Commission. Otherwise we were being, so to say, committed to an arrangement in which I saw no progressive income for this province. I, therefore, opposed the original suggestion that was made. But I am glad to say that it has been agreed that any arrangement proposed by the Government of India was merely to be temporary until the whole question was reviewed by the Statutory Commission. We having taken that stand last year and in view of the opposition of the various provinces, the Government of India did not feel that they could proceed further with the proposed exchange. Matters therefore are where they stood last year. The point for this Council to remember is this. The Taxation Enquiry Committee has definitely recommended that stamps—non-judicial stamps—should be a source of central revenue. I will not mention here the reasons that they gave, as I am sure honourable members are fully aware of them. But the fact is there that the Taxation Enquiry Committee has recommended that this should be the case. In pursuance of those recommendations of the Taxation Enquiry Committee the Government of India have made their proposals. I may tell this honourable House that in the discussion both last year and this year in the Finance Members' Conference and also the Sub-Committees that were appointed, it was agreed that a certain portion, at any rate, of the stamp revenue must be made central, because it accrues from transactions which are made all over the country.

Rao Bahadur R. R. KALE: What about the tax on cheques?

The Honourable Sir CHUNILAL MEHTA: Honourable members will notice that we have to sacrifice about Rs. 3 lakhs on account of cheques. The matter is the subject of legislation by the Central Government. No doubt, our complaint was that we were deprived of this source of revenue. While we are quite in agreement with the desirability of abolishing the stamp duty on cheques, we wanted to be compensated for the loss, but it was not allowed and we lost Rs. 1½ lakhs this year as only the period of six months was affected. But we shall have to lose Rs. 3 lakhs every year in future. The point is, therefore, that the

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recommendations of the Taxation Enquiry Committee have to be accepted. That is in return for the revenue which all the provinces will lose, a share of the income-tax must be given to those provinces. It is, therefore, a matter for us to see how much we get in the shape of a pie-rate on the income-tax in return of the stamp revenue which, sooner or later, we must give up to the Central Government. The smaller our revenue is shown, the lesser are our chances for getting a favourable return of income-tax. As it is, this fixing of the exchange whereby we were to be benefitted to the extent of Rs. 22 lakhs, was not acceptable to almost all the provinces. It is, therefore, to our interest to see that the amount is not reduced, so that the apparent benefit to Bombay may not appear greater. I would like to inform the House that in all the other Provinces the rates in stamps have been increased in as great or higher proportion than our own. In those provinces—major provinces, Bengal, Punjab and Madras, the Acts are permanent. I would, therefore, request you to consider this point. We will have to see that our revenue is not so small as to make the Government of India reconsider what they will give us in return in the shape of income-tax. This is purely a business transaction which will appeal to every one. On these grounds, Sir, I feel neither the Government nor this Council have any alternative. I, therefore, think that we cannot, under the present financial circumstances, give up this source of revenue. I hope the House will now agree to the first reading of this bill.

Question proposed.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to oppose the first reading of this bill, and on the following grounds. We have had a long discussion on the budget, and from the figures printed on page 29 of the Blue Book you will see that during the years 1922-23, 1923-24 and 1924-25 there was an average surplus of well over Rs. 95 lakhs, and during the last three years there have been big deficits, and the deficits seem to be increasing, and in the current year, even though there is less provision of Rs. 53 lakhs under Famine Insurance, still we have a deficit. Still we find that Government have not taken any step to bring about retrenchment in the various departments. They may have made minor retrenchments. They may have refused to increase expenditure, demands for which may have been received from various departments. But they have not placed before us any figures showing that they have made large retrenchments. I think while considering retrenchments we should begin at the top. Before the reforms, there used to be only three Members of the Executive Council and they used to manage all the portfolios. After the reforms, their number has been increased from three to seven. Now, I ask: Is it not possible for Government to reduce these fat jobs, fattest jobs, that we have got in this presidency by at least two? Could we not carry on with two Executive Councillors and three Ministers? I have been informed by several persons who have got a knowledge of the inside working of the cabinet that this is quite feasible. An opportunity will be presented to the Government to bring about a change in the strength of the Executive

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Council shortly. If they are really in earnest, I ask them why cannot they reduce two Executive Councillors when they happen to fall vacant shortly ? And if they have got any intention of reducing these two posts, why have they not made a smaller provision in the budget for this purpose ? Government must satisfy us that they have made all sorts of efforts to cut down the expenditure to the minimum before asking us to give them fresh taxation. If we proceed further, we find there are other posts which are popularly called " Post Office Jobs." The officers who occupy these jobs do more or less post office work. I do not mean to say that these officers do not do any useful work. But the question arises whether we can afford to have these officers. The state of our finances is so bad that it may be worth considering whether it is not a luxury to have these officers. My own impression is that we are being over-governed. We have got many more officers than we need have. In the old days there were very few Government departments and the officers of the Revenue Department used to do the work of almost all the departments. In the old days there was no separate income-tax department ; there were no non-official district local board presidents ; there were no separate excise officers ; the strength of the educational department was much smaller. As a matter of fact, in the old days the revenue officer had to do almost every one's job. He had to inspect all the schools ; he had to inspect liquor and toddy shops ; he had to do all income-tax work including appeals ; he had to look after district local boards ; he was ex-officio president. Now all this work has been taken away from his shoulders. Is it not, therefore, in the fitness of things now that Government should take all this into consideration and reduce the posts ? In the old days it was necessary that Government officers should do many things which now they need not do. Now-a-days, with improved communications, with better knowledge on the part of the people, it is not necessary. On the contrary, some may be inclined to think that people now are given too much to making complaints and rendering petitions. We have got new Councils every three years. Members have to go round to educate the people about what the Councils are doing and how they can get their grievances redressed, and on the contrary, Government may think that people make too many applications. On that ground also it is not now necessary to have the same number of officers as we were having in the old days to see that the people are not being tyrannised over or harassed. So, on all these grounds, I think it is but necessary that Government should either take immediate steps to reduce the strength of officers in every department or at least should give us a sort of solemn undertaking that they are going to pay attention to this matter. As soon as I entered this Council first, I had given notice of a resolution to reduce the strength of the Executive Council from four to two. That resolution was disallowed by His Excellency the Governor. But I should have thought that the giving of notice of that resolution would have drawn the attention of Government to the desirability of investigating this matter and seeing if it was possible to reduce the strength of the Executive Council.

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Reducing the number from four to two would by itself, even if you save nothing else but the pay of the two members, save over a lakh and a quarter of rupees. Of course, no members in this part of the House desire retrenchment to begin at the bottom and also to stop at the bottom. We desire that Government should look into the matter of retrenchment and begin at the top, because one post reduced at the top would effect a much greater saving than several posts reduced at the bottom.

Another matter which I would like to press before this House is redress of grievances before giving of supplies. In the district which I have the honour to represent, several schools were in 1921-22 closed owing to non-co-operation. These schools were closed because people would not send their children to schools. They were closed when the Compulsory Education Act was not on the statute book. Now people have changed their views as regards education given in Government schools and they are willing, and eager and anxious to send their children to schools. They are sending petition after petition to Government, and yet during this session I was informed by the Honourable Minister for Education that there are still about 22 villages without schools. The excuse given by the Education Minister was that when these schools were closed down they were transferred to other villages, and now as Government are having a dispute with the local boards they are not going to open any new schools so that the datum line may not be raised. Now, first of all, I may point out that when the schools were transferred from these villages—they were larger villages—to smaller villages, Government had to appoint fewer teachers. If they close a school with 7 teachers in one village and open it in another smaller village, where they have to keep only one teacher they save 6 teachers. As a matter of fact, on the calculation made by the district local board it has been found that though the number of schools may not have been reduced, the number of teachers has been greatly reduced, and in any case, I think it is too petty-minded on the part of Government to look to the datum line and to keep back the hand of progress simply because they have a dispute between them and the district local boards and because Government find that they are not in a position to meet the demands of the district local boards generously. Some of these villages have got a population of over 2,000 and still Government is refusing to open schools in these villages. I hope that they will reconsider their decision in this matter. These schools were closed at a time when there was no question of the datum line and when the Compulsory Education Act was not on the statute book.

Another matter which I would like to ventilate here is the policy of Government with regard to the repair of tanks. In this connection I may point out that some of the replies given in this House are misleading and incorrect. It was proved in a court of law that the replies given by the Honourable the General Member were false as a matter of fact owing to wrong information supplied by subordinates. Now, here is a question which appeared in the third list of questions this session, in which Government give a reply which is not consistent with itself. In

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reply to one portion they say about the tank that the earthen bund of the tank has subsided in several places and requires raising. In another part of the question (*e*) they say that the tank has three masonry outlets which are damaged, and later on Government go on to state that the tank appears to be in a fairly good condition and still further they go on to state that the tank requires Rs. 2,800 for necessary repairs. I ask, is it not an insult to the intelligence of this honourable House to expect honourable members to swallow these statements ? The tank consists of nothing but bunds and outlets. The tank is an excavation which has got a bund around it and three outlets. If the bund is broken in several places and if the outlets are not working and if a large amount like Rs. 2,800 is required for repairs of the tank, how can Government go on to state that the tank is in a good state of repair ? At least to me it seems that Government is merely trying to mislead us. How can we believe such a statement when in that very question Government state that the tank requires so many repairs that they will cost Rs. 2,800 ? The bund is not in order, the outlets are not in order. I would like to know what is in order in the tank. Is only the bottom in order ? Government admitted in reply to a question that in ten years from 1913-1914 to 1922-23 Government had recovered as revenue from the tanks in the Surat district alone Rs. 3,66,000 more than they had spent on the repairs of those tanks. Now, if Government were maintaining all the tanks in the Surat district in a good and efficient state of repair, there would be no complaint about Government taking away surplus revenue for other purposes of general administration, but we find from their own admission that this is not so, that the tanks are not all being kept in an efficient state of repair, and still in reply to several questions I have been told that the work will be put in hand as soon as possible in the order of urgency.....

The Honourable Sir COWASJI JEHANGIR : Is Surat the only district in the presidency ?

Mr. H. B. SHIVDASANI : The reply implies that Government has no idea of repairing all these tanks, that they want to restrict themselves to a particular amount in each year and that they will go on repairing these tanks in the order of urgency so far as funds permit. I ask when Government have pocketted such a large amount, when they have neglected to do their duty, when they have not maintained the tanks in a good state of repair, are Government justified in giving such excuses, are they justified in restricting themselves to a very small amount and then allowing it to go as far as possible? Even during the last two or three years Government has not been spending on repairs of the tanks as much as they receive.....

The Honourable Sir COWASJI JEHANGIR : Where ?

Mr. H. B. SHIVDASANI : In Surat district.....

The Honourable Sir COWASJI JEHANGIR : What about the rest of the presidency ?

Mr. H. B. SHIVDASANI: My contention is that the income which Government derive from a tank is a first charge on the repair of that particular tank and that Government are not justified in misappropriating income they receive from a tank by utilising it for other purposes.

The Honourable Sir COWASJI JEHANGIR: For other tanks?

Mr. H. B. SHIVDASANI: Those expenses must come from the general revenue of the presidency. When a tank is paying a certain revenue, certainly the repair of that tank ought to be a first charge on that revenue, and Government are not entitled to utilise that revenue for repairs of other tanks. Of course maintaining a water supply is one of the primary duties of Government.....

Mr. G. WILES: Is the honourable member in order in accusing Government of "misappropriating money"?

The Honourable the PRESIDENT: The honourable member is using that word not in any offensive sense but I suppose because of not being able to find a better word.

Mr. H. B. SHIVDASANI: I mean "wrongly appropriating," not in the sense in which that word is used in the Indian Penal Code.

Another matter to which I would like to draw the attention of the honourable House is with regard to the communications in the Surat district. Those officers of Government who have served in the Surat district or have any knowledge of the condition of communications in that district will be prepared to say that the state of communications in the Surat district is the worst probably in the whole of the presidency. One cannot go from north to south for more than ten miles without coming to an unbridged river or without coming to some break in the communications. If you want to go from Surat to the next taluka to the south, Jalalpore, you cannot go because there is an unbridged river, and if you want to go from Jalalpore to the next taluka to the south, the Chikhli taluka, you cannot proceed for more than eight or ten miles because there is another unbridged river. It you want to go from Chikhli to the next taluka Bulsar which is a very big place, you cannot do so because there is an unbridged river.....

The Honourable the PRESIDENT: Order, order. I am very sorry to interrupt the honourable member. I cannot say that all that he is referring to is irrelevant, but I would request honourable members to confine their remarks to the consideration of the first reading of the bill. If they snatch an opportunity to discuss the whole administration now because of not having got an opportunity to join in the general discussion of the budget, I think they would be misusing the time of the House. I would request the honourable member to limit his remarks to such of his grievances as he might think would be relevant on the question before the House.

Mr. H. B. SHIVDASANI: It is one of the established principles of the constitution that redress of grievances should come before supply, and I have expressly put my remarks under that head.

The Honourable the PRESIDENT : I was only referring to the limit or extent of the honourable member's remarks.

Mr. H. B. SHIVDASANI : I would request Government to bear in mind the fact that the Surat district is one of the districts which produce a very excellent surplus for Government. The surplus is not less than 50 lakhs every year. I do not say that Government should be narrow-minded and spend the revenue it raises from each district in that very district, but I certainly maintain that a district which is contributing such a handsome surplus, that a district which is bringing so much into the Government treasury, is entitled to have as good communications and as good facilities as other districts which do not contribute to the same extent. I am only asking for equal treatment for my district. I do not want that it should be treated better than the Poona district or any other district in the Deccan. I only want that proper and adequate facilities should be provided to the poor people of my district for marketing their produce, for moving about from place to place and for getting access to markets and such other things.

What appeared rather strange in another reply that I received during this session was that I was told that there was no new toll bar near the village of Rankuva but that it was only a check toll bar. Can Government show me any difference between a toll bar and a check toll bar ? In the old days when toll was levied at each toll bar, there was a difference between a toll bar and a check toll bar because no toll was being levied as a check toll bar. Now a toll is levied only once and is not levied at every toll bar and the cart or conveyance can pass eight or ten toll bars without being asked to pay more than once. The distinction between a toll bar and a check toll bar is absolutely valueless, and I do hope that Government will look into this matter from a liberal point of view. Government has definitely committed itself to a policy of gradual abolition of tolls. I hope the term "as funds permit" will not mean that if the financial position becomes worse, that Government will be entitled to increase the number of toll bars.

Another grievance which is a fairly serious grievance is as regards the method in which anna valuations are being prepared in the Surat district. There is a village called Chond in the Chikhli taluka of the Surat district. The village people petitioned that their crops had failed and that they were not up to the normal. The mamlatdar visited the village in the month of October for the purpose of making anna valuation. The Assistant Collector (an I.C.S. officer) visited the village in the month of November for the same purpose, and after the visits of the mamlatdar and the Assistant Collector, a notice was put up in the village *chavdi* saying that the estimate of the anna valuation of the crops was 7·3. The Collector of the district goes to the village in the month of January 1928, long after all the crops have been removed. He goes there, revises the anna valuation, and increases it to over 8 annas, and then orders the people not only to pay the full assessment of this year but to pay half the assessment of the previous year. Now, this practice is most reprehensible, because it would create consternation and terror in the minds of the village people. When the mamlatdar, a fairly

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responsible officer, when the Assistant Collector, who belongs to the Indian Civil Service, personally go and inspect the crops, prepare the anna valuation at the time when the crops are in the field, make an anna valuation and publish the anna valuation in the village *chavdi*, is it right on the part of the Collector to come along, after the crops have been removed, to revise the anna valuation and compel the people to pay higher assessment. Where there is a difference of opinion between two such high officers of Government, it is but right that the poor people should get the benefit of the doubt. Moreover, I might here state that the present Settlement Commissioner, Mr. Anderson, is responsible for one serious difficulty arising at the time of anna valuation. Formerly, those lands which were kept for grazing were shown as not cultivated but he has introduced the innovation that grass should be regarded as a crop. Still, I had a talk with him the other day. He said that if he were the Collector and were preparing the anna valuation he would leave out the area under grass in the anna valuation of crops, because it would not be fair to compel people to pay land revenue when their grass crop has been up to normal but all their money crops like rice and cotton have failed. I was told that in Ahmedabad district the practice was that the anna valuation of grass was never taken at more than 6 annas; even when the grass is exceptionally good, the anna valuation is never taken at more than 6 annas. And yet, what do I find in the anna valuation prepared by the Collector of Surat ? He goes and puts the anna valuation on grazing lands at 11 annas. Those lands measure nearly one-fourth of the entire area of the village ; the lands were kept merely for grazing the cattle of the village, the grass was not cut, it was not marketed ; it was kept for grazing purposes, and yet the Collector goes and puts the anna valuation of the grazing lands at 11 annas, and by that means improperly and unfairly raises the anna valuation to over 8 annas where the anna valuation of no crop is over 8 annas, if we leave out grass. The Settlement Commissioner, who is a responsible.....

Mr. G. WILES : I rise to a point of order, whether the honourable member is not, under the guise of speaking on this bill, raising the whole budget discussion again.

The Honourable the PRESIDENT : That is what I have pointed out, and I think it is to the interest of the whole House that the discussion should not now be diverted to the various channels of the whole administration of the presidency, which can be brought under discussion more pertinently in the General Discussion, or later on when the different heads come up for discussion.

An Honourable MEMBER : There is no chance at the time of the General Discussion.

The Honourable the PRESIDENT : I am glad an honourable member has interrupted me and stated that no chance is given. No chance can be had by every one, and the losing of that chance should not be supplemented by making these remarks on a subject of the nature under

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discussion. I would, therefore, once again, ask the honourable member to limit his remarks to the bill before the House.

Mr. H. B. SHIVDASANI : I would refer to just one more grievance, which is perhaps the most serious grievance about which I have to complain. That grievance is the revision settlement of the Bardoli and Chorasi talukas. Government appointed a committee to consider and suggest the principles on which revision settlements should be made. While that committee was sitting and considering the matter, while it was collecting evidence and coming to its decisions, Government went ahead with the work of revision settlements, and not only that, but though the committee recommended that the revision settlement officer should not work by himself, should not, so to say, pass an *ex-parte* judgment but should associate with himself representatives of the cultivators by either asking the taluka local board to select some representatives or getting some other respectable representatives of the area to go round with him and to place the several facts before him, that recommendation was not considered. Further, after that *ex-parte* judgment was given, Government invited objections from the village people. Objections were sent by the people of all the villages, but I find that they were practically thrown into the waste paper basket. Moreover, afterwards, myself and my honourable colleague Rao Bahadur Bhimbhai R. Naik from Surat prepared a memorial and submitted it to Government for their consideration. In that memorial we placed several figures before Government, and made out a case for making a fresh enquiry. The whole revision settlement report of the settlement officer was vitiated by the fact that he had relied for his proposals on the figures for the years 1918 to 1924-25. Now, all the honourable members of this House would be agreed that the years 1918-19 to 1924-25 were absolutely abnormal. Any proposal based on figures collected for those abnormal years was bound to be misleading. We had made out a case for a diminution in the rates of assessment, but we had coupled it with a request that Government should be pleased to make an enquiry into the figures of rental and sale values as they were in the years 1925-26 and 1926-27. Government turned a deaf ear to those proposals, and now, as almost all the honourable members of this House are aware, they have gone to the length of compelling the poor cultivators to have recourse to *satyagraha*. As my honourable friend Mr. Nariman pointed out the other day, when we bring the grievances of our constituencies to the notice of Government, they turn a deaf ear to us, and they are practically compelling the people who like to work the constitution to go outside and work outside. The Honourable the Finance Member has paid a well earned tribute to Mr. Vallabhbhai Patel. He is not an ordinary agitator ; he is not like the ordinary run of no-changer. He is a man who has got practical working experience of one of the biggest municipalities of this presidency. He has been president of the Ahmedabad municipality for several years. Moreover, in the last relief operations in Gujarat his assistance was found to be very valuable. He is not a person who is afraid to co-operate with Government. But now

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what do we find ? Even a gentleman of his position, a gentleman who is not afraid of co-operating with Government, is obliged to advise the people of the Bardoli taluka to have recourse to *satyagraha*. Now, I again request Government to consider this question. What is the demand of the people of the Bardoli taluka ? Their demand is not that the assessment should be reduced. Of course they make out a case why the assessment should not be increased. Their complaint is that the settlement proposals are based on figures which relate to years which are admittedly abnormal, and their demand is that a further enquiry should be made and fresh figures should be collected for the years 1925-26, 1926-27 and 1927-28 which years are more normal, and if after that further enquiry and after considering the figures which will be placed before Government by the people and their representatives, Government are satisfied that the increase is justified, then Government would be quite justified in increasing the assessment. The people have a right to complain. It is no use their getting revision settlement proposals prepared *ex-parte*, without giving the people proper notice. It is a well known fact that the figures collected from the record of rights and such books cannot be relied upon, unless allowance is made for several factors. The settlement officer goes on to say that new houses have been built in the Bardoli taluka and therefore the assessment should be raised. No efforts were made by him to find out whether those new houses were built from income derived from agricultural operations or whether they were built from money earned by people in South Africa. If Government take a little trouble they can easily find out. I was told by the postmaster of Navasari and Bardoli that a sum in the neighbourhood of 3 to 4 lakhs is being received every year by money order. During the 30 years of the settlement period nearly a crore of rupees might have been received. If houses are built by people from money earned elsewhere Government will not be justified in increasing the assessment by merely looking at the new houses. I therefore appeal to the Honourable the Revenue Member not to press the people to the extreme course of *satyagraha*. It is possible that the people may not be able to hold out. It is possible that the campaign may fail. But it ought to be a shame on the Government to compel people to have recourse to unconstitutional means. This will have the effect of making people who are working constitutionally lose confidence in the Government. It may be argued that the department concerned is a reserved one and therefore Government are not bound to accept the recommendation of this Council. That is not the spirit of the reforms that have been introduced. Men like my colleague Rao Bahadur Naik are not agitators, but they are responsible people having a stake and a large estate. If you refuse even a mere enquiry, not to speak of the question of reducing the assessment, to men who have a stake and who ask for mere enquiry, then you have failed in your duty and have compelled the poor people to have resort to unconstitutional means. It is a shame that Government should place people in such a position. Numerous memorials and petitions have been submitted to Government through the

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representatives of the people. If still Government refuse to hold a mere enquiry, I have no hesitation in saying that they have failed in their duty. I appeal to the Honourable the Revenue Member to reconsider his decision and not to compel people to have recourse to Satyagraha.

Moreover as regards this bill (hear, hear) the Honourable the Finance Member has not tried to make out why this bill should be put on the statute book permanently. He himself doubts whether it is advisable to put this bill permanently on the statute book. The question of revision of the Meston settlement is in the melting pot and there is going to be a statutory enquiry. The question of contributions and of the distribution of funds between the central and provincial governments is under the consideration of Government. If at such a time we make provision of such a large amount by way of taxation, we will not be able to get our fair share. It is not to the interest of this Government to show large surpluses. This we can see from the experience of Bengal which showed a bankrupt position. As a result of this the Bengal Government was able to escape payment of its contribution to Government of India for all the years of the reforms. Because we are willing to impose additional taxation, we have been treated in the worst manner possible. As the Honourable the Finance Member pointed out yesterday we were treated worst next to Bengal Government in the Meston settlement. But the Bengal Government by showing a bankrupt state was able to escape from payment of its contributions to the Central Government and did not pay even a pie to them all these years. Because we are making every effort to balance our budget and build a balance, we have not been able to get a fair treatment from the Government of India. I think it is a doubtful matter whether it is wise to have large surplus and to build up large balances. I think it would have been better if Government had invested their large surpluses in the nation-building departments by opening more primary schools and dispensaries. If we had done that we would have received a better treatment from the Central Government. If we want to get our just share from the Central Government we ought to show that we have a great deficit and that our finances are in a desperate condition. There is absolutely no case made out for putting this bill on the statute book permanently. It may be a matter for consideration whether this House should pass this bill for a short period. Still Government do not know where they stand with regard to Meston settlement. But I hope before we pass this bill we will receive a reply from Government that they will make every effort to being about retrenchment and apply the pruning knife to the top by reducing several officers who, though useful, cannot be retained in view of our straitened finances.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, the bill before the House is a permanent measure of taxation. It is really very sad to find that the members of the Opposition are not here in strong numbers when such a permanent measure of taxation is proposed by

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the Government. Such a permanent measure of taxation will only be justified, according to my light, when Government have made out their case that all possible retrenchment has been affected or that the potential wealth of this presidency has been dealt with by Government in a fashion which is not detrimental to the interests of this presidency. I will place before the House that on these two counts Government do not deserve support for the continuation of such a permanent measure of taxation.

As regards the first (retrenchment), in the able speech that the Honourable the Finance Member made yesterday I did not find that he satisfied the House that Government had carried out the policy of retrenchment which was recommended by the Retrenchment Committee in 1922-23. He has quoted certain figures; against them I will also put before the House certain figures which will satisfy the House that since the year 1923-24 there has been no attempt on the part of Government to retrench any expenditure but that, on the other hand, there has been an increase every year from the year following the one in which this recommendation of the Retrenchment Committee was received by Government. The figures are these. The total retrenchment recommended by the Retrenchment Committee came to about Rs. 76,19,815, in the following departments :—

	Rs.
General Administration	6,20,908
Agriculture	3,64,939
Excise	8,69,226
Land Revenue	15,63,744
Police	27,48,828
Public Works	14,52,170
Total ..	76,19,815

Now, what do we find as a result ? If we take the actual figures that are given in the Blue Book for the years 1923-24 to 1928-29, for the following departments, namely, 22-General Administration, 34-Agriculture, 6-Excise, 5-Land Revenue, 26-Police and Public Works—I take Irrigation 14, 15-A and 15 (1), 15 and 16 and Civil Works 41—the totals of these items for the year 1923-24 (actuals) came to Rs. 7,06,23,051; in 1924-25, Rs. 7,10,00,412. Instead of any decrease as recommended by the Retrenchment Committee, there is an increase. In 1925-26, the total of these items comes to Rs. 7,24,61,214. In 1926-27, the total is Rs. 7,62,53,180; 1927-28 (revised), Rs. 7,99,19,000; in 1928-29 (budget) Rs. 7,99,30,000. Of course the figure for 1928-29 includes the expenditure for the Development Department (No. 42). The following two statements will show clearly the figures for all the departments :

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Expenditure of the Government

	1923-24 (Actuals)	1924-25 (Actuals)	1925-26 (Actuals)
22-General Administration ..	98,82,726	2,29,16,000*	2,23,36,573
34-Agriculture	23,82,595	26,05,810	26,81,037
6-Excise	35,30,636	40,22,115	54,06,790
5-Land Rvenue	1,82,35,616*	62,15,057	64,15,153
26-Police	1,66,68,414	1,68,98,131	1,69,37,693
Public Works			
Irrigation :			
14	49,21,930	57,20,176	62,42,982
15 A	20,93,187	*Nil*	*Nil*
15 (I)	*Nil*	35,199	*Nil*
15	16,394	33,81,657	32,53,285
16	30,00,000	19,000	*Nil*
Civil Works			
41	97,91,553	91,87,267	91,87,701
Total Public Works ..	1,99,23,064	1,83,43,299	1,86,83,968
Grand Total of Nos. 22, 34, 6, 5, 26, and Public Works during the year.	7,06,23,051	7,10,00,412	7,24,61,214

*A sum of Rs. 90,08,978 for District Village Officers was transferred in 1924-25 from the Land Revenue Department to the General Administration (22) and hence the abnormal variations in the figures under these heads in 1923-24 as compared with those of 1924-25.

	1926-27 (Actuals)	1927-28 (Rev. Est.)	1928-29 (Bud. Est.)
22-General Administration ..	2,21,28,130	2,18,65,000	2,21,75,000
34-Agriculture	26,86,257	27,99,000	28,63,000
6-Excise	64,01,769	48,20,000	51,89,000
5-Land Revenue	65,70,833	67,28,000	64,76,000
26-Police	1,67,07,476	1,66,58,000	1,70,27,000
Public Works			
Irrigation :			
14	54,07,720	55,49,000	56,66,000
15 A	*Nil*	*Nil*	*Nil*
15 (I)	7,11,385	9,88,000	14,45,000
15	24,31,035	36,11,000	29,69,000
16	10,00,000	10,00,000	10,00,000
Civil Works			
41	1,22,08,575	1,59,01,000†	1,51,20,000
Total Public Works ..	2,17,58,715	2,70,49,000	2,62,00,000
Grand Total of Nos. 22, 34, 6, 5, 26 and Public Works during the year.	7,62,53,180	7,99,19,000	7,99,30,000

† This figure includes the expenditure for the Development Department Demand No. 42.

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Saving recommended by the Government of Bombay Retrenchment Committee

Page of the Report	Head		Rs.
101	General Administration	..	6,20,908
,,	Agriculture	..	3,64,939
104	Excise	..	8,69,226
108	Revenue Department	..	15,63,744
109	Police	..	27,48,828
111	Public Works	..	14,52,170
	Total	..	76,19,815

Now, this will show at a glance that Government have not been making any effort to retrench in these departments in which a committee, after full enquiry, advised Government to retrench. Government have not done anything, but have gone on adding expenditure. Yet, this House is urged to sanction a permanent measure of taxation . I do not know how Government can justify a demand for further taxation when they have done nothing to help themselves by retrenching expenditure as recommended by a committee of this House after careful consideration. Yesterday, the Honourable the Finance Member made a speech defending the position of Government. I think it is the experience in this country that our non-officials when they go to the official benches defend the policy of the Government without reason or rhyme (one does not know what inoculation is given), but as soon as they leave the Government benches they become the greatest opponents of Government's policy because of the more intimate and more sound and accurate knowledge that they get from the Government benches. We also entertain the hope that our present Finance Member will follow in the footsteps of his predecessors Sir Chimanlal Setalvad and Sir Ibrahim Rahimtoola, who are no agitators, as the previous speaker said, but most moderate, reasonable, practical, unbiassed men, and who after seeing both sides pronounced the administration of this country as exploitation of the economic interests of this country. I really regret that instead of mending Government, the Honourable the Finance Member, with his sound knowledge, has not carried out the recommendations of the Retrenchment Committee and the wishes of this presidency. It is in the interest of this presidency that those recommendations should be faithfully carried out in letter and spirit both. Instead of carrying out those recommendations, all the Government Departments I referred to in my statement appended above have added and continue to add expenditure, and thus waste the resources of this presidency, both present and potential. When I say "present resources," I refer particularly to the Development Department. Even this year we are asked to grant 48 lakhs, the annual interest on which will alone come to 3 lakhs. Now that we are asked to pass legislation to collect 18 or 20 lakhs, I wish to point out that if we do not spend this 48 lakhs on the Development Department, we can save 3 lakhs interest every year. There are several other items also in which savings can be made if only real genuine effort is made. Any arguments on that

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line were switched off by the Honourable the Finance Member in a very clever way. He asked us whether we wanted the standard of life to be high or low. Nobody will deny that the standard of life of our presidency, as of every country, should be raised. But may I ask if Government are going to raise that standard if they adopt this policy of raising taxes not for the benefit of the nation-building departments but for wasting in other departments as regards which no attempts have been made to satisfy the House that only necessary funds are spent. It may be that Government feel that in the unique position which they occupy in this country, with power and patronage in their hands, they can get the support of this House by any means fair or foul. But what I would like them to consider is whether, looking a little ahead and taking a little long view, it is in the interest of this country to run this country to the brink of starvation ?

Government have protested that they are not bankrupt but that is so because of their being in a position to pass such measures of taxation.

After proving to this House that no efforts are made by Government for retrenchment I will show now in brief how our potential wealth is being wasted. My strongest protest against Government is that they are administering the presidency not in the interests of this presidency. In the list of Questions and Answers circulated to-day, there was a reply given to the honourable member Mr. Jairamdas Doulatram, who unfortunately was not here and therefore no supplementary questions were asked on that. This answer related to the Sukkur Barrage. I expressed in my budget speech that if this presidency could hope to recover.....

MOULVI RAFIUDDIN AHMAD : Sir, I rise to a point of order....

The Honourable the PRESIDENT : I think I anticipate the point of order. The question was not put and therefore is not on the Council record ; and therefore cannot be referred to.

Mr. LALJI NARANJI : Sir, then I will not refer to that question. I will refer only to the Government Resolution that is before the honourable members of this House. It is dated 14th November 1927, and that deals with the potential wealth of this presidency through which according to me, this presidency can hope to make up for all the follies that they have committed. I would invite the attention of the members of this House to that Resolution. It is not a small matter of a taxation of 20 lakhs as Government is proposing in this bill, but it is a matter in which Government are giving away—in pursuance of what policy is best known to them—the potential wealth of this presidency. I wish honourable members to realise how even our potential wealth is being ruined by this resolution of 14th November 1927. This is a resolution on the policy of Government with regard to Sukkur Barrage lands and Fallow Rules.

You will find, Sir, that at present Government are encouraging a certain class, that is a class of Sind zamindars at the cost of the general taxpayers. Government has a big scheme of disposing of land in Sind.

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According to this scheme the Government will reserve about 3½ lakhs acres which would come to about 25 per cent. of the total 14 lakhs of acres of land, and to make which land productive by supplying water it will cost Rs. 20 crores to this presidency. This 25 per cent. of the land is going to be given away at Rs. 15 per acre to the Sind zamindars. It is not to be given to cultivators, but to the zamindars. I do not know by what law this land is to be given to zamindars. According to the tenets of the laws of this country, or even Manu's, this land cannot be given to the class of zamindars as the State is not the proprietor of waste land which can be given by them. This is what is being done by Government in accordance with the resolution. A declaration was made by the then General Member in the year 1923 and mainly on that account Government issued that resolution of 14th November 1927. Here we find that the declarations are made by Government and are interpreted in the way they like. So, according to that resolution the Government got power to give away 3½ lakhs of acres of land at such a low rate of Rs. 15 against minimum cost value of Rs. 150 at present. I always see, whenever there is a question where capitalists' interest is concerned, Government raise the question of middlemen. At the time when the millowners' question was discussed, some of the honourable members told us " We do not wish to support the Capitalists, we do not wish to support the middlemen." Then I ask " Who is a zamindar ?" Is he not a middleman ? I would now refer to the memorandum of the Commissioner attached to the resolution in which he makes out his case. I would like to know from Government why they should unduly at the cost of the taxpayers of the presidency help Sind zamindars in this fashion. I can only say that it is because Government want to get solid support from them. I try to make my remarks as little offensive as possible, but I cannot help. I may say that it is not fair on the part of Government to exploit this House in this way. I hope that Government will not take this step ; by their doing so, we shall save a considerable amount and there will be no necessity of further taxation. In the memorandum of the Commissioner we find a very important passage. It is this :

" We know that in Khairpur, where Talpur customs have been closely adhered to upto this day uncultivated land has been regarded as at the disposal of the State. The law only to which a Sindhi landholder could have referred in Talpur times (if he had ever thought of doing so) would have been the Muhammadan law which recognises no right in land that has been more than three years out of cultivation."

He says that according to the Muhammadan Law also there is no claim of the zamindars to this land. It is stated there that there is no right to the land which is without cultivation for more than three years. I submit that Government are prepared to grant even five years to 20 years in this case. My appeal to this Government is that we should not sell those lands for a paltry sum of Rs. 50 lakhs, when those lands would fetch more amount than five crores minimum cost price. If they at all want to give away, they should not give the land to zamindars but to those who themselves cultivate and as much as one can cultivate. They should give it to the cultivators who work on the

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field. The cultivators have first claim on the land. I would have not grudged that concession given to the cultivators. But I wonder why Government should feel inclined to give the land to zamindars whose claim once forfeited cannot be reversed under any code of revenue laws of this presidency including Sind.

As I have said previously, Government should try to effect retrenchment and economy in every department. Instead of doing that, they want to incur losses. I appeal to Government to take this House in confidence and show to this House that they have utilised all their resources placed at their disposal in a proper way. They must come forward and say, " We shall preserve all resources, we shall utilise them to your benefit in a proper course." That statement should be made by Government before this House. It is no use bringing forward such suggestions of increasing the taxation, when no such steps are taken. I do not wish to go astray, but I would ask this House to see how much wastage of money there is in respect of Development Department. I have a memorandum on the Development Department in my hand here, which clearly indicates the wastage of public funds.....

The Honourable Sir COWASJI JEHANGIR : What is that memorandum about ?

Mr. LALJI NARANJI : It is a Note on the Development Department. I found it in the pigeon-hole this morning. What I wish to say again and again, and what I wish to impress upon this honourable House is this. That we should first try to see whether the resources placed at the command of Government are properly utilised or not. It is useless to depend on the percentages that have been brought forward before this House by the Honourable the Finance Member. He has given us in the Budget the increased percentage on the Transferred and Reserved departments. But, I submit, Sir, that those percentages are misguiding us. He has told us that there is an increase of 30 per cent. in the Transferred departments and 25 per cent. only in the Reserved departments. Sir, this argument of Government is well known to the honourable members on this side. This is simply a misleading argument. I shall just give you an instance. Suppose, there are 25 top posts in a department. Out of these 25 posts, if one is held by an Indian and if only one more Indian is appointed they will come forward and say " There is 100 per cent. increase in the indianisation of services." So, I say, it is a misleading argument. If you see figures from the year 1922-23 to 1927-28, you will find absolutely no increase. In order to convince you I shall just quote a few figures, which are on pages 8-9 of the Blue Book. If you have a glance at those figures, what do you find ? You will observe :

In 1922-23 total expenditure charged to revenue in the Reserved is Rs. 8,99,17 and Transferred Rs. 4,53,40.

In 1927-28 it is Rs. 10,52,27 in the Reserved, and Rs. 5,46,76 in the Transferred.

You will thus find on comparing these figures that there is an increase of Rs. 93 lakhs in the Transferred and Rs. 153 lakhs in the Reserved.

The Honourable Sir CHUNILAL MEHTA : Have you read the note at the bottom of page 10 ?

Mr. LALJI NARANJI : But even there, if you want to see those figures, you will see that charged to capital, reserved, is 5 crores 5 lakhs and 90 thousand, and charged to capital, transferred, comes to 43 lakhs 50 thousand. These are the same figures, Sir.....

The Honourable Sir CHUNILAL MEHTA : I have already explained all this before, but I will explain it to you in my reply.....

Mr. LALJI NARANJI : I just complimented you.....

The Honourable the PRESIDENT : I will give the honourable member the time to explain. But I have been noticing for the last three days that the ordinary parliamentary procedure is being given up and the honourable members are addressing each other directly. And I think there are guilty members on either side of the House.

Mr. LALJI NARANJI : Certainly, Sir. I bow to your ruling. In the figures I have shown there is nothing to show that the transferred departments have got something more. There is only an increase of 93 lakhs in transferred and 1 crore and 53 lakhs in reserved. There is nothing in it for Government to deserve special praise. Government ought not to have any sympathy from this side of the House from that point of view also. I do not find any reply as to how all the 86 crores capital expenditure is made by Government since 1921-22 to 1927-28. I wanted an explanation as regards statement 5, but I heard nothing about that.....

Mr. G. WILES : I rise to a point of information. I gave a detailed explanation in my speech in regard to the honourable member's point ; but the honourable member was not present here to listen to it.

Mr. LALJI NARANJI : But I read something in the papers.

Mr. G. WILES : I will give the honourable member a copy of my speech, if he likes. I can also give it to any other honourable member wishing to have it.

Mr. LALJI NARANJI : Thank you, Sir. Without taking any time of the House, I should only impress upon hon'ble members that this House should not support the permanent taxation or even the continuance of the temporary taxation, unless Government have made out a case that they have made all efforts at retrenchment. But I see that no retrenchment has been made and, therefore, they do not deserve this taxation bill even for a moment. Only one argument is again brought forward that, " if you do not give us this taxation, we will not get a further settlement from the Government of India." That was the only consideration that led me to support it last year. But, if that argument is brought forward year after year.....

The Honourable Sir CHUNILAL MEHTA : Did the honourable member support it last year ?

Mr. LALJI NARANJI : Yes.

The Honourable Sir CHUNILAL MEHTA : He did ?

Mr. LALJI NARANJI : This bill was supported only on those considerations. If Government are serious to carry out this taxation bill on that account, they should reduce taxation on other matters and continue this. But it is not right to mislead this House and say " Please sanction this stamp tax, because if you will do that, you will get readjustment from the Government of India ; not otherwise." There is absolutely no hope of getting anything from the Government of India, because other provinces simply oppose according to our Finance Member who informed us that we are getting an advantage of only 5 lakhs more for these items that was due to our presidency on the pie system from income tax. On that ground, therefore, Government is not justified in asking for the consent of this House for continuing this taxation measure. The highest authority that I pointed out was the quotation of our *ex*-President, Sir Ibrahim Rahimtoola, who has conclusively proved that not only this presidency, but the whole of India is taxed to the fullest capacity. When all other countries are retracing their steps with regard to taxation and trying to reduce it, this Government ought not to be congratulated for taking such measures as proposed, but only when they reduce the present taxation. The Honourable the Finance Member himself will see that in all the budgets that are presented in every country they are trying to reduce taxation. It has not been his good luck to present anything to his House in that direction, and it is his misfortune and the misfortune of this presidency that he is asking us to continue this taxation. I would, therefore, impress upon all members that they, with all the force at their command, should oppose this measure and get retrenchment in all directions and concentrate all their force simply on the demands for grants, and we should see that no section of this honourable House will be influenced to pay more taxation and we should insist on retrenchment all round. It is no use our arguing here and merely making speeches, but if we only concentrate our efforts in regard to the demands for grants and if we insist on retrenchment in all directions, then only the chance is to bring the Government round to our wishes. There is no other source at our disposal, Sir, to bring Government round to meet our wishes. They try to spend at our cost and try to get the support from one or the other section of this House. I therefore appeal to all the different sections of the honourable House to oppose the bill of taxation.

The Honourable Sir GHULAM HUSSAIN : Sir, before I come to the merits of the bill, I would repudiate the insinuations that were made by the last speaker against the Sind zamindars. When it suits him, he calls some of the gentlemen of Bombay stalwarts. But when it does not suit him, he says not to carry out the promises made by those stalwarts. And who are those stalwarts ? Sir Chimanlal Setalvad, who is just now praised, and who had carefully considered this question when he was a member of the Bombay Government. My honourable friend, I know, has no knowledge of the revenue system of Sind, and he has been imperfectly primed by some one else.....

Mr. LALJI NARANJI : I have only read the resolution imperfectly.....

The Honourable Sir GHULAM HUSSAIN : There is nothing like the fallow rules in any other part of the presidency. Why does land become fallow in Sind ? Because the Public Works Department cannot supply water to every inch of the land. My honourable friend the General Member will bear me out when I say that too often we hear complaints that people want as much water as they can get to cultivate every inch of land. That very fact shows that land becomes fallow because they cannot get water. It is not, as the honourable member the last speaker said, because Government want to pamper the zamindars that they have provided these concessions to the landholders. This question was carefully considered by Government.....(Interruption)..... I do not like interruptions, Sir. The Honourable member should go and do that somewhere else. Now, Sir, the last speaker has no idea that the largest number of zamindars own from 5 to 100 acres, and they number thousands and thousands. Big zamindars are very few in comparison to the smaller zamindars, for whom he just now told us he was solicitious. So this concession is given because it will go to benefit the largest number of zamindars.

Mr. LALJI NARANJI : How many persons will benefit by the new scheme ?

The Honourable Sir GHULAM HUSSAIN : I think thousands of small zamindars owning from 5 to 100 acres.

An honourable MEMBER : What per cent. ?

The Honourable Sir GHULAM HUSSAIN : About 70 per cent. In fact anybody possessing two acres of land is called a zamindar.

Coming to another argument of my honourable friend, he says no retrenchment has been done in spite of the recommendation of the Retrenchment Committee. I am sure my honourable friend would not have remained quiet had Government not carried out the recommendations of the last Retrenchment Committee. He knows the facts, he knows that about 30 lakhs was cut down as a result of the recommendation of the Retrenchment Committee. Last year, another officer was appointed to suggest retrenchment. If I mistake not, Government carried out retrenchment to the tune of fifteen lakhs. So honourable members will see that Government is trying its best to reduce expenditure wherever possible.

But my honourable friend did not reply to the argument of the Honourable the Finance Member who told him that the Central Government want to take up this stamp revenue and to treat it as central revenue, compensating us by a share of the income tax. Suppose this honourable House were not to pass this bill, our revenue from stamps would be very small and therefore in proportion to that we would be compensated by the Central Government. Is this House, by rejecting this bill, prepared to forego additional revenue from the Central Government ? This is not the only presidency that has sanctioned this taxation. All the major provinces have done that.

Now, coming to another honourable member whom I do not see in the House at this moment, the representative for the Surat district,

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he said that he was not convinced by the argument of the Honourable the Finance Member in support of additional taxation. But I assure the House that when I heard him with great attention, I was convinced by his arguments that there was every necessity for additional taxation. What did he say ? He said " no further revision of land revenue." That means less revenue to this presidency. He said " do away with the tolls. " That means decreasing the existing revenue. And what did he want ? He said " 209 lakhs for education is very little. You must give more liberal grants to schools." That means that we require more money, as our educational needs are not met by the amount that we are giving. He says " have better communications, the crore that you are spending is not enough, spend more." That again means more money. He wants more repairs to tanks. That means more money, but when he said " I oppose the bill " I thought that he was not serious because he wanted more money and he knew the financial position was far from strong.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I oppose the bill. The other day I stated that Government, though they told this House that they would make sufficient retrenchment in the budget, had failed to do so and I also stated that in the transferred departments they have been actually giving less. Somehow or other, the Honourable the Finance Member doubted that statement of mine. Of course I was not present yesterday when he spoke, but I was informed afterwards that the Honourable the Finance Member doubted that statement of mine. Perhaps, of all the members of this House the Honourable the Finance Member, by the very virtue of his office, has developed a very short memory. But if he compares the budgets of the transferred departments and of the reserved departments of various years up to the year 1928-29, he will see that in the transferred (or rather nation-building) departments the expenditure from the ordinary revenue in 1921-22 was in the neighbourhood of 491 lakhs and now in the year 1928-29 he will find that the expenditure is between 4 crores and 420 lakhs. As an instance, I will cite the Educational budget. Government brought in bills for additional taxation by means of the entertainments duty, Stamp Act Amendment Bill, Court-fees Act Amendment Bill. At that time Government represented that the additional revenue would be spent on nation-building departments, but unfortunately that additional revenue has not been spent as promised to the extent of that revenue. He will find that in the year 1925-26 the expenditure on education was about 198 lakhs and even in 1927-28 it is exactly the same, namely, 198 lakhs revised estimate and when the accounts will be rendered, it will probably come down to 194 or 195 lakhs and God alone knows how low the figure will go for that year. I ask, where is the additional money gone to ? Government now come to this Council asking this House to continue giving them more money by keeping up the tax on the already heavily taxed poor people of this presidency. Personally, I would be the last man to believe in the professions of benevolence and professions of justice of this Government. In the year

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1928-29 also the budget for education is put down at 202 lakhs. The same amount was put in the year 1926-27. In the year 1926-27, 202 lakhs were put down but the actual expenditure was about 193 lakhs. As compared with 1925-26 we are not better off but we are worse off and if we add together all the nation-building departments, I must admit that we were far better off in the year 1921-22 than in the year 1928-29.....

The Honourable Dewan Bahadur HARILAL D. DESAI: Where has the honourable member taken his figures from ?

Rao Saheb D. P. DESAI: If the Honourable Minister will refer to the budget for 1927-28, he will find all the figures there for all these years.

I request the Honourable Minister to refer to the budget for 1926-27 or the Blue Book that he has got in his hands and he will find that the expenditure actually incurred was in the neighbourhood of about 193 lakhs. I again call to his notice the fact that in the meanwhile we have given about fifteen lakhs more revenue, three lakhs additional revenue is put down by himself for the University which had a revenue in the year 1925-26 of about 10½ lakhs. Now, what is the revenue he has put down from the University, which is to be collected from the poor students of the secondary schools ? It is Rs. 13 lakhs. Now, this Rs. 13 lakhs additional revenue is derived from the University itself, and at the same time an additional Rs. 6 lakhs are from the Scheduled Taxes. In the year 1925-26 the revenue from Scheduled Taxes was Rs. 15,33,000; now, in the year 1928-29 it is Rs. 21,43,000. What I mean to say is that if we consider the educational budget, if the Government were fair and just to the nation-building departments, the educational budget ought to have been in the neighbourhood of Rs. 2,13,00,000. But what do we find ? We find that it is Rs. 2,02,00,000. Perhaps, some of my honourable friends are afraid that if we do not allow this taxation, then what will happen will be that Rs. 5 lakhs will be cut off from education, or that the money that is doled out to the Honourable Minister for Education will be reduced. In this connection, I may bring to the notice of my honourable colleague here that they should have no such apprehension. They should not think that because Government have brought forward these bills for additional revenue, therefore if these bills are thrown out there will be a *pro rata* reduction in all departments including the Educational, Medical, etc. I say Government are not justified in doing that, and if this House sets its foot against any such attempt on the part of Government, then I think Government can never make *pro rata* reductions in the nation-building departments. We have been given a promise that the needs of the nation-building departments will be served first and then the needs of the other departments will be considered, because every time Government brought forward taxation bills the needs of the Education and Medical Departments were trotted out before the House. Of course, every time I had discounted the intentions of Government.

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I never had any faith in those professions, when they said that the money would be given to the nation-building departments. But I think they will not be so unjust as to starve still more these departments. I take this opportunity of requesting the honourable member to realise one fact. I had stated that fact in my budget speech, and I again bring it to his notice that this Government has, during recent years, increased the salaries to the extent of over Rs. 3 crores. In the statement that was presented to this House in the year 1922, it was shown that about Rs. 3 crores were devoted to the salaries of the different establishments. If the Government simply reduces 15 per cent. of these establishments, then, of course I think they will be getting a sufficient, or even a greater amount than what they would get from these taxes.

The Honourable Sir CHUNILAL MEHTA: I could not follow the honourable member. Will he repeat how the reduction is to be made? Fifteen per cent. of what is to be reduced?

Rao Saheb D. P. DESAI: Fifteen per cent. of the establishments. I shall elaborate my point. The total cost, after the last revision, of all the establishments was Rs. 9,99,00,000 in the year 1922-23. That statement was presented at that time. I do not know what it is to-day, as since then no statement has been presented by Government to this House. In answer to a question they said that the total cost, after the last revision of all the establishments came to Rs. 9,99,00,000. Previous to the revision the total cost was Rs. 6,73,00,000 and the difference was Rs. 3,25,00,000. That was the additional amount, that is, the increase in the salaries that was given to the different establishments, of course including the Imperial Services. Of course, I say that in any case of retrenchment the Imperial Services must bear their own share of reduction in salary. The Civil Services have got about three revisions, and the cost on their account has gone up from Rs. 67 lakhs to about Rs. 97 lakhs or a crore. I do not know what the figures come to after the Lee Commission's recommendations were accepted. It was in the neighbourhood of Rs. 67 lakhs for the Imperial Services, and the cost for the Imperial Services is now in the neighbourhood of a crore of rupees. An increase of Rs. 30 lakhs is taken up by the Imperial Services alone, and about Rs. 30 lakhs more are taken up by the Provincial Services; Rs. 2 crores is the increase for the clerks and subordinate services, that is non-gazetted posts, and only Rs. 14 lakhs are given to people of smaller salaries.

The Honourable Sir COWASJI JEHANGIR: What do you mean by smaller salaries?

Rao Saheb D. P. DESAI: That is menials. Of course, I desire that the salaries of the menials should be increased, but the salaries paid to other people may be decreased. As a matter of fact these poor menials have not come in for their due share in the distribution of the huge funds that Government gave away so liberally in the year 1921 and in previous years. In the face of this sort of looting—I again say that it is a sort of robbery—Government should try now to do something. Suppose you

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reduce one crore out of 3 crores, that is reduce by 33 per cent., all your worries would be gone; all the worries of this side of the House would be gone, and the nation-building departments, that is education, public works and other departments, will be getting their due share. But unfortunately, and here I shall again repeat the remarks that I made the other day, I am a little bit sorry that the present Finance Member has not taken his courage in both hands. I had expected that in the last year's budget he would set matters right, but unfortunately he has not been able to do that.

I echo the sentiments expressed by my honourable friend Mr. Lalji Naranji that when the Honourable the Finance Member is out of those benches and again comes over to this side of the House—I do not wish that he should leave this House, I wish that he should be in this House but on this side of the House—he will give the benefit of his experience to this side also. With these remarks I oppose this motion.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to support the bill. We have heard several speeches in this House opposing this bill. At the same time those speakers who opposed this bill, and especially the honourable member Mr. Shivdasani, said that there was no room for further taxation in the land revenue. It is perfectly true that there is no room at all for imposing any further taxation in land revenue, because the agriculturists have been reduced to poverty in Gujarat, Sind and other districts which are visited every year partially or completely by famine. Last year we had torrents of rain which reduced the agriculturists to a state of absolute poverty. Government certainly deserve to be congratulated on having come to the rescue of the agriculturists in time. The public also under the lead of Mr. Vallabhai came to the help of the people affected by floods in Gujarat. We also see that the excise revenue is dwindling on account of the policy of rationing and it is likely to decrease year after year. We also see that Government have tried their best to apply the pruning knife drastically to the various departments but it does not redound to the credit of Government not to have applied it to the top. It is the fault of the Government and not this House, because this House is not allowed to touch the non-votable items. So long as this cursed system continues it cannot do anything to remove this dead weight. If the House asks to reduce the number of judges, magistrates and mamlatdars and police, Government will say that they should maintain them, in order to maintain law and order; and that unless they maintain law and order both the communities will fight. I do not know how far it is true; but I can say that Government are partly responsible for this. Government say that there is no room for retrenchment in the police. I would like to point that there are more than a dozen sub-inspectors in Ahmedabad city while there were only two before, when we were able to maintain law and order in a better way. It grieves me to place before this House, and I have to say it, that these dozen sub-inspectors, instead of doing their duty, connive at offences. In these days of civilization a number of ways for earning money have been found out by those who cannot

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earn money by fair means. Some gamblers are earning money by gambling in open bazaars and markets and by a system of lotteries. They place a few dolls and carry on their gambling. I am sorry to say that though these lotteries come under the Gambling Act the sub-inspectors instead of doing their duty are conniving at it. You will see some of these sub-inspectors travelling in the first class with the gamblers and lady companions with them. This is the condition of our police. I am glad to say that we have a competent and able Police Superintendent in the person of Mr. Smith. I have a good many more points to refer to but I think it is sufficient for the Honourable the Home Member to see that steps are taken to remove the existing evil.

I now come to the point at issue. We are in a state of bankruptcy and unless we sanction this bill I think we will be able to give very little for the nation-building departments. I put a question in this session. The following is the question and the answer :—

Will Government be pleased to state—

(*a*) how many villages have applied to the officers of the Educational or the Revenue Department for getting primary schools in their villages in the districts of Ahmedabad, Kaira, Broach and Surat from 1st April 1923 to 31st March 1927 ;

(*b*) how many villages have been given schools during these four years ?

The reply is : The following table gives the information required :—

District	No. of villages that applied for schools	No. of villages which were given schools	No. of villages which were given classes only
Ahmedabad	56	11	7
Kaira	88	[illegible]	6
Broach	42	12	9
Surat	66	9	19

You see that many villages have not got schools. The pruning knife has been applied by Government to various departments. I congratulate the Honourable Minister for Education on having secured an additional grant of Rs. 5 lakhs for his nation-building department, when no other department has succeeded in securing an additional grant. There is necessity for money for the department of medicine ; for the department of public health. Unless we give money to Government they will not bring money from England for our rescue. They came to India as merchants and they have come with a view to take away some money to England not with a view to give us anything.

Khan Bahadur S. N. BHUTTO (Larkana District) : Sir, I rise just to say a word in order to remove any wrong impression that might have been created by incorrect statements and wrong facts that were placed before the House by my honourable friend the member from Bombay. It might have been understood by some members of this Honourable House that the 3½ lakhs of acres of land that the Government have agreed to sell on concessional rate are going to be bestowed

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on the zamindars of Sind as a gift. The fact is that this land and a far greater area extending between 12 to 15 lakhs of acres were belonging to zamindars handed over in case of Begari and forfeited in case of non-payment of fallow assessment to Government, to be deposited on clear understanding to be restored back to their original owners on payment of single assessment. These lands originally belonged to the zamindars. Owing to paucity of water and other causes beyond their control, the zamindars could not cultivate them. Therefore Government took them over but gave not only an undertaking but pledges of the Commissioner from time to time that if the zamindars paid single assessment they could take back their land whenever they so chose. The acreage of these lands totalled about 12 to 15 lakhs of acres. The payment of single assessment on these lands could not be more than Rs. 2 to Rs. 3 per acre. In order to compensate them for the deprivation of this right of taking back 12 or 15 lakhs of acres, Government are now offering them only 3½ lakhs of acres and that also on the payment of five times more than due to Government at Rs. 15 an acre. So, it is not a case, as suggested by my honourable friend from Bombay of the zamindars being patronized by Government. On the contrary, the zamindars have suffered to a very great extent. Government or my honourable friend from Bombay could not have dared to back out from the pledges and to have suggested this course to adopt had this been the case of Bombay merchants or Gujarat agriculturists instead of Sind zamindars. It is unfortunate that the zamindars of Sind or of the presidency are not represented in the Cabinet of this Government. This is the only Government in India where the agricultural class, particularly the zamindar class, are ignored; there is no other Government in the whole of India where these classes are not represented in the Cabinet. That is why honourable members on the Government benches are not able to appreciate our difficulties. They pass legislation after legislation detrimental to the interests of the zamindars, because they do not appreciate to what extent we are suffering. My honourable friend from Bombay (Mr. Lalji Naranji) is suggesting to Government to break all their promises and pledges to rob and loot the zamindars of all properties and rights because we are not as boisterous agitators as this class of people. These are the facts with regard to the question raised by my honourable friend from Bombay (Mr. Lalji Naranji).

As regards the bill, I have not yet made up my mind how to vote; I will decide when I have to vote.

(*After recess*)

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to oppose the first reading of this bill. I say that before Government asked this honourable House to give their consent to this bill, it was their duty to convince the honourable members that they have tapped every source for getting revenue and that they have tried to effect retrenchment in all directions. Sir, this bill proposes a permanent measure on the

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Statute Book. I would ask the Honourable the Finance Member as to whether he is going to tax this presidency in this way permanently by making this bill permanent. Every time Government try to delude the other side of this House in one way or the other by bringing a permanent bill but I hope the non-official members will not fall a prey to that, and they will watch the interest of agriculturists and the other people of this presidency. In the first place, it is the bounden duty of Government to carry out retrenchment.

In the first Council of 1921, I was told by no less a person than Sir Chimanlal Setalvad that there was a budget of 12 crores of rupees, and a cut of Rs. 50 lakhs was asked to be made by the House. Government first opposed that cut, but they ultimately agreed to a cut of Rs. 50 lakhs. If in a budget of that nature Government agreed to a cut of Rs. 50 lakhs, I certainly submit, Sir, that in this year they can certainly agree to a cut of at least 20 lakhs. Instead of taking steps in that direction, Government want to levy taxation on the people more and more and that is also permanently. I submit, Sir, that it appears that Government is not at all anxious to reduce the expenditure and effect retrenchment where they possibly can. If the Honourable the Finance Member wants to please everybody including the I.C.S., I submit that he cannot do so. He cannot effect economy by pleasing everybody. He must take strong steps to effect retrenchment. When this presidency is suffering at the hands of the Central Government in respect of Meston Settlement and in respect of the treatment given as regards our textile industries, why should we think of having such a bill ? We have been told that the Government of India have refused to give us a refund of customs duty, because they say that we get the remission of the provincial contribution. We were getting such a refund every year before, but in view of the provincial contribution we have been refused that refund. I submit, Sir, that the Government of India is not at all justified in refusing this benefit. Therefore, I say that Government Benches should now join hands with this side of the House and not try to enhance taxation. I may warn Government benches that it will be very difficult for them if they do so.

The next thing I would suggest to the Honourable the Finance Member is that if he is really anxious to effect retrenchment, he should appoint a Retrenchment Officer—officer who has nothing to do with the administration of this presidency. I know that Mr. Shillidy was appointed as a Retrenchment Officer, but he was a Government man and he could not displease certain persons. If a man like Sir Visveswaraya is appointed, I am sure there will certainly be some suggestions made in respect of retrenchment. When I was a member of the Corporation I found the same state of affairs there.

The corporation of those days had a liability of 20 crores. They had to pay heavy interest charges, of more than one crore. And then the corporation also, after a great deal of shuffling and delay, were compelled to appoint Sir Visveswaraya as a retrenchment officer, and from a budget of three crores we got a cut of 10 lakhs. Therefore, I submit that in a

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budget of 15 crores of this presidency, not only can we get a cut of 20 lakhs but perhaps of 50 lakhs. But if we appoint an outside man as retrenchment officer, he will go into all these things equitably and impartially. If Government are not going to do that, I say they are really not serious about it. The Honourable Ministers and His Excellency the Governor should set an example. But every one wants travelling allowance, sumptuary allowance, and what not, with the result that expenditure increases and retrenchment does not take place. Then, why should other departments accept a cut? The Ministers should set an example by accepting a lower salary. Let them say: We are really serious about it; we will accept lower salary. If they set such an example, the Executive Councillors may follow suit.

The Honourable Sir GHULAM HUSSAIN: We set an example by giving up Rs. 1,000; but nobody followed the example.

Mr. F. J. GINWALLA: I want the Ministers, Sir, to set an example still further. In view of the condition of the finances, let them say they will be still more generous and accept Rs. 3,000 instead of the present Rs. 4,000. Then, Sir, in a similar way the expenses of the Governor could also be reduced. I would ask honourable members to turn their attention to page 70 of the Blue Book. The expenses under Staff and Household of the Governor have increased from Rs. 5,74,000 to Rs. 6,47,000 and the explanation given is that the increase is due to the additional provisions for purchase of new motor cars and for the inauguration grant for furniture and carpets for the incoming Governor. I submit, with due deference to His Excellency and to the incoming Governor, that you can, in view of the desperate condition of the finances, give the old motor cars which Sir Leslie Wilson is using to the new Governor, at least until our finances are in a better position. But, if these new motor cars are allowed at the dictation or under the orders of the Secretary of State, if his orders are that every five years new motor cars must be purchased for the incoming Governor, then I say this Government can at least resist that demand and say that in view of our finances we cannot allow this thing. And then on the same page you will find, Sir, that His Excellency the Governor is allowed sumptuary allowance and contract allowance, amounting to nearly two lakhs. I say, Sir, that comparing or considering the salary of His Excellency the Governor and some other expenses, the Honourable the Finance Member, if he wants to be strong, he should persuade His Excellency to accept much less for expenditure. Until and unless officers getting high salaries are prepared to accept cuts, I do not think others will be prepared to accept cuts. Therefore, there is a great necessity of doing this sacrifice at the top.

Then, I come to another head, customs duties. The Finance Member should insist that we must have our share in these, in the shape of refund.

Then, I come to the High Court, pages 73 and 74. There also I find the High Court expenses have increased to Rs. 11,73,000. Here there

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is an increase of one lakh, and the reason assigned is that the estimate exceeds the sanctioned and the revised estimates on account of full provision having been made for the continuance of the temporary appointment of the tenth Judge. Sir, in this connection I wish to say that last time I strongly opposed the appointment of the tenth Judge. In spite of my opposition and others' opposition, the appointment was sanctioned on the ground that the High Court was not able to cope with the work. I have got some experience in the High Court for the last 13 or 14 years and I know that the Chief Justice can cope with the work with seven Judges, provided there is the proper quality and not quantity. If the Judges are of the proper stamp and quite competent in law, I say that a competent Judge can do as much as four times the work of an ordinary Judge. Therefore, Sir, the remedy lies not in increasing the number of Judges from ten to sixteen or so, but in appointing competent Judges. Therefore, I wish to give an example of Justice Sir Norman Macleod, who could do four times the work of any other Judge. If the Judge is of right stamp, he can cope with more work. But the question is whether you are prepared to do so. And now the work has fallen down from 5,000 suits to nearly 3,000. And still you want more Judges. I say, Sir, this is a matter which the Honourable the Home Member ought to pay attention to and he ought to see that there are no appointments of additional Judges and that all temporary appointments are not made.

Then, about jails. I visited last year the Yeravda jail, and there also I find the same thing. Sixth century and eighteenth century things are allowed to prevail. Carpets are made by hand labour. I say, Sir, that work by machinery should take the place of work by hand. And in this connection, Sir, I had a conversation with the superintendent of the jail. I do not want to mention his name. He himself was very anxious that Government should permit him to order machinery in the jail, so that they may be able to cope with their own demand without purchasing from outside. But Government have not been good enough to permit him to introduce this reform on the ground that they will be competing with the local industry. I submit that the competition is too little, and by the method I submit that you can manufacture more things. Therefore, I say, Sir, this is an important matter and should receive attention.

Then, about the Secretariat and Secretaries. Last year I criticised that there is a huge army of these. As a result of diarchy, we have got seven members of the Cabinet—three Ministers and four Executive Councillors. The work which could be managed previously by three is now managed by seven. The Honourable the Finance Member says that is not in his hands. I perfectly agree with that proposition. But still in the Secretariat there is a huge army of Secretaries, Under Secretaries, superintendents, and what not. Therefore, I say if the axe is applied to all these, we shall have a saving of a few lakhs at least. Last time, Sir, I criticised and made some suggestions. But some of the Government Members did not relish our remarks. I say, Sir, with regard to the Commissioners, for instance, the Commissioners' work could be

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done by the Honourable Ministers and other heads of departments. If the Honourable Ministers and Members become more vigilant and visit more districts, Government will be able to save a lakh or two.

As regards Excise, if honourable members turn to page 37 of the Blue Book, they will find that as against the revised estimate of 48,20 thousand for 1927-28, we have 51,89 thousand as our budget estimate for 1928-29. There is thus a clear increase of over 3 ½ lakhs. I submit that a saving of 3,50 thousand can be effected without much difficulty.

As regards Forests, I am bound to say that the forests of this presidency are not being worked to their fullest capacity of productiveness. I assert that the time has now come for Government to practise socialism in regard to forest and other industries such as the supply of electrical energy, railways, tramways and so on. Government appear to me to be moving in the same old grooves. If there is a real desire to effect appreciable retrenchment, I would suggest the appointment of a man like Sir Visveswaraya and I can assure the Honourable the Finance Member that he will be able to give not only 20 lakhs but even 50 lakhs.

Mr. N. B. CHANDRACHUD (Poona City) : Sir, yesterday in reply to some attacks made by honourable members on this side who said that the budget was deplorable, that our financial position was very hazardous and so on, the Honourable the Finance Member said " No, our financial position is not hazardous, it is not desperate, it is as sound, if not more sound, as that of any other province in India. " He said " Why, we have got here a balance of seven lakhs ; add to that thirty lakhs which we expect to get from the Imperial Government ; add to that 120 lakhs lent to the Gujarat Flood Relief ; add to that 125 or 129 lakhs invested in the Sukkur Barrage ; we have also got 150 lakhs in the Famine Fund. And now, look here, my position is absolutely sound, absolutely safe and I should be proud, just as I am proud that my predecessors in office left me a legacy, so I also should be proud and my successor will have this legacy of a surplus budget."

Now, we have been told that we have got these surpluses, and I ask him how it is that in the same breath he wants to introduce this measure and to keep it on the statute book. If you have got your surpluses in your hands, how is it that you come to us and ask that the life of this measure should be prolonged for some years, if not indefinitely ? Now, one can understand the necessity of taxation to have a financial equilibrium. But when we have got these surpluses, one fails to understand the necessity of extra taxation. These surpluses always inflict a double wrong. In the first place, when we have got these surpluses, they are not conducive to economy. Government spend them, spend them in a reckless way, in a speculative manner and they also want fresh taxation. Taxation upon whom ? Upon the poor and the suffering people. Say that your financial position is not sound and then have fresh taxations. Just as you have the right to ask for fresh taxation under those circumstances, so also we have got the right to say " Now you say that your financial position is sound and therefore there is no need for this taxation."

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Now, this particular measure, the Stamp Act, was introduced in the year 1922. It was introduced at first only as a temporary measure. It may be that, on account of the war, our finances were disturbed, or possibly on account of the huge losses on the Development Department there was a necessity of keeping this measure on the statute book. But at that time it was introduced only as an experimental measure, and it was kept at first for four years. In the year 1926 again it was extended for one year more. In the year 1927 it was given a fresh lease of life. At the time when this measure was introduced in 1926 I was not here, but last year when this measure was introduced we were told that it would be only a temporary measure, and in the meantime they would go on negotiating with the Government of India as regards the share of income-tax to this province, and if Government succeeded in making a satisfactory arrangement, there would be no necessity for this measure. I do not know what has come out of those negotiations with the Government of India, but at any rate we see that the Government of India are willing to surrender a part of the income-tax revenue, or, at any rate, they expect that the Imperial Government would surrender about Rs. 36 lakhs. If the Imperial Government is willing to surrender a revenue of Rs. 36 lakhs to Rs. 40 lakhs, then where, I ask, is the necessity of raising Rs. 20 lakhs by means of this taxation ? This tax cannot realise more than Rs. 20 lakhs, because the stamp duty as it was before the year 1922 is bound to remain, and it is only the additional stamp duty that would be realised. That would mean, if this measure is not pressed, a loss of at the most Rs. 15 lakhs to Rs. 20 lakhs.

Sir, this is one of the most unpopular taxes. The Imperial Government have done away with the duty on cheques and hundis. I really do not know what their reasons were ; perhaps they were rich enough to afford the loss. Cheques and hundis, in my opinion, are a luxury ; the poor people have very little occasion to deal with hundis and cheques. The Imperial Government have done away with the duty on cheques and hundis and they have done away with a revenue of several lakhs. Now, the poor and the needy are paying this stamp duty, and it is this stamp duty which concerns the poor, the oppressed and the needy.

Now, all along, we are talking of retrenchment. In the first place, when Government say that they have surpluses, they have no right to suggest fresh taxation. In the second place, all along people have been urging upon Government—even a paper like the " Times of India," which cannot be accused of any anti-Government agitation, has been urging—that Government should try to economise and retrench, and the retrenchment should begin at the top. I do not want to indulge in this argument any more, but, as a matter of fact, what do we find ? We find that instead of one district officer, be it in the Revenue Department, or the Police Department, we have got more than half a dozen officers. Where we had one officer, we have now three Superintendents, three Assistant Superintendents. And is the work done more efficiently ? No, it is not done more efficiently. They have kept the European element ; they have also indianised the services, indianised the services with a

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vengeance I think, because the revenue which went into the pockets of Europeans is going into their pockets, and added to that is the increased salary given to the Indians also, and the administration has become top-heavy. However, I do not press the point any further. My only suggestion is that unless and until you show that you have tried in every way to make retrenchment, you have no right to ask for further taxation. A number of suggestions are made, and those suggestions are treated almost in a cynical way, cynical in their utter disregard of popular wishes, utter disregard of popular control and popular aspirations—absolutely cynical. They do not care for the popular wishes, and even when there are surpluses they are coming to us for this fresh taxation.

There is also another point why I oppose this bill, and that is that this is direct taxation. Direct taxation is always very unpopular ; indirect taxation one does not feel. This is direct taxation. If a man has to mortgage his house, or to sell his property, he has to pay stamp duty, and you know, Sir, that in proportion as the stamp duty is higher, the higher are the charges of writing, the higher are the charges of registration, the higher are the charges for attesting witnesses, and so on and so on. So, for every 100 that a man has to borrow, he has to spend about 5 to 10 per cent. This 5 to 10 per cent. is taken away from him, and if you reduce the stamp duty or keep it as it is, that amount will be saved to him.

Besides, we are going through a time when there is great trade depression and depression of agriculture. Now, at such times, our motto should be alleviation and not augmentation. We should try to alleviate the burden and not certainly augment the burden of the people. So, for all these reasons I oppose the introduction and the first reading of this bill.

Mr. P. J. MARZBAN (Bombay City, South) : Mr. President, I rise to oppose this bill in its present form. The Honourable the Finance Member comes from a community that is famed for its sagacity, shrewdness, tact and diplomacy. Sir, I do hope that by this time the Honourable the Finance Member must have realised that the House, or at least a very good portion of this House, is in no mood to pass this bill in its present form,—that is, as a permanent measure. On the contrary, Sir, from what I have gathered within this half a day, a very large portion of this House is in favour of passing this bill as a temporary measure, for one year or perhaps two years, because that portion of the House fully realises that the present financial situation of the province will not warrant us to throw away a sum worth about Rs. 20 lakhs. I do not think any advice is needed to a man of tremendous experience like the Honourable Sir Chunilal to realise that the best policy under the circumstances is the policy of least resistance. Therefore, Sir, if he were in his reply to make a gesture and say that he is prepared to accept the bill as a temporary measure, I am quite sure a good portion of the House will be by his side. It is no use rubbing honourable members the wrong way. There are certain honourable members who would go on voting for the Honourable the Finance Member for the retention

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of the increased stamp duty year after year, for twenty years if necessary, if it is definitely and opportunely asked. After the very rosy picture the Honourable the Finance Member drew yesterday of the solvent condition of this presidency, I thought he was the last person to ask for the increased stamp duty as a permanent measure. Why is it necessary as a permanent measure ? A time may come after three or four years, when the Simon Commission has had its say, and when we may be getting our fair share of revenue, that the duty on stamps will not be received and it may altogether be abolished. I think it would have been more expedient for Government to take this bill after the cuts are settled, because then the House would have been in a position to realise whether this taxation was necessary. Therefore I do hope and appeal to the Honourable the Finance Member to consider the matter very seriously and not to force this bill as a permanent measure at this stage.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I need not say that I rise to oppose this bill. It is not an opposition with any modification or qualification as we heard from the honourable member who just sat down. But our opposition is an uncompromising one. Our opposition is based on the merits of the question. I oppose this measure because I consider it as the most unjust measure on the grounds of equity and fairplay. I oppose it on the merits of the case and I will presently point out that the measure is not necessary.

Before I come to the merit of the question I wish to remind the House, because it sometimes has short memories, as to what happened when this measure was introduced by the same Honourable Finance Member last year, who gave this as the first gift of the first year of his office. This is now the parting gift, I may say the parting kick, before he leaves so that we may remember the efficiency of his administration by the fact that this presidency has reached its highest limit of taxation. I challenge the Government to point out all over this country or any part of the world a province managed by a civilised administration bearing a burden of taxation to the same level as this presidency. I challenge the Government to show any other province bearing the same incidence of taxation per head as this presidency. In this presidency we have been clamouring for reduction of taxation but the Honourable the Finance Member seeks to make this a permanent measure. When this measure was first introduced it was not introduced as a permanent measure. I will explain why it was not introduced as a permanent measure. It was a mere tactic on the part of the Government that when they first introduced it they said that they wanted it for one year only, because they knew that if they said that it should be a permanent measure there would be strong opposition. They thought that they might befool the House by saying that it was for one year and might bring it every year till the opposition would be softened and then make it permanent on the ground that because they had enjoyed it for so many years they could not afford to lose it. What happened when this measure was introduced ? The Honourable the Finance Member when he introduced the measure last year told honourable members personally

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who were inclined to oppose it that that was the last time he was asking for that measure for one year only. On that assurance he carried the day by a few votes. (The Honourable Sir Chunilal Mehta rose in his seat) I do not want to be interrupted. The Honourable the Finance Member has got his right of reply and he may contradict it if he likes. But I hope those honourable members to whom he told this personally will come forward and boldly say that they voted for the measure last year on that assurance. Although the assurance was not openly given, it was given personally to several members. That is, Sir, how honourable members on the other side redeem their pledges. The principal reason that was advanced for introducing the measure last year was the financial difficulty of this presidency due to the unfairness of the Meston settlement. It was stated by Government that they wanted this measure till this iniquity of the Meston settlement was removed. Last year we got Rs. 56 lakhs from the Government of India. The measure was introduced for one year because they stated that they were negotiating with the Government of India and that they were on the point of succeeding in their effort. It is not because the Meston settlement is unfair that they want this money; it is not because the financial stringency of this presidency is such for this reason or that reason that they want this money. I know the reason: they want this money from this taxation because they have to pay for the loss they have sustained in the Development Department. Why should they not frankly tell us then? They want to mislead the House and try to have the sympathy of the House by putting it on unfair grounds. Last year the Honourable the Finance Member told us that they should have to pay Rs. 30 lakhs for 30 or 40 years as subvention for Development losses. To meet that expenditure they want this taxation.

I now come to the justice of the measure. Is it fair that this burden which is undoubtedly a burden on the taxpayers of this presidency should be imposed and we should be made to pay for the fraud and folly of those who are responsible for this fraud and folly and who are enjoying their pension and their gratuity. We cannot touch those who are responsible for this state of things and we who had no voice and who had protested against that measure which was put through in spite of our protest, are made to pay for the folly and fraud of those who are responsible. Why should we be made to pay? Is it because we are near and we cannot catch those who are responsible? That is the position. It is extremely unfair on this presidency. We who had no hand in that shabby affair have been made to pay for the frauds and follies of those who retired on full pensions. Nobody is going to touch them. We have got sympathy for the nation-building departments. Have you got a similar sympathy for the nation-building departments? You say that if we do not vote for this bill the nation-building departments will suffer. You say: "You give your vote; otherwise you will not get our contribution to the nation-building departments." That is the attitude taken by Government. I ask the House to consider

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whether the nation-building departments are living on the charity of the other half of Government. Is it really an act of charity when they contribute two or three crores to the nation-building departments? Is it an act of charity, an act of grace, an act of generosity to the people of this presidency? Is it not your duty to see that nation-building departments are treated on the same level as the other half of Government? Then we are told that we have reached the last stage of retrenchment and that we can go no further. I do not want to go through the details already referred to by my honourable friend Mr. Ginwalla. If we go into the details in the White Book we can show retrenchment all round to the extent of not only 15 or 16 lakhs but much more. But our sphere is very limited and our privileges are very limited. Take page 82 of the White Book. It has been stated by Government that we are on the verge of bankruptcy or in great financial difficulty that so much so we should have additional taxation. Look at the items on pages 82 and 83 which are extravagant, inhumanly extravagant. They are items for expenditure on Government House. Are these items necessary for the welfare of the people? Are these items necessary for the efficient administration of this presidency? I will point out the mentality of the administration which is callous to the welfare of the people: Whatever be the condition of the people, whether they may be dying for want of food or suffer from want of education, their luxuries and extravagance will not abate. If you look into the items it would appear as if it is a budget prepared for a big Pasha of the Arabian Nights and not as a budget of the civilised British administration of 1928. Rs. 34,000 for the purchase and repair of furniture and carpets....

The Honourable the PRESIDENT: The honourable member is repeating what has already been stated by the honourable member Mr. Ginwalla.

Mr. K. F. NARIMAN: I did not hear him when he referred to the Government House expenditure. If we touch the Justice Department, if we touch the Police Department, if we touch the General Administration, their reply is that consistent with the efficiency of those departments we cannot touch them. The items of expenditure for Government House to which I referred can be retrenched if the administration is generous enough and willing to sacrifice a little comfort for the sake of the poor people. Here it is not a question of efficiency but callousness on the part of the administration unwilling to give up some luxuries. Look at the item of carpets. I cannot understand whether these carpets are necessary in order that the administration can have better meditation on more costly carpets spread out in each and every room of the Government House. Carpets for Rs. 30,000 are required every year; Rs. 36,000 for the purchase of motor cars. This is not a time of prosperity when we have superfluous funds to spend on carpets, motor cars, pictures, furnitures, gardens and other luxuries. Is it impossible to carry on the administration without them? Add to that the sumptuous entertainments at the cost of the rate-payers, although the hosts and the guests may be somebody else, while people are starving for want of food. This

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entertainment is a mere formality and dignity not from the private salary but at the cost of the rate-payers.

That is the sort of administration. There is a body guard establishment costing Rs. 80,000, a band establishment costing thousands of rupees. Now, I put it to you, can they really and earnestly suggest that they have come to the very last point of retrenchment and there is no more scope for retrenchment left. If this administration is to subsist on dignity and pompousness, then I do admit that we cannot get rid of it. In difficult days like these, if it is a private individual or a private commercial firm, howsoever well-to-do, they will spend on luxuries like this only if they can afford to do so. We do not mind this expense as far as the people can afford to give it. As we cannot curtail this expenditure, we can only appeal to Government when they speak of so much sympathy "Do not stop with lip sympathy: come forward and give up these luxuries in these days of difficulty. Let these luxuries be suspended for some years. When days of prosperity return you can have these Padshah-like luxuries again."

I ask honourable members on this side to remember the limited privileges this House enjoys. Once this measure is put on the statute book, you have no power to remove it; Government alone can introduce an amending bill repealing this measure. I ask honourable members to realise what it means to the poor ratepayers and to their constituencies; to realise the difficulties we experience when we have to get a cut of Rs. 5,000 or Rs. 10,000 from the budget items; to realise that by passing this measure you will be giving a permanent tax amounting to 16 or 20 lakhs, which, as one honourable member said, will come out of the pockets of the poor as well as of the rich. Therefore, understand the position before you give your votes. A permanent taxation is the last thing you can give, because you have not the power of removing it, once it is placed on the statute book. I hope that that consideration alone will prevail when honourable members go to the lobbies. It is not the position of this gentleman or that gentleman, howsoever great, that may be jeopardised, but it is the position of your constituencies with which you are concerned. I hope honourable members will realise their responsibilities before they record their votes in favour of the bill.

Mr. J. B. PETIT (Bombay Millowners' Association): Mr. President, I take it, Sir, that the underlying principle of the bill before us, is the permanence of this measure on the statute book. If that is so, I think the House will be justified in rejecting it. But, Sir, if it is merely an extension of this measure for another year for supplementing the financial resources of this presidency, then I think the House will be well advised in granting an extension of the measure for another year. Government, however, should at the same time bear in mind the extreme difficulty that the presidency is experiencing in finding resources for meeting even its legitimate requirements. It must be also borne in mind that the taxable capacity of the people of this presidency has very nearly been reached. It is accordingly wise, wherever we can possibly do so, to spare what little additional margin we may yet have in hand, for future use in

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cases urgent emergencies. I therefore hope that the Government will be satisfied with the extension of this measure for another year and that they will also be pleased at the same time to give an assurance to this honourable House that they will not come forward about this time next year for a further extension of the measure, because regular annual extensions of this character tend to give this measure a permanent place on our statute book,—a condition of affairs, which is very distasteful to this House and is not quite compatible with the resources of this Presidency. We all realise, Sir, that owing to financial difficulties and the manner in which economies have been made in various directions by the Government, it is necessary for this House to sanction the extension at least for one year at the present moment; and I do accordingly hope that this honourable House will agree to the proposal. If the Government agree to have the sanction of this House to its extension for one year, as suggested by me, I think that the debate may be cut short by the Honourable the Finance Member giving an assurance to the effect to this honourable House immediately. If, on the other hand, he insists upon the permanence of this measure, then I venture to think that this House will be justified in rejecting it. It is, Sir, very well to tell us year after year that the financial strigency of this presidency makes the continuance of this measure necessary and that therefore this measure should be made permanent. But, Sir, we have also got to remember that people of this presidency, and particularly, its commercial and industrial classes, can bear this burden no longer. We are all aware of the very great financial stringency through which this presidency, with the rest of the country, has been passing of late, and are prepared to give the Government some measure of relief by continuing this measure for one year and no more. The House will not be prepared to give a similar extension next year; and I think the Honourable the Finance Member should assure the House that he will not come to it again for an extension of this measure. I do hope that he will be able to give that assurance, which will be very much appreciated by the House. If this is done, the House ought to agree to the proposal. With this reservation, I have very great pleasure in supporting the first reading of the bill. If, on the other hand, the Honourable the Finance Member does not do so and sticks to the proposal contained in the bill before us, then I for one will oppose it.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I have listened to all the arguments which have been advanced in favour of the total rejection of this bill, and I must say I am utterly dissatisfied with them. The Honourable the Finance Minister has pointed out the reasons in favour of this bill very clearly in his lucid speech, and not one single argument has been advanced to dislodge him from his position. My honourable friend for the Indian Merchants' Chamber (Mr. Lalji Naranji) got up to dispute some of the facts and I asked you to give him some more time as he was the principal speaker for the opposition on this side of the House, but I am afraid, Sir, he has not satisfied me. He quoted some ex-Presidents and some ex-Members of the Executive Council who have in their retirement given out that British civil servants

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and British merchants are here to exploit India. I am surprised that this discovery is made by them in their retirement. During all the time that they occupied the front bench, they themselves needed further taxation and used all the arguments that were advanced by the Honourable the Leader of the House to-day. We cannot believe that they have grown wiser in retirement. That of all persons the honourable member Mr. Lalji Naranji who is himself an expert should have quoted them as authorities is an insult to his own intelligence. I hope, Sir, that the Honourable the Finance Member will not follow their example in his retirement. I do not envy the Indian who does not rejoice in the success of the Honourable the Leader of the House as the first Indian Finance Member of this legislature or any other legislature in India. We must not be trifling. We have asked that there should be Indian Members of the Executive Council to place the Indian point of view. I may tell this House that whether we have Swaraj Government or this Government, taxation will always be necessary. I say "Encourage our Indian members." I know, Sir, the honourable member, Mr. Nariman, is here to oppose us. He goes out and comes in whenever it suits him and his party. Therefore, we, cannot give much weight to his opposition. It is not our policy, to go out and come in whenever it suited us. Mr. Nariman says "we are not serious in opposing the bill." I say that seriousness is not the monopoly of Mr. Nariman and his party. We are also serious. We know the difficulties of the Government and the people. The Honourable the Finance Member is an Indian. When he comes forward and says "Here are the difficulties of Government, advance us some money," I am not prepared to disbelieve him.

Regarding the present bill, I am of opinion that there is no necessity at all for this bill being made permanent. No case has been made out by the Honourable the Finance Member for the perpetuity of this bill. We are not convinced that this taxation is necessary for all time. As it is, I am not satisfied with his argument for its perpetuity.

Last time when we voted for this measure, the Honourable the Leader of the House told us that the money was necessary for Education, that is, for transferred departments, and I do not understand why that money has been spent over the reserved departments. I cannot understand why some resolutions of this House in connection with Muslim Education are not carried out. When we vote money for certain purpose, we expect to know how that money is spent. I would like the Honourable the Leader of the House to explain why this was not done. I do not say that every penny that was obtained by stamp duty should have been spent upon education. But I do say that the sum should have been mainly spent upon it. I am sorry to observe that a palsied hand holds the reins of the Educational Department and no progress has been made in that department. With these words I support the bill.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I had really no mind to speak on this occasion, but after hearing the speech of our Deputy Leader, Mr. Rafiuddin Ahmad (Laughter), I could not resist

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the temptation of addressing the honourable House. Otherwise I had no intention to encroach upon the valuable time of the House. I want to make my position and the position of my other friends from the mofussil here very clear. With our experience of past years, I am not prepared to give, like my honourable friend, any compliments to Government for the way in which they are managing the affairs. It is a fact, Sir, that Government have never tried seriously to effect retrenchment. There are several departments where retrenchment is absolutely necessary. For instance retrenchment can be made in the Public Works Department, the Revenue Department, and many other Reserved Departments, while the Education Department is actually starving. These are matters that have been brought to the notice of Government every time but no notice is taken of it.

We are here to perform our duty to our constituency. We have to watch the interest of our constituency. We, therefore, do not want to give our assent to this bill to be made a permanent measure because we know the money is spent in an extravagant way. I will illustrate my meaning by referring to the expenditure for the upkeep of the Public Works Department bungalows. There is a second class inspection bungalow at Tando Adam ; and what is its establishment ? One mali, drawing Rs. 24 per month as salary ; one nominal chowkidar who works as an assistant mali drawing Rs. 16 per month : One beldar, with a pair of bullocks, drawing Rs. 40 per month ; in all Rs. 80 per month are spent for the inspection of this second class inspection bungalow. That is the case at Tando Allahyar, at Sita, at all the places where there are these inspection bungalows. The same expenditure is incurred on all these bungalows, with this difference that first class bungalows cost double and treble that amount. These bungalows are very sparingly used and the staff lives merely to grow vegetables ; and these bungalows are dotted up all over Sind. That is not all. Many of the bungalows maintain crockery, cutlery, linen, etc. That is all waste of public funds. That is the manner, Sir, in which the public funds are spent. I ask, Sir, where is the necessity of that expenditure ? Is this the way in which retrenchment is effected ?

Therefore, I submit that we are unwilling to allow this bill to be put on the Statute Book permanently. We cannot honestly do so. We cannot do so, because we are in duty bound to our constituency to watch their interests. However, we would agree to allow this measure for the least possible period, and that is for one year only. I wish to be clear, Sir, as to the reasons which prompt us to extend this Act by a year more. During the year, we had floods and an acute situation was created. Both the Honourable the Finance Member as well as the Honourable the Revenue Member have behaved nobly in coming to the assistance of the sufferers. They have done all that they could. It is in recognition of those services of the Government that we are willing to assist Government to tide over their financial difficulties. I have stated publicly in Sind and I take this opportunity to do so again here that both the Finance Member and the Revenue Member could not

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have done more than they have done. The Honourable the Finance Member went, from place to place, seeing things for himself; while the honourable the Revenue Member did not allow any inconvenience to stand in his way in inspecting the flooded areas. In rain, when we were shivering with cold, the old gentleman went about more cheerfully than ourselves. That has been such a great work of the Government, that we are prepared to pass this bill, for the present, for one year only.

Mr. K. M. MUNSHI (Bombay University): Sir, I rise to oppose this bill in the form in which it is placed before this House. Sir, I read the arguments which are published in the reports of this Council since its introduction in the year 1922 and it appears to me that we are going through same way round every year without advancing any further. I will now try to deal with some of the arguments which appeal to me and some of which do not. I shall take them in the inverse proportion of their capacity to convince me. The first argument, which has been placed before this House, is this. The Government is a very callous Government—a phrase which is equivalent to the classical phrase "satanic Government" and therefore every opportunity should be taken to oppose it. Then again there is another argument advanced by my friend, Rao Saheb Dadubbai Desai for whose love for the people and the country there cannot be any doubt. He advanced an argument which surprised me.....

Mr. K. F. NARIMAN: He is a member of your party.

Mr. K. M. MUNSHI: Yes, he is a member, a very able and influential member of the party to which I have the honour to belong.

Mr. K. F. NARIMAN: Then there is no discipline.

Mr. K. M. MUNSHI: The argument of discipline does not lie in the mouth of my honourable friend. He has never been found amenable to it, I know. Sir, my honourable friend Rao Saheb Dadubhai Desai advanced an argument which I wish the other part of the House does not accept in the interests of the people of this country. He said that, on account of the revision of the remuneration given to Government servants, the expenditure had become so heavy that unless it is retrenched, we should not give our sanction to this bill. I wish the other side of the House, in all its callousness, does not accept that argument. I find in the report for 1922 a statement of this revision. My honourable friend says the increase was something like 3 crores in the salaries, and that the same should be cut down. I find that something like Rs. 2,62 lakhs is given to the poor clerks and other Government servants of this presidency, who, on account of the high cost of living which has persisted in this presidency since 1915-16, amply and richly deserve this increase. And therefore, it is no use telling Government to-day that 'out of the 3 crores remove this 2,62 lakhs.' I understand his argument. It is directed against the Civil Service,—the Imperial Service. But the question of Imperial Service, the increase or decrease of the remuneration of the Imperial Service, is not unfortunately in our hands. The increase on

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that head is 29 lakhs so far as revision is concerned and about 10 lakhs owing to the Lee Commission's report. Whatever that may be, it is not in the hands of this Council and it is no use making a grievance of a thing which is not in our hands to redress.

Then, the other argument is certainly very convincing if sufficient data were before us, and that is that Government do not retrench in proper quarters and, therefore, we must bring this indirect pressure on Government in order that they may retrench expenditure in other respects. Now, Sir, if it were proved to the satisfaction of this House that Government have failed to retrench properly and adequately, then it would certainly be a weapon which this Council would be justified in using for the purpose of bringing Government to their senses. But the argument which was advanced by my honourable friend Mr. Ginwalla, *viz.*, that because we put pressure on Government four years ago Government allowed a cut of Rs. 50 lakhs, if we put forward an opposition to a measure like this, they will give up some kind of expenditure in other directions, I think the argument is not satisfactory. And for this reason. We have to judge the budget in this way: Have Government retrenched in all possible manner, retrenched in such manner as they could, looking to the existing conditions and possibilities? Otherwise, it only means that you tempt them to put before you some kind of fictitious figure and say: "Take back this Rs. 50 lakhs and pass this bill." That is not the proper criterion, I submit, Sir. And on looking at this budget,—though I have been charged with looking at it very carelessly,—I find that the retrenchment effected is such as really reflects credit on the Honourable the Finance Member. For once, I wholeheartedly agree with my honourable friend Mr. Noor Mahomed. He has given the example of the late floods in Gujarat and Sind. In a year where there was such a heavy calamity as this, in a presidency where you find a budget of this character, when you find even contingencies, travelling allowances, and other items on which Government were so steadfast up to now, ruthlessly retrenched, we must give even the devil his due, (Mr. G. L. Winterbotham: Who is the devil?) the Honourable Sir Chunilal—his due, for thus retrenching ruthlessly. And having done so, if he cannot produce a better budget than he has done, we should consider the question whether for a year we should not put the proceeds of this tax in the purse of Government.

The other argument is with regard to the incidence of this taxation. This tax certainly works very oppressively on the city of Bombay more than any other part of the presidency. Practically the largest part of this tax is paid by the city of Bombay. This tax was levied at boom time and properties changed hands not as a matter of necessity, but as a matter of profiteering. At that time this tax which bears heavily at present upon transfer of property was not so very oppressive. But now properties change hands, so far at least as Bombay city is concerned, not as a matter of luxury but as a matter of sheer necessity. When people are driven to the last extremity, they either sell or mortgage their property. Under these conditions, you really take this tax from

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people who are extremely needy. But it is merely a question of choice, and the choice is whether Government should be allowed to retrench to the extent of Rs. 20 lakhs or whether this burden should be borne for one year more.

Then, Sir, there is the other argument which was advanced by my honourable friend Mr. Ginwalla. I wish he had not referred to it and I wish he had not compelled me to refer to it. That was in connection with the expenses relating to the High Court. Sir, I hold no brief for the administration of justice of this presidency. The honourable member who represents it will be fully able to take care of his department. I only submit that as he is practising as a solicitor for 25 years, the honourable member Mr. Ginwalla should not have referred to it. He said ten judges are too many and the number should be cut down to seven. It seems he either does not know, or pretends that he does not know, that the present Chief Justice has been clamouring for more judges and thinks that justice is not as expeditious as it ought to be. (Mr. K. F. Nariman : He talked about the quality of the judges.) Yes, something was said about quality and quantity. Sir, I protest against reflections of this kind insidiously made against an institution which, however great this Council may be, is as important to the administration of this presidency as even the existence of the Governor himself. I say, Sir, the dignity, the independance and the prestige of the administration of justice by the High Court alone is the justification for this Government, which pretend to govern by law and order, and, therefore, honourable members ought to manifest considerable care before they make any insidious remarks against an institution which is not present here to defend itself. My honourable friend referred to one name in particular, about the ex-Chief Justice Sir Norman Macleod. I am sure even he, in the regime of Sir Norman Macleod, clamoured that the despatch of justice was so expeditious, that not only solicitors but clients felt—rightly or wrongly is not the question—that they did not get full justice. What is the use of making invidious comparisons ? It is really unfortunate that my honourable friend Mr. Ginwalla should have introduced an element of this character here, because, after all, I think it ought to be one of the principles, so far as this Council is concerned, that the highest tribunal which dispenses law and order in this presidency should be held above criticism of this character. This principle alone has induced me to give importance to the remarks of my honourable friend which otherwise they do not deserve.

Then, Sir, I refer to the last argument which I consider so convincing that I have to oppose this bill, and that is the intention of the Honourable the Finance Member to take away the power from this House to sit on judgment on him and on those who come after him every year and say : How have you dealt with the budget of this presidency ? As I stated and as many honourable members have stated, the condition of this presidency is far from satisfactory so far as its finances are concerned. The extreme margin of taxation has been reached, and in spite of the hopeful reply of the Honourable the Finance Member his own attitude

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has been of the same kind throughout as shown by his first speech as well as by the budget itself. And in that situation it is the right, it is the privilege of this House, to sit down here every year, even at the risk of listening to the same arguments *ad nauseum* and to decide whether in the preceding year the Finance Member, with regard to the finances, has behaved in a manner in which he ought to have behaved. Therefore, Sir, I feel that it is the duty of every Finance Member to be able to stand the test of the criticism of this House by bringing this bill every year so that the House can judge of the nature and extent of the necessity put forward. I say it is for this reason that I oppose this bill. I oppose it for the reason that it takes away from this House its privilege of sitting in judgment over the present Finance Member as well as his successors. Let them come before this House, let them justify the necessity, let them show that proper retrenchment has been made and let them subject the budget to the fullest criticism of this House and then take this grant of 20 lakhs. But to take away from the power of this House to grant this 20 odd lakhs is, I consider, a flagrant sequestration of the rights of this House and therefore I oppose this bill.

Mr. B. T. DESAI (Bombay City, South): Sir, I oppose this bill and from the remarks that have fallen from previous speakers it appears to me that the Honourable the Finance Member need not be put to the necessity of replying to any criticism that has been passed on this side of the House. I understand the last speaker to mean that he does not give credence to certain criticisms that have been made by other honourable members. So far as the statements made by my honourable friend Mr. Lalji Naranji go, I think, Sir, he has made out a case which is very difficult to meet by the other side. He has made it very clear and he has quoted figures and facts and shown that Government has not retrenched to the extent to which it should have and to the extent to which it was asked to do, and he pointed out that there were several departments where more retrenchment could have very well been effected. He also pointed out the Sukkur Barrage and the Development Department and he also pointed out that a great deal of retrenchment could be done in those capital works. The Government has not done anything whatsoever, and, therefore, in my previous speech I said that it is now up to this House to combine and to make Government do according to the wishes of this House, and unless we do so, I think Government will go on putting forward their demands before us and get them passed.

With regard to this bill, why should there have been any necessity whatsoever for asking for an extension of this Stamp Act or of putting it permanently on the statute book? There are certain departments which have not been retrenched at all by Government. That has been shown and the extra income which this bill will perhaps bring would be from 20 to 30 lakhs, which Government could have obtained from other sources. But the arguments of those who support this bill appear to be that "Government has presented a deficit budget, what is Government to do? Government has already counted upon the House passing this and

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the other bills because in the budget and in the statement of the Honourable the Finance Member they have provided for expenditure counting upon these two Acts being extended and even after this there is a deficit of 34 lakhs." Therefore, as they have already counted upon obtaining this money, what the Honourable the Finance Member will perhaps get the House to do is to create a situation whereby the bills could be extended to a certain period or put permanently on the statute book.

As far as the Stamp Act is concerned, I may say that it is not a communal question, not a party question, it is not a question of this party or of that party, it is not a question in which any party should bargain with Government and say " we give you our votes, what are you going to do " and perhaps the Honourable the Finance Member will get up and say that they will be prepared to extend it for a year if not permanently. I say this is a question which does not concern any party whatsoever or any community. It is a provincial questi .., a question which affects all the communities because this enhanced tax tion will have to be paid by each and every community that exists in his presidency and not a particular community. Therefore, I appeal to my friends to treat this question in a light no other than a provincial question. I would also ask them not to bargain with Government. Such a thing has been happening for some years past. Every year this bill is put forward and an attempt is made to put it permanently on the statute book. Government say " let us come to terms, give us a year's life," but I am afraid this year's life will never come to an end at all. Therefore, I think it is up to the House now to fight out this question finally, whether the tax remains or goes, and I would ask all my honourable friends who have come here to consider the question very carefully and not to be led away because if it were allowed to be extended for one year, it might be there on the statute book permanently and it might prove very difficult to dislodge it from there. The argument of temporary extension should not be allowed to weigh with us, it won't do because last year Government had promised definitely that they wanted it only for a year and so got the honourable House to pass it on that promise. This year we are placed in the same situation. If we go on giving it life year after year, perhaps we shall be faced with the same situation and this process might go on perennially and thus the Act might find a permanent place on the statute book eventually. Therefore, let this House decide once for all whether they are going to have this tax or not, and I am quite sure that all the honourable members who have spoken are not in favour of the retention of this tax. Some of them say that " Government has done so much for flood relief, so much for this and so much for that, that therefore they must have money, so give them money, what will they do without more money." My honourable friend Sir Ghulam Hussain said that my honourable friend from Surat wants Government to do so many things but where is the money to come from ? He, therefore, said " extend this tax, this is the only way of raising money for the much needed improvements and progress." I am surprised that Government cannot think of getting money from any other means except additional taxation, and

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for this reason I say that it is we, who are the elected members, who ought to come in the way of Government's attempt to enhance any tax and it is we who must tell them plainly that no sort of a tax would be encouraged by this honourable House. Therefore, Sir, I would ask and earnestly ask my friends to consider this matter very carefully and to pay much attention because it is no use extending this tax for a year and it is no use bargaining with Government, and I sincerely hope that no honourable members will yield to any inducement from Government but will fight this question out on its merits and on the question of the interests of the public of this presidency.

The Honourable the PRESIDENT: I see two honourable members stand up, Mr. Hooseinbhoy Lalljee stood up twice. I propose to continue this sitting till 6-15 p.m. if the House is agreeable and finish the discussion within that time. For that there are only twenty minutes from this moment and some little time will have to be given to the honourable the mover. I therefore would ask the honourable members Mr. Hooseinbhoy Lalljee and Mr. Pahalajani to finish their remarks within a few minutes.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I had no intention of taking part in the discussion on this subject since so many speeches have been already made but I cannot help saying a few words after what I heard from my honourable friend Moulvi Rafiuddin Ahmad. I assure him that we on this side have very good regard for the Indian Members on the opposite benches, and if we offer any criticism it is not because we have any intention of treating them differently than the other members, but because we feel that such criticism will be accepted in the spirit in which it is offered.

Well, I ask the Honourable the Finance Member only one question. He has been a merchant, and I have been a merchant; he is a Bombay man and I am a Bombay man. I ask him in all earnestness, does he consider for a moment that the condition of the people of Bombay is such that they can bear this or any taxation at present? He has stated in his budget speech, and he himself will agree that the condition of the people of Bombay is very miserable. They are unable to bear any further taxation. Honourable members here have suggested retrenchment, hence I would not touch that matter, because a lot has already been said upon it. I would really point out one thing. It has been said that the condition of the people also in the mofussil is not good. There have been floods and all sorts of other calamities which this year have made the people of the districts as poor as the people of Bombay city. Sir, Bombay depends upon industry, but the industries of the city are in a miserable condition; there is unemployment, and I ask the Honourable the Finance Member in all earnestness whether this is the time to propose any additional taxation. He must consider the condition of the people, he must see whether they can pay; he must not be a Shylock and ask for the last drop of blood although the person is dying. He himself has said that the condition of Bombay is miserable. I ask him as a Bombay man, as a merchant, whether he considers it is

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fair that this city ought to be taxed at the present moment. Several honourable members have quoted figures, but I should like to give figures which will show that this city by itself is paying no less than Rs. 11 crores in the shape of taxes besides Custom, Salt and Foreign Liquor Revenue and that with a population of about 10 lakhs. The provincial taxation for the city is Rs. 2,92,00,000; the municipal taxation is about Rs. 3¼ crores and about Rs. 4½ crores income-tax besides the Customs and Salt with Foreign Liquor Revenue will together bring an average of about Rs. 150 per head. I ask him, Sir, to consider these figures seriously and see how heavily we are taxed in this city and to consider also very seriously whether this is the time to recommend this or any additional taxation. He should not insist upon this taxation at the present time. He should give time for the city to regain its prosperity and so also this presidency, and when the people are able to pay additional taxes, he may if there be need, impose them. Now, Sir, if he cannot help it, if he cannot effect any retrenchment, it is up to him to say "Well, I cannot do anything; I am forced to do it, and I am putting this only for a year, so that if your condition does not improve you will have the chance to say that you cannot bear any more, but if your condition improves hereafter, then also you will have an opportunity to say you will consider the position again" in view of that position. But for him, as an Indian, knowing the condition of the people, as a merchant, as a resident of this city, at this time to ask us to agree to this taxation as a permanent thing is a thing which I cannot understand. He is a business man, and I appeal to him to consider the condition of the people in this city and the condition of the people in the mofussil, to see whether this is the right time for taxing people. Sir, we have heard one of the Honourable Ministers say that they have not got sufficient money, and they have not got it because the people do not give them taxes. But I ask the Honourable Ministers whether they think it fair at such a time to ask for more or for contribution from the Government of India taxes or for retrenchment. I am sure they will also agree that it is not fair to put taxes at present and if that is so, they must also join us and ask the Honourable the Finance Member not to press for this tax at this time.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I had no intention of getting up to speak on this bill, but I only want to say this that the House is strongly opposed to the bill in its present form, as far as it seeks to perpetuate the increased stamp duties. Two statements were made by the Honourable the Leader of the House. The first was that he was actually negotiating with the Government of India to carry out a scheme of exchange of income tax for the stamp duties. If the negotiations are not complete, and if the negotiations have to go into the next year as they have been carried on during the last year—and three years is a pretty long time for their completion—then there will be no justification whatever for perpetuating the increased stamp duty, or carrying it beyond the next year. One year is enough. During that time the present Finance Member will be six months in office, and his successor will be six months more in office before the bill will come up again. Twelve months

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is sufficient time, and he should, under no circumstances, move for the perpetuation of the bill. The other argument, which I might also consider, is that the Simon Commission is sitting. Whatever the opinions of Indians on the point may be, the fact remains that the Commission will proceed with its enquiry; Sir John Simon and Lord Birkenhead have said so. And if that Commission is to be entrusted with the duty of investigating the distribution of finances between the provinces and the Imperial Government, certainly stamps may be taken away from our resources and something else given to us in exchange. Therefore, there is no justification whatever at the present time for a bill to perpetuate the increased stamp duty. By 1929 or 1930 the Commission's report ought to be out, according to the programme laid down by Lord Birkenhead. I should not be taken to be conceding the legitimacy of appointing such a Commission, but if the Government is determined to have that Commission, and if this Government is determined to act upon that Commission, that is another reason which ought to weigh with the Honourable the Finance Member in acceding to the demand not to perpetuate this increased tax upon this province. I think he has from all sides observed the feeling of this House sufficiently to realise that no elected member in this House, and even no nominated member will be in favour of having this as a permanent measure. One year is enough for a trial, if at all it is necessary. Moreover, the Honourable the Finance Member may know that, as my honourable friend from Hyderabad said, in the Public Works Department and in the Forest Department, which he had once the honour of being in charge, there is a great deal of retrenchment to be done. The Honourable the Finance Member has to put his foot down to carry out the recommendations not only of the Retrenchment Committee but of the Retrenchment Officer and compel his colleagues—that is the word I am using—compel his colleagues, by the force of his financial strength, to consent to the retrenchment that has been advised by two responsible officers of Government. In view of this, so far as the bill in its present form is concerned, I would certainly oppose it, pointing out at the same time, that it is open to him to move it in any other form.

The Honourable Sir CHUNILAL MEHTA: Sir, I take it that it is your intention to come to a decision on the whole of this bill at a quarter past six. I do not propose, therefore, to take long in my reply.

In the first place, I want to contradict, as emphatically as I can the statement made by the honourable member Mr. Nariman that, last year, I obtained the consent of the House to the passing of this bill by giving an undertaking that the bill would be in existence for one year only. I did nothing of the kind. I got up to contradict the honourable member Mr. Nariman who, though he has asked for fairness from everybody, refused to give that fairness to me. Sir, that statement was also made by the honourable member Mr. Balubhai Desai. Unfortunately, he was not present here this morning when, in moving the bill, I stated that as I heard from him words to this effect in the general discussion of the budget, I made it perfectly clear to the House that, on no occasion, have

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I myself, or anybody on my behalf given any member of the Council to understand that Government would not ask for this bill for more than one year. I think, Sir, that ought to be made perfectly clear to the House. Secondly, Sir, in the various speeches that were made it seemed to me that while the honourable member Mr. Shivdasani spoke against the bill, he asked for various items of expenditure which must necessarily add to the cost of the administration. I cannot understand how, when honourable members get up and ask for more expenditure in various directions, some for their own districts and some for the whole of the presidency, it lies in their mouth to say that Government will have enough money if these bills are cut out. I think it is hardly necessary to expatiate at all on the point.

Now, as to the life of this bill, I explained to the House why it is that originally in 1922 the bill was asked for as a permanent measure. It is wrong to say that Government at any time introduced the bill as a temporary measure. In 1922 it was asked for as a permanent measure, but the Council passed it for four years. The Council then stated that they would examine what the financial condition of the Government would be and they would then consider whether a further lease of life should be given to the bill or not. In 1926, they again considered it, and they came to the conclusion that a further lease of life was necessary. It is being brought forward again this year, and the reasons why I have asked for it as a permanent measure are these. In the first place, I think that it will not be possible, circumstanced as we are and within the limitations of the Act, so far as I can see at present, unless there is a very great revival of trade and of Government revenues, to undertake recurring expenditure unless you have assured yourself also of recurring revenue. I do not think any honourable member who has spoken so vehemently about the stability of the finances of this Government will be able to doubt that statement. Secondly, I explained to the House that a longer period of life for this bill was necessary, because of the negotiations that are going on with the Government of India. We hoped that the negotiations would come to an end within the current year. I explained to the House in detail the circumstances under which it was not possible for this Government to come to a final settlement with the Government of India. We are not alone in this matter. All the other provinces are concerned, and certainly the Government of India is also concerned. I have no hopes that next year the negotiations will be completed. In the very nature of things, as I explained this morning, it will not be possible to come to a settlement on this question until the whole of the Meston settlement is revised. The revision of that settlement may take perhaps a couple of years; I think it is bound to take a couple of years. If the Statutory Commission, as it is at present constituted, will not have the time to deal with this matter, they will no doubt appoint a financial committee of experts to consider the needs of the various provinces. This, in the nature of things, must necessarily take time, and on that account I have asked for a longer period than the one that has been suggested. If the Council give any weight to that argument, if they will

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see that it is absolutely impossible, physically impossible, to come to an understanding within the next two years, they might, I consider, give a life to this bill of two years. I would leave it to the honourable members of this House whether they will consider that a reasonable ground for passing it for two years.

Some Honourable MEMBERS: One year.

The Honourable Sir CHUNILAL MEHTA: Sir, as I said, I leave it to the House. I have always endeavoured to work in harmony with the House. I say that all these schemes for taxation or administrative schemes are best carried out by harmony between Government and the opposition. On the grounds I have stated I think it would be advisable to sanction this bill for a period of two years, the life time of this Council. (Honourable members: One.) I leave that to the sense of the House. But I wish to inform the House that the bill should be passed this evening. If the first reading is carried it can be determined in clause by clause reading whether it should be for one year or two years.

The Honourable the PRESIDENT: If I may interrupt, I think it is due to the House to know definitely the period, because from the arguments of various honourable members I understand that they want a definite statement whether it is going to be for one year or two years or permanently. The voting on the motion for first reading depends on that point. On behalf of the non-official side of the House I wish to request the Honourable the Finance Member to make a definite statement on this point.

The Honourable Sir CHUNILAL MEHTA: I have no objection to follow that procedure. I wish to make it clear that I give no undertaking of any kind that even if we accept one year that the bill will not be brought again next year. I do not wish nor have I the power to tie the hands of my successor. I do not think that the circumstances next year will be such as to relieve us of the necessity of asking for a further lease of life for this bill. However I wish to meet the House in the spirit in which they wish to meet Government. I will have no objection to agree to one year. (Applause.)

Bill read a first time. Question put and carried.

Second reading. The Honourable Sir CHUNILAL MEHTA: I move, Sir, that the bill be read a second time.

Bill read a second time. Question put and carried.

Bill read clause by clause

Clause 1 (*Short title*).

This Act may be called the Indian Stamp (Bombay Amendment) Act, 192 .

Mr. BALAK RAM: Sir, I move:

"That the figure '1928' be substituted for the figure '192 '."

Question put and carried.

Clause 1 as amended ordered to stand part of the bill.

Clause 2 (*Amendment of section 1*) (*iii*) *of Bom. II of 1922*

In clause (*iii*) of section 1 of the Indian Stamp (Bombay Amendment) Act, 1922, the words " and shall be in force for six years thereafter " shall be repealed.

Mr. B. G. PAHALAJANI (Western Sind): In view of the undertaking given by the Honourable the Finance Member I move :

In clause 2 for the words ' " and shall be in force for six years thereafter " shall be repealed ' substitute the words ' " seven years " shall be substituted for the words " six years " '.

The Honourable the PRESIDENT: The clause, if the amendment is carried, will read as follows :

" 2. In clause (*iii*) of section 1 of the Indian Stamp (Bombay Amendment) Act, 1922, the words ' seven years ' shall be substituted for the words ' six years '. "

Question put and carried.

Clause 2 as amended ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to move that the Bill be read a third time.

Third reading.

Question proposed.

Mr. L. M. DESHPANDE (Satara District): Sir, the bill cannot be read a third time at present. I refer to rule 11 (2) (*a*) at page 247 of the Council Manual.

The Honourable the PRESIDENT : I think that rule is not so binding as the honourable member thinks.

Mr. L. M. DESHPANDE : Sir, the wording is :

" and such objection shall prevail, unless the President in exercise of his power to suspend this provision, disallows the objection."

The Honourable the PRESIDENT : Well, I suspend the provision.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT : Bill No. II of 1928 [A Bill further to amend the Indian Stamp (Bombay Amendment) Act, 1922] is read a third time and passed into law.

The House is adjourned till half past ten to-morrow, Saturday, the 25th February 1928, and will sit till two o'clock.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Saturday, the 25th February 1928

The Council re-assembled at the Town Hall, Bombay, on Saturday, the 25th February 1928 at 10-30 a.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOSSACK, Mr. W. B.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.

JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSEINALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.

WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Government Bills.

GOVERNMENT BILLS

BILL No. III OF 1928 [A BILL TO AMEND THE COURT-FEES (BOMBAY AMENDMENT ACT, 1926.]

(Motion for first reading)

The Honourable Sir CHUNILAL MEHTA: Sir, I introduce Bill* No. III of 1928 (A Bill to amend the Court-fees (Bombay Amendment) Act, 1926.

The Honourable the PRESIDENT: The bill is introduced.

First reading.

The Honourable Sir CHUNILAL MEHTA: Sir, I beg to move that the Bill No. III of 1928 be read for a first time. The position is that this bill is required for financial purposes. As the whole question of finances was debated upon yesterday, I do not propose to say anything more as to the necessity of continuing this bill in operation. There is only one remark that I would like to make. At the time of discussion that took place on this bill in 1926, honourable members had raised certain objections. Those objections were removed both in the select committee and also in this Council. I, therefore, do not think there is anything further to be said on the merits of this bill. I take it that honourable members will, perhaps, raise some questions with regard to the duration of this bill. And I say that any suggestions to that effect will have my consideration.

Question proposed.

Rao Bahadur R. R. KALE (Satara District): Sir, I do not wish to enter into the pros and cons as to the necessity of this bill. During the course of the debate that took place yesterday the finance situation has been much debated upon. But I wish to say a few words with regard to the genesis of this bill. I would say, Sir, that Government have not been able to satisfy us with regard to certain matters which were placed before them when this bill was introduced in 1922.

Sir, this bill was introduced in 1922 as a permanent measure. At that time honourable members of this Council objected to that measure and asked Government with one voice that the sources of economy and retrenchment should be explored. In order to give Government some time to re-consider the matter, the Council at that time passed this measure only to remain for two years. Now, we have arrived at the year 1928 and what do we find? There is no doubt that the proposals in respect of retrenchment were made by the Retrenchment Committee and some of them have been taken into account, and some are pending consideration.

*Appendix 2.

[Rao Bahadur R. R. Kale]

With regard to these suggestions for retrenchment, I would like to make one observation. It is this. I think all such proposals that the Committee has recommended should be settled once for all. They should be placed before the Finance Committee, representing various cities, rural as well as urban, as also the members of different departments. Such a Committee should be asked to go into the question of retrenchment and the matter should be threshed out once for all. This Committee will consider what suggestions should be taken up and what should not. If that course is adopted, we shall reach the finality in this respect and the time of this Council will be saved.

Turning to this bill, I would say that in 1922 I had proposed an amendment to the effect that the Original Side of the High Court should be brought under the operation of this Act. A great deal of discussion took place on this question both in the select committee and in the Council itself. I had proposed, Sir, that Section 4 of the Court-fees Act should be so modified as to include High Court, so far as the institution fees on the Original Side are concerned. By the present Act the mofussil courts are made to suffer whereas the litigants in Bombay are profited. I, therefore, see no reason why the High Court should not be brought under this Act. From the discussion that took place in 1922, we find that the then Advocate-General told this honourable House that there was no legal bar for this being done. But the then President thought that, time might be required for Government to consider the question, and the matter was then shelved by an undertaking given by the then General Member, Sir Chimanlal Setalvad, who was in charge. He told the House that the matter was very important and he would require time to make investigations. He said it was also necessary to take the opinion of the Incorporated Law Society and other Associations connected with the High Court, which would require some time. I was insisting and the House was insisting on the matter being investigated then and there. But owing to the urgency, the House was persuaded to wait, but on a distinct assurance that the matter would be brought up as soon as possible. I now want to ask honourable members belonging to Government; what has been done further in that direction, whether the matter was investigated, whether any consideration was applied to this question,and with what result? I only am anxious, Sir, that having given that undertaking, it was really up to Government to show us members of this Council what steps they had taken, because, after all, as I stated, this burden of additional taxation must be borne equally by all. I am not making any distinction between the presidency town and the rural areas. But I do submit that if any taxation is to be resorted to, it must be borne equally by both these areas. It was pointed out that the fee in the High Court given to solicitors had increased by the rules made by the High Court from time to time, and so on. That may be. But, so far as the revenue of the Government is concerned, I think it is necessary to see whether Government have taken any action in this matter. I, therefore, appeal to the honourable members on the other side to give us an explanation as to what has been done and whether this

[Rao Bahadur R. R. Kale]

point was taken into account. If the material is available, then perhaps it may be necessary, after the members of this House pass the first reading of the bill, to refer the matter to the select committee for a short time and to see whether any steps cannot be taken to have that provision incorporated in this very bill. With these observations, I leave the matter for being explained by the other side.

Mr. B. V. JADHAV: Sir, I do not wish to take much time of this House because the principle of this bill and the bill we discussed yesterday at such great length is the same. I shall only say that the enhanced court-fees are pressing rather heavily upon the ryots, as those who have to defend suits and also to institute suits have to pay these enhanced fees. But I do not think the burden is so very heavy as the burden that has been increased in the shape of fees of the pleaders. The pleaders' fees, Sir, were charged before at 3 per cent. But that rate has been raised now to 5 per cent., and that, Sir, is really a heavier burden. If Government will see its way to restore this rate to its original rate, it will be a great relief to those persons who have either to defend suits or to institute them. With these remarks, I would lastly observe that if the Honourable Member in charge will accept one year for the duration of this amending bill, I would support it.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, this is the bill which was rejected in the year 1924 after a duration of two years. Then it was dropped for two years, and again received only for two years in the year 1926, and now it is proposed to extend its life. The only way in which this House can compel Government to make retrenchments is by refusing its assent to this bill. Every year we are giving this amount of money to Government, and still they are not satisfied. Every year they come forward and ask that its duration may be extended. They put it down as a permanent measure, but by some sort of compromise they get its life extended for a year or two. Now, it is necessary for this House to compel Government to make effective retrenchments. In the year 1922 this honourable House could compel Government to make retrenchments when they refused to pass the money bills unless retrenchments were effected. In this case also we should wait and see whether Government offer to make proper retrenchments in the expenditure, so that we may be led to think whether the life of this bill should be extended or not. I would, therefore, request Government to take up this bill after the demands for grants are finished, because even if we give this additional money to Government, their greed is not such that they will be satisfied, because just now also even though they get court-fees money, they are following their very sinister policy in the matter of land revenue assessments. That is to say, if you give this money, have you any satisfaction that Government will not pursue their wrong policies in other directions? When they are going to wring additional revenue from the poor cultivators by means of these revision settlements, which this honourable House by means of a resolution has decided to stop till the new statute is framed,—and even though there is no statute framed so far, they are still continuing their policy, and in season and out of season, without

[Mr. J. C. Swaminarayan]

making proper enquiry, without looking into the actual condition of the cultivators, whether they are capable of paying additional revenue or whether that land is capable of yielding that land revenue, and without taking proper measures and without exercising the powers of control that the former governments were exercising in olden times, they are paying no attention to the history of the tract or its economic condition and they are putting into effect the enhanced rates without care or caution. Instead of doing the right thing, they are trying to force agriculturists to practise civil disobedience as in the case of Bardoli. Sir, we know these agriculturists will be very glad only if you make even small concessions and if you show little hurry. Even if you give this money to Government the Government will not yield to the agriculturists' demands. They drive the cultivators to despair. Now, if the agriculturists are driven to despair, what will be the result ? If the agriculturists are not at ease, and if they feel that everything that they will produce is to be taken away, agriculture will have to suffer, the agriculturists will have to suffer, and as a result the Government also will have to suffer. Now, we are going to give this money ; but are Government going to change their policy in land revenue matters ? No. And they expect us to respond to their suggestion and extend the life of this bill ! Therefore, it is necessary that this House should sit tight at the time of the finance bills. If they do not sit tight and in light-heartedness allow Government to have money by taxation, then they will not be able to make any change in Government policy. We are here to make effective change in Government policy. We are not here for the purpose of carrying out the policies of the Government benches and for doing nothing. We want to see that Government work in the right spirit, with proper attention to the condition of the masses, the cultivators, and in order to make Government concede to our desires it is necessary that we should sit tight on this measure and we should not allow Government to have this measure passed even for one year at this moment. But, then, when the demands for grants are finished and when we realise that Government are in a mood to change their policy with regard to the agriculturists, then and then only we should see whether we can consent to the extension of this bill.

I appeal to honourable members not to be in a hurry, and I endorse the proposition moved by the honourable member Rao Bahadur Kale that the passing of this bill should be stayed for a short period of time namely, till after the demands for grants are voted so that we shall then be in a position to see whether or not we should allow this bill to be passed.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I wish to make a few observations in regard to this bill. This is practically a bill for additional taxation on civil litigation in the moffussil. With regard to this, what I have to submit is that such additional revenue ought to be primarily spent for extending facilities given to litigants in the moffussil. I find that so far as my district of East Khandesh is concerned, civil litigation has nearly doubled itself and it is mentioned in the last report that the highest number of civil suits in any one district were from my district. The number of pleaders has also nearly doubled itself in the

[Mr. H. V. Pataskar]

various civil courts but I find that the number of sub-judges has remained practically the same. The additional revenue raised by the imposition of this additional tax does not seem to have been utilised for bettering the facilities given to litigants who have to go to these courts in the moffussil.

Another aspect of the question to which I would like to draw special attention is that with the increase in civil suits there has been no proportionate increase in the number of sub-judges who have to deal with them. Sub-judges have necessarily to keep their eyes on the need for controlling their files of part heard and numbered suits in their anxiety to show quick disposal of work and absence of arrears with the inevitable consequence that proper justice is not in many cases done to the litigants concerned. The ability of a sub-judge should be judged by his capacity for doing full justice to the litigants who resort to his court both in the matter of quickness of despatch and in the matter of the quality of justice which he dispenses. What I object to is the tendency to spend money raised by additional taxation on objects for which it was not primarily intended. At least such is the case as far as my district of East Khandesh is concerned. I would therefore withhold my support from this bill.

Rao Saheb D. P. DESAI (Kaira District): Sir, I oppose this bill. My honourable friend from Satara Rao Bahadur Kale said that this bill might be sent to a select committee where it might be made applicable to the people of Bombay city who are not now subject to court-fees and therefore he suggested those people should also be included in the purview of the provisions of this bill.

Our experience of the attempts of the Government to set aright anomalies of this kind in the past have given us sad experiences. In the land revenue administration of our presidency, those villages in which communities showed better intelligence than the people living in their neighbouring villages naturally fared better than their neighbours showing less intelligence in their agricultural occupation, but with the result that these latter communities came to be taxed more than the others though under law such distinctions could not be made. Such anomalies can only be removed by abolition of illegal revenue. This court-fees measure was in effect initiated by this Government in spite of the protest of the non-official side of this House and there was some compromise arrived at afterwards. After that compromise this bill should never have been brought forward and I would wish that the rest of the presidency should have been placed on the same level as Bombay. If Bombay goes scot-free from unjust taxation, then I say that Bombay is done justice and the rest of the presidency is done injustice and therefore the injustice should be removed and not that the people who were treated justly should be subjected to the injustice done to people in other areas.

Yesterday I showed to this House that although more money has been given to Government, less money has been spent on nation-building departments, and I think there has not been any difference of opinion as regards that on the Government benches, especially on the part of the

[Rao Saheb D. P. Desai]

three Ministers who, I have reason to believe, are practically agreed on the point that the nation-building departments such as the Public Works, the Education and the Medical Departments have been provided with less money in 1928-29 than in the year 1921-22.

The Honourable Sir GHULAM HUSSAIN : Do you refer to post-reform or pre-reform days ?

Rao Saheb D. P. DESAI : What was the position of the Public Works Department in 1921-22 and in 1926-27 and what is it now. I say that in spite of the additional taxation, the Public Works budget has not been proportionately increased from the ordinary revenue. The Honourable the Minister for Public Works seems to doubt that statement. Be that as it may the fact is there. Again I doubt if the Honourable the Minister for Education has reason to be proud of the allotment made for his department. His budget in 1926-27 was 198 lakhs and in 1927-28 the revised figure for it comes to 198 lakhs though 202 lakhs had been budgetted. This year the education budget is 202 lakhs and God alone knows where the revised estimate will be. As a matter of fact that budget should have been in the neighbourhood of 213 lakhs but in fact that budget has not come up to that level. The same remarks apply to the agricultural budget and the Public Works budget. In the budget for 1921-22, about 30 lakhs was provided and now we are where we were, that is to say, we are going to spend in the year 1928-29 only 29 lakhs. All these things go to show that the expenditure from ordinary revenues and the expenditure of additional revenue is given over to the reserved side. Even if part of it goes to the Excise Department, I refuse to recognise the Excise as a transferred nation-building department for all practical purposes, because I do not consider it to be a nation-building department.

With these remarks I oppose the bill and request my honourable friends on the non-official side to remember that it will be far better to reserve all such bills until we get complete control over the finances of the presidency. In that case if there is any reserve capacity in the population to bear additional taxation, which I doubt, and if Government then choose to bring forward such bills, the House can sanction them only if they are likely to be conducive to the betterment of the economic and educational progress of the presidency.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu) : Mr. President, during my one year's experience of this Council I find that Government have been showing a tendency to show smaller and smaller balances and every now and then they come in with bills for additional taxation. This bill was first brought in in 1922 and remained in force till 1924. When it was renewed in 1924, the Council rejected it but again in 1926 Government succeeded in getting it passed and it then remained on the statute book until 1928. I wonder if Government think that people in the Bombay Presidency are capable of bearing all the additional taxation which they choose to levy on them. They themselves admit that there is trade depression and the

[Mr. Haji Mir Mahomed Baloch]

general condition of the people is at a low ebb, so much so that one would be justified in stating that the people have been so very much impoverished that even if they are pricked with the point of a needle or even with the blade of a knife, no blood will ooze out as the population has become bloodless having been ground down under the weight of heavy taxation. The people will therefore experience very great difficulty in paying this taxation. In spite of this fact, we know that the Lee loot has been going on for all these years. Why is it that Government do not make any effort to reduce their expenditure in that direction? Why should these extra taxes be levied on the people specially when a great burden has been put on the zamindars and cultivators and when fresh extra taxation has been put on the people in Alibag and Bardoli even when they are in distress? I would request the non-official members to remember that if this bill is passed, Government will become emboldened and bring up another taxation bill to-morrow and a third one the next day. I therefore say that this bill should be strongly opposed, and Government should be explicitly told that they ought to reduce their expenditure. Sir, it is not necessary for me to say anything more on this bill, as I feel sure that the non-official members in a body will throw out this bill.

Mr. L. M. DESHPANDE (Satara District): Sir, this bill is required for increasing revenue, but we are told in the revenue estimates that there is a decrease under this head of nearly Rs. 8,77,000, and it is said that this is due to less litigation. I think litigation has not decreased, because we see that the appointment of one additional Judge in the High Court has been made. So, the decrease in the revenue is not due to less litigation, but due to the increase in the court-fees. When we were told that increase of Rs. 8,77,000 was needed, we found in the revised budget it is estimated that the revenue will not come up to that standard.

One thing more. We were told yesterday that the Government of India will give us a pie rate in the income-tax. I do not know whether this court-fee is to be included under Stamps, but for budget purposes court-fee is included under Stamps. I would be obliged if the Honourable Member tells us whether Stamps and court-fees are to go together to the Government of India and the pie rate in income-tax is to be given to this Government in exchange. Besides, 3 pies in the rupee, if calculated for a total of Rs. 5 crores of income-tax that is paid by this Government, comes to about Rs. 7 lakhs, and I do not know whether the exchange of Stamp duty for a pie rate in income-tax will in any way help this Government. I would like to hear an explanation with regard to this, because I am really not satisfied with the information available to us.

The next thing is that court-fee, as has been pointed out by my honourable friend from Satara, is not imposed in the presidency town as it is imposed in the mofussil. So, if this question has to be discussed, it will necessarily mean that this bill will have to be sent to a select committee. With these remarks, I am unable to support the bill in its present form.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I think the sense of the House which was unanimously expressed yesterday is a sufficient guide to the Honourable the Finance Member as regards the period for which this bill ought to subsist. The House declared itself yesterday that the increase of stamp duty should be made for one year, and that was the opinion of every party in this House. I do not think that that question now remains open, and I think the Honourable the Finance Member may take it as settled that the sense of the House on the point is that it should remain in force for one year only.

Now, as regards the other objections that have been raised, especially the objection of my honourable friend from Satara, these objections were raised in 1922. When this bill came up before the House in 1922, the attention of Government was invited to the difference in the court-fees charged in the High Court and the mofussil courts. That difference is that in the mofussil courts and the Small Causes Court in Bombay the court-fee is paid *ad valorem*, that is to say 7½ per cent. upon the value of the suit, but all suits in the High Court are filed on a ten rupee stamp. By the rules of the High Court, court-fee stamp is paid for on many applications and miscellaneous proceedings connected with suits. The result is that in a highly contested suit in the High Court the court-fee that is paid into the Government treasury usually comes to the figure that is paid in the smaller courts in the mofussil courts by the time the suit terminates. But in uncontested suits, whether it be for lakhs or crores of rupees the stamp duty that is paid is only Rs. 10, and there it is that Government are put to a loss. It was, therefore, necessary, in 1922, for the Government to give an assurance to the House that this inequality will be removed. Sir Chiminlal Setalvad, the then Member in charge, promised that he would address the Government of India on the point, because it was after all a fiscal bill, and therefore the sanction of the Government of India would be necessary. Even in the select committee, it is extremely doubtful whether that question can be considered, as only section 3 of the Act is proposed to be amended and not section 4. But it is open to this House at the present moment to be assured by the Honourable the Finance Member and by the Honourable the Home Member, the former of whom is in charge of this bill and the latter in charge of the High Court, whether they have any intention of adhering to the undertaking given by Sir Chiminlal Setalvad as Member in charge in 1922, that the question will be considered. Unfortunately the promises and undertakings of Government take too long to materialise. We are always asked to believe in Government undertakings, and we are ready to believe them, but the delay in carrying them out sometimes makes us suspicious. Therefore, my honourable friend from Satara again raised that question, and rightly too, that the Government should let us know exactly what they are doing as regards the undertaking given by Sir Chiminlal Setalvad, and this House has the right to insist upon that undertaking being carried out. I do not think that this bill, after the full debate yesterday, requires to be gone into further now. The only serious question is as regards the duration of the bill, and I hope the Honourable the Finance Member, like yesterday,

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will agree to keep this bill for one year only, as that is the wish expressed by all parties yesterday.

Rao Bahadur B. R. NAIK (Surat District): Sir, I rise to oppose the bill. The City of Bombay is exempt from the operation of the bill; this tax is to be imposed only in the mofussil. It has been stated by the honourable member Mr. Pataskar, that civil litigation in the mofussil is increasing year after year and the economic pressure on the agriculturists is increasing. In spite of the contentions of the honourable members opposite let me again tell them that the economic condition of the agriculturists is getting from bad to worse, and that the consequence is that the sowcars have to go more often to civil courts and file suits against the agriculturists to recover the loans advanced. Therefore this burden is mainly falling on the agriculturists who are already very heavily taxed. Sir, it has been stated that the Honourable the Finance Member has not brought any new taxation bill and that the present bill is brought forward only to renew a tax which has already been in existence. But one thing is quite forgotton by Government, and that is that the honourable member sitting next to the Honourable the Finance Member has been increasing land revenue in the whole presidency year after year not by thousands but by lakhs. That increase in land revenue is never brought before this Honourable House for sanction. There is no other country in the world where land revenue is imposed in the fashion it is done in this presidency. The system is autocratic and is governed by the whim and discretion of the official in charge. If the official is sympathetic, then he takes into consideration the economic condition of the agriculturists before fixing the revenue; otherwise he raises it arbitrarily. As stated by my honourable friend Mr. Swaminarayan the struggle is going on to-day in several talukas of the presidency in that connection. The representatives of those parts have appealed to the Honourable Member of Government to give due consideration to all the objections and petitions of the people, but all to no purpose. I know that whatever I may say now or in the future will fall on deaf ears, as has been the case in the past, but let me warn the Honourable the Revenue Member as far as my district is concerned there is a real grievance. I appealed to him the other day, and I again repeat it, that he should make an impartial inquiry into the matter in Chorasi, Bardoli and Alibag talukas. If Government are in the right, then they do not stand to lose anything by such an inquiry. They should not let their prestige stand in the way. The honourable member the Settlement Commissioner told us that the policy of Government was to base land revenue assessment on rentals and that the assessment should be 40 to 50 per cent. of the rentals. I would ask him very respectfully whether he knows that this Government has collected from 1897 to 1914 about 50 per cent. on Jarayat land and from 60 to 80 per cent. on rice and garden lands? And are Government going to refund all the excess revenue collected during all these years? How are Government going to defend this taxation which was collected by them beyond the maximum limit prescribed? Sir, if the Honourable the Revenue Member does not know, I believe the Honourable

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the Settlement Commissioner knows that I am a holder of two alienated sarakati villages in Chorasi Taluka and they are surveyed and settled and hence by the enhancement of the assessment I am a gainer by about eight hundred rupees a year and yet I protest against the enhancement because I know the condition of the people. They will not be able to pay for thirty years. Whenever Government want to carry out their own measure they will say "we have given our solemn promises." When they do not want to do a thing, which is not in their interest, they say: "it was not a promise; there was no declaration." I will remind the honourable House that a solemn declaration was given on the floor of this honourable House by the Honourable the Revenue Member only twelve months ago, that all abnormal years would be excluded whenever a revision took place. I asked him then whether he had taken those abnormal years into consideration in connection with the revision settlements of Bardoli and Chorasi Talukas, but no reply was given. In a certain letter he asked me what I considered to be abnormal years. I say he has taken the most abnormal years of this century into consideration in fixing the revised rates.....

The Honourable Mr. J. L. RIEU: May I ask the honourable member what he considers to be abnormal years? Does he not intend that all years after the war should be treated as abnormal years?

Rao Bahadur B. R. NAIK: The last was the greatest war that was waged in the history of the world. After the close of the war, the years 1918 to 1924, as every business man knows, as the man in the street knows, were abnormal years. The Government of India had to sell reverse council bills, the Finance Member of the Government of India had to manipulate exchange, the rupee was appreciated to two shillings and seven pence from one shilling and four pence. In Japan and Western countries they were on the point of declaring moratorium. I do not know if the years in which these things had to be done cannot be called abnormal, which years of the country were abnormal. It is quite plain, Sir, that it is from the year 1924 that the prices have been again going down. My request, therefore is very reasonable and ought to be considered by Government. If I had made any request, as President of the District Local Board, to the Revenue Commissioner, or to the Honourable the Revenue Member he would have listened to it, but as member of this Council, I cannot make my voice felt by the Government. I understood that they are taking extreme measures to collect the revenue. It has come to my notice that in the Chorasi and Bardoli talukas, they have taken some coercive measures. I know that the Government are powerful enough and have got well organised machinery to enforce their demands. But then, are they going to deny, is the Honourable the Settlement Commissioner going to deny, that Chorasi is the most highly assessed taluka in India?

Mr. F. G. H. ANDERSON: It is not.

Rao Bahadur B. R. NAIK: The dry crop assessment is Rs. 9 per acre for land in group I without any irrigation which grows only grass, jowari

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and cotton. For group II lands the assessment is Rs. 7-12-0 per acre. If this assessment is not high for the honourable member the Settlement Commissioner, I do not know what assessment he would call high. Then, the honourable member the Revenue Secretary argued, if the economic condition of the people is getting from bad to worse why do they stick to their land and not abandon it? I want to know from the honourable member where are they to go. Some of the officials are crying that they are not sufficiently paid, they cannot make both ends meet yet they are still in service. What I say is that there is no place for them to go to; when 70 per cent. of the population is solely dependent on agriculture, where are they to go and what they should fall on? Government should consider their representation sympathetically and make an impartial enquiry into the matter. Instead of that they throw out whatever representations are made. I know the real economic condition of the people. The people may be able to pay for a year or two and that too by borrowing at a high rate of interest; but if the collection is made for five years continuously they will have nothing left to pay from. The argument advanced by the Honourable the Revenue Member is that the rules made are not drastic and in times of scarcity Government will give them suspensions, and remissions. But what are the rules about suspensions? When it is a 6 anna crop, Government take full assessment and remission is only allowed if the crop is under four annas. Now according to Government they take 50 per cent. of the rentals as the assessment based for normal years, that is when there is 12 to 16 annas crop the rental is taken to be the net profit of cultivation, but when the crop is only 6 annas that is almost 40 per cent. and if the cost of labour is deducted from it, there will be no margin left to pay the assessment; and what about the maintenance of the agriculturist himself and his family. This is, Sir, how the rules are made and administered.

The Honourable the PRESIDENT: Order, order. Yesterday I brought it to the notice of this House, when the honourable member, Mr. Shivdasani, was speaking, that although honourable members are right and have a right to refer to matters, when there is a money bill, which arise out of the budget, they should refer to those items generally. They should not take a single item from the budget for discussion and discuss the merits of that particular item. The honourable member (Rao Bahadur Naik) is now discussing the details and the minor details of a particular item and I, therefore, do not think he is strictly in order.

Rao Bahadur B. R. NAIK: Very well, Sir, I bow to your decision. What I want to convey, Sir, is that the land revenue is being increased in various talukas of the presidency. I see no reason why this bill should be given effect to. There is this bill to-day before us for further taxation; yesterday we also passed one more bill and there will be several bills of such a nature. So, I do not know how much further taxation will be put on this presidency. I, therefore, oppose this bill for the simple reason that this presidency is unable to pay more taxation at the present moment.

The Honourable Mr. J. E. B. HOTSON: Sir, most of the members whom we have listened this morning referred to the undertaking said to have been given by Sir Chimanlal Setalvad in 1922 and the manner in which it has been carried out.

As Sir Henry Lawrence told this honourable House in the year 1926, references have since 1922 been made more than once to the High Court on the subject of the scale of fees in that Court. At the present moment, I may tell this House, a very considerable number of questions are pending settlement between the Government and the High Court, including questions of Retrenchment, reorganisation of various branches of the High Court and its dependent offices, and means of raising additional revenue. These questions are still under consideration and I can promise this honourable House that the points raised in to-day's discussion will be brought to the notice of the High Court and that we will again ask them to consider carefully what they can do to meet the wishes expressed by this House to-day.

The honourable member from Kaira (Rao Saheb D. P. Desai) made a remark which has caused considerable astonishment to me. I do not know whether any honourable member from Bombay was present at that time. I do not think there was any. The honourable member from Kaira said that in Bombay no court-fees are paid. Well, I am sure that any person who has any knowledge of litigation in Bombay would agree that this is diametrically opposed to an accurate exposition of the facts. It is perfectly true that there are no institution fees in the same sense as in the mofussil, that is, fees fixed on an *ad valorem* basis. But that matter has been explained at very considerable length in 1922 and honourable members will find that explanation in the Council Debates for that year. I shall, therefore, not take up the time of this Council in repeating it again. The fees are arranged on a different scale in the High Court, as my honourable friend from Sukkur has mentioned. I may tell this House that the fees paid in litigation in the High Court are considerably higher than those paid in similar litigation in the mofussil courts.....

Rao Bahadur R. R. KALE: The Taxation Enquiry Committee has not said so.

The Honourable Mr. J. E. B. HOTSON: I have sent for a copy of the Report of the Taxation Enquiry Committee and I will look that point up. But I know that the fees paid in the High Court in many classes of litigation are higher than those paid in the mofussil courts. I would further point out to this honourable House that however the scales may compare, it is not within our power to enhance the scale or effect any change in the scale of fees in the High Court. This matter has been entirely left to the High Court and neither the Government nor this Council can compel the High Court to make any changes. A further point on which stress has been laid here is that the court-fees fall more on the mofussil than Bombay. But I submit, Sir, that the Taxation Bill which was passed by this Council yesterday falls very much more on Bombay than on the mofussil. This has already been pointed out several times to this House.

[Mr. J. E. B. Hotson]

Another question which has been raised in this House more than once is this. It is said that it is not proper that Government should make any profit out of the administration of justice. I say, Sir, that this argument is not based on facts at all. Government do not make any profit out of the administration of justice. If you take the cost of the courts and the cost of their establishments and set against it all the receipts from fees and fines and other sources, you will find that a small profit does remain. But if you add to the cost of those items the large commitments for pensions which fall upon Government, the large sums of interest which they have to pay yearly on capital cost of the buildings occupied by the judicial courts, and the very considerable cost of the magisterial work which is still performed by revenue officers paid by the revenue department—if you add all these items, then you will find that it is not true that Government gain from the administration of justice. On the other hand there is a loss on this department.

Now, Sir, there is a further argument advanced by my honourable friend Mr. Deshpande. He has made a very surprising application of the law of diminishing returns. He says: "There is now more litigation than formerly and the fees are higher, and yet owing to the operation of the Court-fees Act there is a loss in revenue." It is certainly surprising that in spite of the higher scale of fees and more litigation, there is less revenue. By some curious logical process my honourable friend has come to the conclusion that this is simply due to the operation of the Court-fees Act. But this is not the case. The fact is simply this. There is depression of trade everywhere and the value of land has gone down. That is the real reason. The loss of revenue is not at all due to the operation of this Act. If the increased court-fees had had any effect it could only have been in the direction of reducing litigation, which has not occurred. I think these are the only points which were raised in the course of to-day's discussion and I hope my answers to them will satisfy the House.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, my task has been considerably lightened by the speech of my honourable friend from Sukkur, Mr. Pahalajani, the Leader of the nationalist party—nationalist only into brackets.

In 1926 when this bill was before the Council my honourable friend was very much against it, and he said that the Government would not be benefitted by this bill at all. And he said it would be the hardest bill upon the poor. And only yesterday we were told that the Moslem brigade was always at the disposal of Government for supporting their measures of taxation. I am glad to notice now that we have got many additions to our party. And the first convert is the honourable member for Sukkur, who is supposed to be a jealous guardian of the public purse. "Of all the faithless faithful only he." I am very glad to see that a change has come over all the portions of the House. I really do not know the cause of it, excepting that the position of the parties has been considerably changed since the introduction of the University Bill. We were told, Sir, that the Honourable the Leader

[Moulvi Rafiuddin Ahmad]

of the House was a very great juggler in finance. But I find that he is a greater juggler in converting parties to Government side. Sir, there have been a few recalcitrants in the party of the honourable member for Sukkur, and I do not know whether he would be able to reconcile them. But I am very glad to notice that parties are coming to the solid, and serious and sound views taken by the Moslem party in this House. Sir, Moslems are the balancing party in this House and we are always glad to make additions and to convert members to the view that Government are the friends of the poor and it is no use non-co-operating with them. I do not think it is necessary now for me to speak more as there is no opposition to the bill, asthe honourable memberMr.Pahalajani is already a convert to our view. (An Honourable Member: Not the bill as it is; it is only one year). I do not care for what period as long as he accepts the principle of the bill. I think all the opposition of the honourable members on this side hitherto was to its principle. Now even the principle is conceded. We are all glad to notice it. But let it be not said by anybody that the Moslems only are the supporters of Government. I support the bill with very great pleasure as it is to be renewed only for one year.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Mr. President, we members on this side of the House have repeatedly demanded that Government should retrench their expenditure and reduce the grievances of the poor. When in spite of all that our expenditure is increasing, our liabilities are increasing, and we have deficit budgets continuously in this presidency, and more and more taxation is asked for, we must say that Government's sense of humanity, their sense of being humane in their treatment of the masses, is completely lost. Last year one reason was advanced for the bad state of our finances. This year another reason is advanced. It is said to be trade depression and so forth. Now, our land revenue is less, which means our agriculturistsare becoming more and more helpless and therefore less able to pay revenue. Even in these circumstances, Government is not fully alive to the necessity of seriously doing something to ameliorate their condition. In the old days, if an agriculturist could manage his affairs within say Rs. 500 a year, now he is unable to do so even within a several times bigger amount. He is able to earn less and has to pay more and more in the shape of assessment. When people are in such helpless condition, what is the first duty of Government? That duty is to remove even the existing taxation permanently. Instead of doing that, Government are putting proposals before us to add to existing taxation. Now, as Government is aware, from the moment a poor litigant steps into a court he has to spend lots of money. First of all, he has to purchase Government's stamped paper even to present his complaint. This stamp duty falls heavily on him already as it is, and yet Government wants to add to that taxation. Now, when it is admitted on all hands both by Government and by the people that there is universal depression, trade depression and agricultural depression, and every possible kind of depression, and when the masses are already

[Mr. V. A. Surve]

heavily burdened with taxation, is this an opportune time for further increasing the taxes ? Or is it rather the duty of Government to reduce taxation in such circumstances ? When such proposals are coming from Government in spite of all these circumstances, can we not rightly say that Government has become blunt to all sense of humane feelings ? It is not their primary duty to be humane in their treatment of the subjects ? If notwithstanding all this, there are representatives in this House who would be ready to support such taxation proposals, I really do not know what confidence can be placed by the people on such so called representatives. Can they be said to be the true representatives of the people ? You yourselves say there is no money with the trade, there is no money with any one, there is depression everywhere, and yet you are ready to ask for more taxes ! Is it consistent ? The Honourable the Revenue Member, Mr. Rieu,will be retiring shortly after finishing his service. Why ? Because his energy is becoming less and there will be no power left in him for further work. Similarly, when the power of the people to pay taxes has become less and is leaving them, it is not proper that further taxes should be asked for from them. I therefore submit that this bill should be rejected by the House completely, and I would not support the extension of the bill even for a temporary period.

Mr. F. G. H. ANDERSON : Mr. President, I came to this House this morning in the hope of listening to a most interesting debate upon court-fees. But there is a hobby horse kept by some members which must be trotted out on every possible occasion. We already had references to it several times. That is this question of Bardoli and Chorasi settlements. In the general discussion of the budget, of course, there was some relevance in discussing such grievances, but what it has to do with court-fees I really cannot say ; that towards the end of my honourable friend Rao Bahadur Bhimbhai's speech its irrelevance was also noticed by yourself. This is not at all the time for a reply to those attacks. But, lest it should be thought that the arguments and statements that have been produced by the honourable member from Surat cannot be answered, or have any substance in them at all, I take the opportunity briefly of informing the House that on a suitable occasion and on some relevant matter I propose, both myself and some of my colleagues, to give a full reply ; which I hope will convince the Council ; and will reduce the exaggerated statements the unsustainable figures which have been brought before this House on several occasions to smithereen as they deserve.

The Honourable Sir CHUNILAL MEHTA : Sir, I do not think many words from me are necessary in reply. I think the Honourable the Home Member has stated the position with regard to the High Court quite clearly and also the honourable members have expressed themselves in favour of this bill provided only that the duration that is mentioned in the bill is altered. I have no objection to altering the period of the bill as suggested by all the parties of this House.....

Mr. N. B. CHANDRACHUD: What is the additional revenue expected from this amendment?

The Honourable Sir CHUNILAL MEHTA: I think we ought to get somewhere near seven lakhs of rupees. I was saying, Sir, that all parties seem to agree that the bill may be allowed to be passed if the period is fixed at one year. With regard to the remarks of the honourable member Mr. Moulvi I may say that in the mind of Government at any rate there is no discrimination as regards any of these parties, they are all friends of Government, at least I have always recognised them as such and neither our friends the non-Brahmins nor the Muslims nor the new party that has come into existence exercises any more influence than the others on Government. We are amenable to all these parties.

Bill read a first time. Question put and carried.

Second reading. The Honourable Sir CHUNILAL MEHTA: I beg to move, Sir, that Bill No. III of 1928 [A Bill to amend the Court-fees (Bombay Amendment) Act, 1926] be read a second time.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I move:

That the consideration of the second reading of Bill No. III of 1928 [A Bill to amend the Court-fees (Bombay Amendment) Act, 1926] be postponed to the 14th March in this session.

I move this amendment under Standing Order IV, 4 so that we shall be able to know what the exact position is after the demands for grants have been disposed of.

The Honourable Sir CHUNILAL MEHTA: I beg to oppose the amendment moved by my honourable friend Mr. Swaminarayan. I think no useful purpose will be served by making this postponement as we have come to this understanding by agreement with this House and I do not think that it is desirable at this stage to raise any new question.

Question put and lost.

Bill read a second time. Question that the bill be read a second time put and carried.

Bill read Clause by Clause

Clause 1 (*Short title*) ordered to stand part of the bill.

Clause 2 (*Amendment of section* 1 (3) *of Bom. III of 1926*).

In sub-section (3) of section 1 of the Court-fees (Bombay Amendment) Act, 1926, the words " and shall remain in operation for two years " shall be repealed.

The Honourable Sir CHUNILAL MEHTA: Sir, I beg to move:

That clause 2 be amended as follows:—

In clause 2 of the bill, for the words the ' words " and shall remain in operation for two years " shall be repealed, ' *substitute the words* " the word ' three ' shall be substituted for the word ' two ' ".

Question put and carried.

Clause 2, as amended, ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

Third Reading.

The Honourable Sir CHUNILAL MEHTA: Sir, I beg to move, with your permission that the Bill No. III of 1928 [A Bill to amend the Court-fees (Bombay Amendment) Act, 1926] be read a third time.

Question proposed.

Bill read a third time.

Question put and carried.

The Honourable the PRESIDENT: The bill is now read a third time and passed into law.

BILL No. IV OF 1928 (A BILL TO PROVIDE FOR THE GRANT OF LOANS BY GOVERNMENT TO NON-AGRICULTURISTS FOR THE RELIEF OF DISTRESS OR OTHER CALAMITIES AND FOR THE RECOVERY OF SUCH LOANS.

(Motion for first reading)

The Honourable Mr. J. L. RIEU: Sir, I introduce Bill* No. IV of 1928 (A Bill to provide for the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans).

The Honourable the PRESIDENT: The bill is introduced.

First reading.

The Honourable Mr. J. L. RIEU: Mr. President, I beg to move the first reading of Bill No. IV of 1928 (A bill to provide for the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans). The necessity for this measure arises from the desire of Government to help, so far as lies within their power, those non-agriculturists in Gujarat and Sind whose houses have been either demolished or have suffered severe damage by the recent floods. As the honourable members are no doubt aware, Government has statutory powers in regard to giving loans to agriculturists. These powers are embodied in Act No. XIX of 1883, the Land Improvement Loans Act, and the Act XII of 1884, the Agriculturists Loans Act. These statutory powers are confined to agriculturists, that is to say, in the case of the first of those two Acts to the persons who have the right to make those improvements for which the loan is made or to any other person provided the consent of the first person is obtained, and in the case of the other Act, the Agriculturists Loans Act, to the owners and occupiers of arable land. In those cases, the principal security which Government have, although there are other forms of security admissible, is the land held by the agriculturist borrower. In the case of non-agriculturists the position is entirely different. This is the first occasion on which Government have adopted the policy of advancing loans to private individuals who are not holders of agricultural land. They have no statutory powers to do so, nor have they any statutory means of recovery other than those of the ordinary normal processes of the civil law, subject to one exception, that is one of the

Appendix 3.

[Mr. J. L. Rieu]

provisions of the Transfer of Property Act. It was with considerable hesitation that Government embarked on this entirely new policy of granting loans from State funds to private individuals who do not stand in the relation of landlord and tenant as in the case of agriculturists. Government realised that the extreme seriousness of the calamity which had befallen Gujarat and Sind necessitated special measures. They realised that the credit resources of these areas were likely to be inadequate to meet the situation, and they therefore felt that it was highly desirable that they should come to the assistance of the people. But they have to consider what steps they can take to secure themselves at the time of making these loans, and it is with this object that the present measure is now placed before this honourable House. I may concisely describe the measure, in perfectly general terms, as one having for its object the placing of non-agriculturists, so far as possible, in the same position as agriculturists in respect to the recovery of loans. They cannot be placed entirely in the same position, because non-agriculturists, ex-hypothesi, have not the same security to offer as agriculturists, but so far as possible it is the intention of Government to put non-agriculturists in exactly the same position as agriculturists. Government are giving them the same assistance that they afford to agriculturists, and it is only fair and reasonable that non-agriculturists should be placed under the same obligations towards Government as agriculturists. I will now run briefly through the provisions of this bill.

As honourable members will see, the bill is not an *ad hoc* bill. It is not confined to the present situation in Gujarat and Sind, but is of a general character, so that Government, supposing unfortunately a similar situation should arise in the future, would be able to deal with it on the same lines as they are dealing with the present situation. Therefore, clause 2 of the bill provides that the bill shall be made applicable to any part of the Bombay Presidency by notification. Clause 3 of the bill defines the purposes and the class of persons to whom these loans may be made. Clause 4 provides for retrospective effect being given to the operation of the bill. Clause 5 is the most important clause. It is based principally on section 7 of the Land Improvement Loans Act and defines the various means which Government will have for effecting the recovery of loans. Finally, clause 6 is the usual rule-making provision.

I trust that honourable members will recognise the reasonableness of this measure. Its effect will not only be to secure the position of Government in respect of these loans, but it will also be beneficial to potential recipients of loans. With these statutory powers conferred upon them Government will be in a position to advance loans much more freely than they would otherwise be able to. They would not be hampered, as they are at present, by the necessity of having recourse to the ordinary procedure of civil litigation for the recovery of these loans. Such litigation is bound to be both very tedious and costly, and it will inflict a burden both on Government and on the recipients of loans. Therefore, this measure must be regarded as one not only for the assistance of

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Government but one by which the non-agriculturists will themselves very largely benefit.

Mr. P. R. CHIKODI : Have such sums been already lent out ?

The Honourable Mr. J. L. RIEU : It is so. I have not the statistics at hand, but I presume that some loans have already actually been paid out to non-agriculturists. Certainly it is Government's intention that such loans should be paid. I wish to impress upon the House that the procedure of giving out loans to non-agriculturists will be made very much easier and speedier by this measure. Government officers will feel more confident of their position, and the whole procedure of making enquiries, etc., will be very much shortened. I trust, therefore, that this House will look upon this measure not only as a beneficent one but as one which it is desirable to pass into law as quickly as possible.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support the bill, but at the same time I would bring to the notice of the Honourable Member that it is doubtful whether any provision is made for free grants in cases of the nature which I am just going to mention. Suppose a small shopkeeper has his goods destroyed or damaged by floods ; again his goods may have been mortgaged, and his shop also may have been mortgaged. In that condition, he is not likely to give any security. On reading through the bill I do not find that Government can meet such a case, and, as a matter of fact, during the recent floods such cases are not met from Government funds at all. In the case of the recent Gujarat floods, they were met from the Flood Relief Fund started in Bombay. Therefore, if Government can make provision to include such cases, that is cases which require out and out free grants from Government, then I think it would be a complete relief measure. Again whether Government have reserved to themselves that power or not is not clear from the bill. They ought also to have the power to grant loans free of interest and to make free grants in cases which are worse than the cases in which securities are got.

The Honourable the PRESIDENT : The bill deals with something quite different. It is a loan bill.

Rao Saheb D. P. DESAI : Then, the other point that has occurred to me is that the securities should not be touched so long as Government can recover their loan from the original property. Otherwise, what would happen is that the Collector would at once press the surety and not touch the original property. In any case an attempt should be made to recover the loan from the property mortgaged to Government (Moulvi Rafiuddin Ahmad : In the first instance ?) Yes, in the first instance from the property mortgaged to Government and not of the surety. So, if that amendment is made, this bill will be acceptable to the House.

Mr. S. A. SARDESAI (Bijapur District) : Mr. President, I wholeheartedly support this generous bill brought by Government to grant loans to non-agriculturists. The non-agriculturist population do not at present get loans under the old Agriculturists' Loans Act of 1884.

[Mr. S. A. Sardesai]

But I wish to ask whether loans can be advanced under this bill without charging interest. It should be open to Government to advance loans in some cases without interest. I am reminded in this connection of a short story in Chambers' "Short Stories." A small boy was always found taking loans from strangers. He was taken to task for this by his parents and he was enjoined not to take loans from strangers. The boy invented a remedy; he continued taking loans, but asked those from whom he took loans not to ask them back. I am surprised to see that Government confine this bill only to loans bearing interest. In some cases I feel that they should advance loans even without interest.

I also feel in this connection that the old Loans Act (Agriculturists' Loans Act) is not a perfect one. I brought to the notice of the Honourable the Revenue Member sometime back that it was necessary to bring a new Loans Bill applicable to the agriculturists, whereby Government could grant large loans as well as small loans.

There is one other point. The Honourable the Revenue Member stated that Government have no statutory powers to recover loans except by the ordinary procedure. But I wish to point out that if Government will advance these loans through co-operative societies they can easily recover them without having resort to the ordinary procedure, because if they advance these loans through the co-operative societies, the executive officers of Government have power to recover such loans according to the new Co-operative Societies Act. And as this bill relates only to Gujarat and Sind.....

An honourable MEMBER: It applies to the whole presidency.

Mr. S. A. SARDESAI: Even if the bill refers to the whole of this presidency, the Honourable the Revenue Member ought to bear in mind that these loans can very well be advanced through co-operative societies, and if he does so, whether they are agriculturists or non-agriculturists they have not then the protection of the Deccan Agriculturists Relief Act. I think, Sir, that as Government are going to be equipped with powers to recover these loans without having recourse to the ordinary procedure, of recovering them through civil courts, I would suggest to Government to grant loans without interest in deserving cases. With these few remarks I support this bill.

Mr. R. G. PRADHAN (Nasik District): Mr. President, I do not think that there can be any doubt that this is a very good bill, and I may be permitted to offer my congratulations to the Honourable the Revenue Member for bringing forward this bill. When I came across the Agriculturists' Loans Act of 1884 and had occasion to refer to it, it occurred to me whether something of that kind could not also be done for those who could not benefit by that Act, even irrespective of the calamities which have induced Government to bring forward this bill. There are one or two things, however, about which I should be extremely grateful to the Honourable the Revenue Member if he would be so good as to give us information. The bill does not—and rightly does not—fix the rate of interest at which loans can be advanced. That is a matter which

[Mr. R. G. Pradhan]

is left to be determined or prescribed by rules. But I would be grateful if the Honourable the Revenue Member would give us some indication of the rate of interest that would be levied on the loans that would be advanced. I sincerely hope that they will be very moderate rates of interest and that no attempt will be made by Government to make any revenue out of the bill. I therefore beg to suggest that loans should be advanced very liberally and that instructions should be given to subordinate officers that when applications for loans are made under this bill, they should be treated with the greatest sympathy. If such instructions are given, if the rate of interest is fixed low, and if in cases where it will not be possible for a man to repay the loan strictly according to rules no harshness will be shown, as much leniency will be shown as is possible without any detriment to the interests of Government, then, I have not the least doubt that the people of the presidency will be grateful to the Government for bringing forward this bill. With these remarks I sincerely support the bill.

Rao Bahadur R. R. KALE (Satara District): Sir, speaking on the principle underlying the bill, I wish to make one or two observations. The first is, the time has come—and I am glad that Government have recognised it—when the system of advancing loans under the Agriculturists' Loans Act should be extended to purposes other than those provided for in that Act. No doubt the present bill is confined to non-agriculturists for the relief of distress owing to flood or other calamities. But I hope that this principle will be extended to distress caused to individuals or corporate bodies, when they are struggling for industrial development. I do not know whether the present scope of the bill includes people of that kind. Perhaps, the Honourable the Minister in charge of the Transferred department will see his way, I think, to bring in such a legislation specifically dealing with the case I have mentioned. I am sure that once the principle has been recognised by Government, it will not be far distant when that provision will be made.

Coming to the present bill, I find that the question of rule-making powers given by section 6 to the Executive is of a very ordinary kind, but I find that there is no provision made for previous publication of such rules, that is to say, the provision for publication of rules framed in the *Government Gazette* calling for objections before they are passed into law. I would go further and suggest that although the power of rule-making has been given to the executive, the rules framed by them should be placed before this House so that we shall get an opportunity of seeing whether the rules are harsh or otherwise. You will see, Sir, in the present instance, that although the bill is very small, the machinery for enforcing the provisions of this Act has to be created by the rules. The manner of making applications, the officers by whom the loans may be granted, the nature of security and the rate of interest—all these questions are not of less importance and this House should get an opportunity of knowing them. My honourable friend from Nasik, Mr. Pradhan, suggested that the rate of interest should be laid down in the bill itself.....

Mr. R. G. PRADHAN: No, I do not suggest so.

Rao Bahadur R. R. KALE: I am glad to hear that. I submit that the question of interest in a particular case is an important one and for that purpose it will be better if the rules are placed before the Council in the manner I have suggested.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I support this measure gladly. I am glad because this bill is not only applied to the places affected by floods, namely, Gujarat and Sind alone, but it has been extended to all over the presidency. By this bill the non-agriculturist class will get the same benefits in respect of loans that are given to the agriculturist class. I may point out, Sir, that Government should not make the provisions of this bill very drastic. If the people found that the provisions are drastic, they would refrain from making any applications to Government for loans, although they may be badly in need of such loans.

In the first place it is necessary I may suggest that the surety should not be placed on the same footing as the borrower. In many cases it so happens that if the money is not paid by the borrower, the property of the surety is attached, and the borrower goes scot free. Therefore, I say there should be a distinct provision made that a surety will not be touched in the first place for the recovery of the loans to those for whom he is a surety. Firstly the borrower and his property should be attached and then as the last recourse the surety must be touched. Besides the subordinate officers who may be in charge of recovering loans, should be instructed by Government not to be very strict in the matter of recovery. Sir, these loans have been necessitated at a time when the people are in distress and when they are not in a position to return money as quickly as Government would desire. Therefore, Government should give them liberal terms and greater facilities of making payments by smaller instalments. All these facts should be taken into consideration. I know that people in Gujarat, who have been affected by reason of floods and distressful conditions, are very much afraid to apply for loans as they think that the demand for recovery of such loans will be very strict, drastic and harsh, and therefore many people do not do so. That is the situation. Sir, I think that the rights of making recoveries should not, therefore, be handed over to the Government officers solely. Those rights should be under the popular control. I say, Sir, that these rights should be controlled in a proper manner. All the rules framed should be brought under the purview of this House. It is absolutely necessary that the rules made should be kept on the table of the Council, so that it will give an opportunity to this House to make an amendment or otherwise.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to oppose this bill. My reason for opposing is that I do not want to give arbitrary powers to the executive. Sir, our experience is very sad in this respect. Whenever the executive are given powers, they are always misused. In this connection, I want to draw the attention of the honourable House to this fact that there is the ordinary law of the land. It is open to Government to follow the same process. If a citizen is asked to recover his

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dues through the process of law, why should Government be placed in a better position than a private citizen in this matter. In addition, Sir, I understand that agreements have already been taken for the advances given by Government to non-agriculturists even before this measure is placed on the statute book. If that was possible, and if people are willing to sign slave bonds, let them sign them at their own risk, but I do not want to be a party to anything like this legislation being put on the statute book, the effect of which is that people will be oppressed. In this connection, I also want to draw the attention of the House to the several clauses in the agreements that have been taken in other parts, for instance, in Zanzibar and East Africa. The other day an engine driver came to me for help, and that man was dismissed summarily because he had some differences with his superior. The matter was taken up by his English solicitors on his behalf. The matter was taken to His Excellency the Governor of Zanzibar and East Africa. Still that gentleman did not get redress, and he was told "Since you are fighting out your case here through solicitors, we are not going to give you return passage." Cudgels were taken up on his behalf by his English solicitors, and then he and his family were allowed to return to India. Because there was a clause in the agreement which says that Government have any right at any moment to terminate his services without giving any reasons whatsoever, all his difficulties arose. And these are the clauses which I find are also entered up in agreements taken from labourers in the G. I. P. Railway and B. B. & C. I. Railway Workshops. There also the company reserve absolute right to terminate the service in any way they like without assigning any reasons whatsoever. Therefore, I am asking my men that "You should come to us before you sign these slave bonds." Therefore, I say this House ought not to be a party to such slave bonds which are to be given by non-agriculturists. The men cannot resist any opression due to such slave bonds. It may be that my honourable friend is a kind hearted man. But is the Honourable Mr. Rieu going to stay long or is he going to live up to eternity? His successors may be cruel and his Collectors may take a different view. It may be a beneficial piece of legislation, but Government should not act like a Marwari. I do not want that Government should copy the example of a Marwari. Even in Bombay, in Khar for instance, there also Government give loans to private individuals who purchase plots of land. Government ask them only to contribute 25 per cent. for land. They are to pay three-fourths to Government by instalments and the building remains as a mortgage to Government. But Government do not say "We will forfeit building, land and everything." If that is done in connection with Khar and other cases, I do not understand why different treatment should be given to those persons who are in need of money and who are not agriculturists. I therefore hope the House will set its face to giving of any arbitrary power to the executive, which power it is our experience is abused time and again. Some people say these powers should be given, but they do not understand that these powers will be liable to be abused, and are abused very often. Therefore, I do

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submit, Sir, that either the worst clauses of the bill should be taken out or the bill should be thrown out. I hope, therefore, that the honourable members will think twice before giving their support to this bill.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I do not oppose the bill. I am also not much enamoured of this bill. Personally I think that the State ought not to act the part of a money-lending Marwari. If arbitrary power is given, it is likely to be abused sometimes; as a matter of fact, it is abused. Now, in the first place, if a man has got credit, he will get loan from any one. If he has no credit, how is he to get it from anywhere? So, I rather wish Government should not act the part of a money-lending Marwari. I would wish that Government should come to the rescue of the oppressed and the poor rather from charitable motives. Government should say "their houses are washed away, we give one lakh or more and we are going to build houses for those persons whose houses have been washed away." But to my mind it appears that Government agency is abused, abused both by the recipient and also by the officers of the Government. We have had, Sir, very sad experience of the tagai loans and advances. In several cases we find that Government advance tagai to persons who do not deserve it. Tagai advances made by Government are not spent on the object or on the purposes for which they are taken. Tagai is taken for constructing a well and the amount is spent for the marriage of a son; tagai is taken for the improvement of land and the amount is spent in paying Government assessment. We have several cases where we find that Government with one hand advance tagai and with the other they recover assessment. In the second place, Sir, Government agency is also not quite fit to distribute such loans, because it is the select few or the fortunate few who get loans at the hands of Government. I may mention the case of a tagai advance. A woman took a tagai advance of Rs. 100. She paid this man one rupee, that man one rupee, and so on, and in that way she had only Rs. 15 left. She went to the mamlatdar and told him that "as you are the biggest God, let me give you the biggest *dakshina*,—the Rs. 15—and let me go home quietly." What I find is that Government agency is abused both by the recipient and also by the officers of the Government. Now, however, I think that this measure is more or less of an experimental nature, and with that object I am making a few suggestions. Much will depend upon the rules which the Government have to make, and I join my honourable friend Mr. Swaminarayan in making a suggestion that the rules be approved of by this Council, because though clause 6 appears to be quite harmless, much will depend on the way in which the Act is administered and the administration of the Act will depend upon the rules that will be framed under this Act. What I submit is that the rules should have the approval and sanction of this House, so that if the House wants to suggest any changes, either with regard to the rate of interest or with regard to the persons to whom the loans should be advanced, that may become possible.

[Mr. N. B. Chandrachud]

I would also like to make one suggestion as regards clause 5 (*d*), that the debt should be a first charge on the house, because when a loan is advanced for the building of a house, it is only proper that the loan should be repaid from the sale-proceeds or from the proceeds of the house if possible. I would also suggest that the amount which Government advance for construction of houses should be made a charge on the house, because what will happen is this : a man takes a loan of Rs. 500 and gets another man to stand surety for him in respect of that loan. If it becomes impossible for either the borrower or the surety to pay back the amount, Government loses the amount advanced as loan. So I submit Government should take steps that the amount which they advance should be made a first charge on the property and unless and until that amount is made.....

The Honourable Mr. J. L. RIEU : That is provided for in clause 3.

Mr. N. B. CHANDRACHUD : No, it won't be a legal charge.

Mr. F. G. H. ANDERSON : I may explain, Sir, that the words " as if it were arrears of land revenue due in respect of the land on which the house stands " which are put into the clause make that loan an absolutely legal *charge* on that land. The bill has provided for it and there is also the notice (through the registration office) to everybody that this charge exists upon the land.

Mr. N. B. CHANDRACHUD : I have only made that suggestion. If the legal talent at the command of Government thinks it is a legal charge, I have no quarrel with Government but personally, I do not think that it amounts to a legal charge. I feel that instead of leaving the interpretation of the words to legal quibbling hereafter, it is better that the meaning should be made perfectly plain.

Also, if possible, I would also make a suggestion that the loan, instead of being distributed through the agency of mamlatdars, should be distributed through the agency of village panchayats, because in several villages we have these panchayats. At any rate, before making any such loans or advances, it is better that Government should consult not only their officers and village officers but also some of the respectable persons in the villages such as the heads of " gram panchayats." I support the first reading of the bill.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir. I think this is the first measure of its kind which has been introduced into this legislature by Government since the Reforms have been introduced for the last eight years. I think the Honourable the Revenue Member deserves to be really congratulated for this piece of legislation.

Sir, it has been said that there will be a good many drawbacks in the bill if it is passed as it is. But I wish to point out that Government will no doubt appreciate the existence of these difficulties and try to remove them at the time of framing the rules which I hope they will place before this House for approval and sanction.

One of my honourable friends recently argued that the money might as well be borrowed from sowcars, but he seems to forget that our

[Khan Saheb A. M. Mansuri]

country is visited often and often by famines and floods and agriculturists have been rendered penniless with the consequence that sowcars are not in a position to advance the loans to non-agriculturists. My solicitor friend is not here just now, otherwise I would have asked him whether or not his brethren in this profession do not suck the blood out of their clients and I would have asked him how many solicitors in Bombay are humane beings while acting as solicitors. I think this is a beneficent measure introduced by Government and deserves to be passed immediately.

Mr. W. W. SMART: Mr. President, I only wish to give my own personal experiences of the giving out of these loans. I have been over the whole flooded area and have examined a large number of cases. My experience is that there are a large number of persons in towns who are not agriculturists, who experience considerable difficulty in obtaining loans. If their houses have fallen, it is obvious that until rebuilt they are of no value, and in small villages the value of the plot is purely nominal. In a large town like Ahmedabad or Surat or Broach, a plot of land has a very high value but in a village, I submit, the value of a plot of land is purely nominal as there is no demand and even if there were, neighbours would not buy the plot because they would fear the enmity of the owner. I implore this House to pass this bill immediately. The facts, as they stand at present, are that under the Transfer of Property Act a property mortgaged for a loan can be attached by Government without recourse to a civil court, but supposing I give a man a loan and he does not spend the money on building his house. In that case I have nothing to fall back upon except the value of the plot and any surety which that man may have provided or any other moveable or immoveable property which he may possess. Now under the present bond all that Government can attach without recourse to a civil court is the actual plot mortgaged, and on that account it is only natural that revenue officers should be rather chary of giving out loans to persons who are not able to give sufficient security. If this bill is passed, however, and the man happens to be a shopkeeper, we may go to his shop and attach his stock-in-trade or we may sell his shop. Finally we can fall back upon his surety and therefore Government officers will give larger loans to non-agriculturists if this bill is passed into law.

Some of the honourable members, who have asked for the rules to be framed to be put before this Council for its sanction, have argued that Government executive officers may abuse their power. I do not know how many years ago the Agriculturists Loans Act or the Lands Improvements Act was passed—probably in 1883 or 1884—but Government officers have exercised these powers all this time and I am not aware that any cases of improper use of these powers by Government officers have ever been brought to the notice of this Council. Why, in the case of non-agriculturists alone, Government Officers should suddenly develop a desire to abuse their power of recovery, I am unable to understand, and I submit that it is absolutely necessary that this bill should be passed immediately, for the reason that, unless the money is paid over to these

[Mr. W. W. Smart]

people before the end of April, they will have no roof to cover their heads in the next monsoon. On that account alone I think this Council will be well advised, in the interests of the poor persons whose houses have been destroyed, in passing this bill immediately and in not insisting that the rules should be submitted to this House again for sanction. After all, the rules will be on exactly the same pattern as the existing rules under the Lands Improvements Loans Act.

As to the question of interest, I am surprised that honourable members have raised that point, because, at the last session of this Council, Government have stated their policy, and the rate of interest which they will charge, and that rate of interest is entered in the bond under the Transfer of Property Act. Therefore, the question of rate of interest does not arise. It has already been settled and approved by this House. So that, on this ground, I do not see why there should be any delay, and I say if any delay does occur, it would be absolutely fatal to the interests of the people who are chiefly concerned. The present state of affairs is that we have not been able to give money to non-agriculturists, simply because the question at present is before Government as to whether stamp duty should be remitted on the bonds under the Transfer of Property Act. Under the law at present, advances even of Rs. 100 and under are subject to stamp duty, and the legal question has arisen whether it is possible to register these documents before the stamp duty is paid or not. I issued orders only three or four days ago to the effect that, to avoid any delay, these bonds must be registered before stamp duty is paid. I have stretched the law in the hope that Government would grant the necessary exemption. If they do not do so, I propose to apply section 41 of the Stamp Act, by which, in cases of emergency, it is possible to fix the stamp duty after the registration of the documents. If I rather stretched the law in this case on my own personal responsibility, I did it because I considered this matter of vital urgency, and I implore this House not to delay the passing of this bill.

Rao Bahadur B. R. NAIK (Surat District): Sir, I support this bill. I do not think there is any reason why there should be any opposition to this bill. This bill is in conformity with the Agriculturists' Loans Act which is in existence for the last several years, and there is no reason why non-agricultural people should not be placed on the same footing. Moreover, it is not compulsory that any one should go to Government to borrow money. If he can get a loan from the market or from a private *sowcar*, he is at liberty to do so, but if he cannot get a loan anywhere and he is in distress, and if he comes to Government and borrows money, then Government must have some instrument for the recovery of the money advanced under some Act. Therefore, I think it is in the interest of the borrower that this Act should be passed. Sir, I do not know the other parts of the Presidency, but I know Gujarat. In Gujarat, a non-agriculturist, if he is in a position to get a loan from a *sowcar* at a cheaper rate of interest, will not go to Government, but there will be many who cannot get any money from anywhere, and if they get it at all it will be at exorbitant rates of interest. In such cases, they will be benefited by

[Rao Bahadur B. R. Naik]

coming to Government and borrowing money under the terms of this Act. I therefore support this bill wholeheartedly. But I would suggest one thing to the Honourable the Revenue Member. Clause 5 (1) (*b*) provides that the loans shall be recovered from the surety (if any) as if they were arrears of land revenue due by him. What I say is that Government should not go against the surety in the first instance. The property of the borrower should be first touched, and if they cannot realise the money from the property of the borrower, then the surety must be touched. It is quite clear that a man in distress will not go to Government unless he is in a very bad economic condition. If he is in a good condition, he will go to a *sowcar* to get his loan. But if he is in a bad condition, he will hardly be able to find a surety if, in the recovery of the loan, without the property of the borrower being first touched, the surety is to be touched. That is what I think. The object of the bill will not be properly served if this clause is passed as it stands, and the surety is touched in the first instance if the borrower fails to repay. I want to make it clear that if the borrower fails to pay, if he has got any property, that property must be attached, and it is only when he has got no property, or if Government cannot recover it from the property of the borrower that the surety must be touched. That is my contention.

Lastly, it has been suggested by several honourable members,—and I think Government have accepted the principle in the case of the Cotton Markets Bill—that the rules made under this Act should be subject to the control of the Council, and I heartily endorse that suggestion. With these observations I support the bill.

Mr. B. T. DESAI (Bombay City, South): Sir, I oppose this bill. I do not oppose it so far as the powers to grant the loans are concerned, but realy the power of recovery is extraordinary. To say that Government have to recover the loans that belong to Government and therefore these powers are given and they should be included in the bill is no argument, because I think Government is acting in a way which is detrimental to the interests of the public. Because these powers have been incorporated in other Acts is no reason why they should be incorporated in this bill. I think the main effect of the provision about the recovery of loans would be to scare away the borrowers, and, to my mind, this is an indirect way adopted by Government to scare away the people and not to give them proper relief. Government say "We have got the money, 10 lakhs, 20 lakhs, 30 lakhs; here you are; you can take the money, but on our own terms and conditions," and they put such conditions that the people would not like to borrow. If that is so, where is the genuine desire to really assist the people? This is not an ordinary loan that Government are giving; this is not the ordinary revenue that they are realising from the agriculturists. This is an emergency loan. The people have suffered on account of the floods, and Government in showing their sympathy say "We are your saviours; here is the money, but you cannot have that money in any other way except by satisfying these conditions." I think these conditions are strict enough to scare

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away any genuine borrower, and the effect will be that honest people who are in need of money will be put in the clutches of moneylenders. It will be far better to take money without these conditions from the ordinary moneylenders, because, what does the moneylender do ? He would charge a higher rate of interest, but when the question of recovery comes he goes to court ; the judge may say " Settle this debt, or do this, or do that ; " the borrower may gain time, two years or three years. But under these powers Government would not give him any time at all ; he would be given no chance ; Government would attach his property and exact as much money as possible from the persons whom, they say, they are going to help. I think, Sir, this bill will not serve the purpose for which it is intended. I should like to point out that Government are acting worse than the ordinary Marwadi. The Marwadi may take away interest in the beginning and give out of Rs. 100 only Rs. 60, Rs. 70 or Rs. 80 ; but at the time of recovery, he files a suit, then there is some compromise and instalments are fixed. But here, Government get the mortgage of the whole property, have not to go to a court of law, they can arrest the man or auction his whole property. Is this the way in which we are going to be sympathetic to the persons who have suffered from a great distress ? I think there is no reason why Government should be given more powers than the ordinary creditor to realise these moneys. Sir,.....

Mr. F. G. H. ANDERSON : Sir, may I ask the honourable member whether the powers he has just described are not exactly the same powers as every ordinary creditor has already got ?

Mr. B. T. DESAI : If you have got these powers already, why do you come here. If Government have got the same powers to realise the loan as any ordinary creditor, then I do not think there is any necessity for Government to come before us to get sanction for these stringent powers. I am just pointing out to the House that the bill is contrary to the wishes of the public as well as of the Council, which are to help the people who have suffered from the floods. Certainly, I consider a Marwadi a better man, a more sympathetic man than Government. He may exact a little more money from me—that is a different thing—but at the same time the relief I get at his hands is better and far more preferable to that offered by Government which insists on getting my whole property to be dealt with in any fashion. Certain honourable members have advanced the argument that only those persons who cannot get money outside will go to Government. But what I wish to suggest is that the fact that people are driven to borrow is no reason why stringent conditions should be imposed. You may as well say : " If you want to borrow, accept my conditions. " There is no sense in imposing such conditions as will scare away people who are driven to borrow on account of adversity and distress. This bill will not help Government's purpose because of its stringent conditions. Therefore, this bill ought not to be accepted.

Mr. M. S. KHUHRO (Larkana District) : Sir, I wish to say a few words in connection with this bill. I am indeed surprised to find

[Mr. M. S. Khuhro]

opposition offered to such a beneficent measure offered by Government to non-agriculturists. It is absurd to suggest that this measure is going to impose any conditions which are more stringent than those offered by money lenders or Marwadis. I would ask those honourable members who advanced that argument to remember that the rate at which Government will advance loans will be only one-fourth or one-fifth of what the money lenders and Marwadis charge either in Sind or outside it. The rate of interest ordinarily charged by money lenders and Marwadis in Sind is 24 per cent. In four years the principal amount will be at least doubled. It has been suggested that if the matter goes to the civil court, the borrowers get the advantage of having to pay in instalments. But may I point out to them that the loans advanced by Government will be payable in such easy instalments in this case that it will not at all be difficult for the borrowers to repay? As honourable members know, Government at present advance loans to agriculturists, and I have known of no instance in which an agriculturist has been compelled to sell his property. The instalments fixed by Government are very easy as also their rates of interest. Such instalments and such rates will be a great boon to the non-agriculturists. Up to now, such loans were confined to agriculturists, and Government are now going to extend the benefit to non-agriculturists. I think the conditions imposed are absolutely necessary, because if those conditions are not there the result will be a man who gets the loan from Government may sell his property and run away with the money, and in that case it will be very difficult for Government to recover the amount. Why should Government risk the taxpayer's money? Unless properly secured the money may be lost altogether. In these circumstances, it is only just and necessary that safeguards must be provided against loss of money which is chiefly contributed by agriculturists. The facilities offered are exactly the same as those offered to agriculturists; we don't wish non-agriculturists to enjoy better privileges than the agriculturists. In these circumstances it is futile to offer any opposition to this measure.

Mr. J. W. SMYTH: Sir, I move a closure.

The Honourable the PRESIDENT: I accept the closure.

The Honourable Mr. J. L. RIEU: Mr. President, it is very gratifying to me to see the manner in which this House has welcomed this measure and accepted it as one which is a genuine effort on the part of Government to put itself in a position to afford assistance to people of the non-agriculturist class who may be in distress.

There is one point that I wish strongly to emphasize in connection with this measure and which does not seem to be fully realised by all honourable members, and that is that the provisions of this bill follow as closely as possible the conditions of the existing Acts for loans to agriculturists. They are practically, so far as they can be, identical with those provisions, and also the intentions of Government are exactly the same. The last thing they desire to do is to enforce any harsh measures on borrowers under the bill, but they wish to deal with them

[Mr. J. L. Rieu]

reasonably and justly. There is no intention, as the honourable member Mr. Swaminarayan apprehends, on the part of Government to exercise their powers under this bill in a drastic and harsh way. Why should they treat these people whom they desire to assist, harshly and unjustly? I may point out that the provisions regarding recovery follow as closely as possible the existing provision in the Land Improvement Loans Act. If honourable members compare the provisions in clause 5 of the bill with section 7 of the Land Improvement Loans Act, they will see that except for the fact that it is not possible to include the forfeiture of agricultural land among the methods of recovery, the measures for recovery are in every respect identical.

Another point which I wish to emphasize is that this bill —and the remarks apply similarly to the existing Acts—does not enforce any measures for the recovery of loans which are not already provided for by the ordinary Civil Procedure Code. The only difference is that Government in these cases, under the existing Loans Acts and under the proposed bill, are not bound to resort to litigation in order to obtain a decree. The reason for this is perfectly obvious. When Government are making loans of this nature, the question whether or not the money was advanced, or on what conditions it was advanced, are naturally not open to discussion—they are not contentious questions—and therefore Government can go direct and exercise their powers without first having their claim arbitrated upon by a civil court.

Then as regards the method by which they will proceed to effect the recovery of loans, Government will naturally proceed in the first instance against the property of the actual borrower. There is no ground for apprehending that they will act in any unreasonable manner as has been suggested by one or two honourable members. They will, in fact, follow as closely the policy which has been consistently adopted in the administration of the existing acts for loans to agriculturists, regarding which no complaints exist.

The honourable member, the Commissioner of the Northern Division has in his speech emphasised the necessity for the very early passing of this measure, and I hope, therefore, that since the House has already expressed its general approval of the measure, it will pass it into law without further discussion.

Bill read a first time. Question put and carried.

Second reading. The Honourable Mr. J. L. RIEU : Sir I move that the Bill IV of 1928 (A bill to provide for the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans) be read a second time.

Question proposed.

Mr. D. A. JANVEKAR (Southern Division): Sir, I move an amendment. It is this :

"The Bill No. IV of 1928 be referred to a Select committee consisting of the Honourable the Member in charge, Moulvi Rafiuddin Ahmad, Rao Saheb D. P. Desai, Mr. J. C. Swaminarayan and Mr. M. S. Khubro, to report within a week and the quorum being 3."

Question proposed.

The Honourable Mr. J. L. RIEU: Sir, I suggest that in order to facilitate the consideration of this amendment, the first portion of the amendment moved by the honourable member, Mr. Janvekar, be put to the vote, namely whether or not the bill should be referred at all. If that is passed, then we should consider the question of appointing the members of the select committee.

The Honourable the PRESIDENT: I am agreeable to your suggestion. I will split up the amendment of the honourable member Mr. Janvekar into two parts for the purpose of voting or for taking the opinion of this House. The first part is this:

"That the Bill No. IV of 1928 be referred to a Select Committee."

Question proposed.

The Honourable Mr. J. L. RIEU: Sir, I oppose the amendment of the honourable mover. The provisions of the bill have practically been taken from the existing Agriculturists' Loans Act. I submit, Sir, that there is absolutely no reason why the provisions which will deal with loans to non-agriculturists should be different from those which are already in operation for agriculturists. Any amendments that honourable members may desire to make in this connection can be discussed here on the floor of this House, and I think it only unnecessary, and undesirable delay will be incurred by referring the bill to a select committee. This is an urgent measure which should be passed with the least possible delay. I, therefore, must press that this bill be passed at the present sitting.

Question put and lost.

Bill read a second time. Question that the bill be read a second time put and carried.

The Honourable Mr. J. L. RIEU: Sir, I beg to move that the Bill No. IV of 1928 be read clause by clause.

Bill read clause by clause

Clause 1 (*Short title*) ordered to stand part of the bill.

Clause 2 (*Extent*) ordered to stand part of the bill.

Clause 3 (*Purpose for which loans may be granted*) ordered to stand part of the bill.

Clause 4 (*Loans already granted to be deemed to have been granted under this Act*) ordered to stand part of the bill.

Clause 5 (*Recovery of loans*):

(1) All loans granted or deemed to have been granted under this Act, together with all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same shall be recoverable at the discretion of the Collector in any one or more of the following modes, namely:—

(*a*) from the borrower—as if they were arrears of land revenue due by him;

(*b*) from his surety (if any)—as if they were arrears of land revenue due by him;

(*c*) out of the assets left by a deceased borrower or surety or out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land revenue by the sale of a defaulter's moveable or immoveable property other than the land on which that revenue is due;

(*d*) if the loan is for the benefit of a house, out of such house,—as if it were arrears of land revenue due in respect of the land on which the house stands.

Mr. L. M. DESHPANDE (Satara District): Sir, I beg to move the following amendment to clause 5:

In clause 5, after the word "recoverable" in line 3, delete from the words "at the discretion" up to the word "namely" in line 4 and insert instead "by the Collector in the following ways but he shall have recourse to the succeeding way after he has exhausted the preceding one."

Sir, I bring this amendment because the clause at present empowers the Collector to recover the loan from the debtor as well as his sureties and to recover it by any or all of the following modes, that is he may recover it from any one that appears to him to be solvent. Now, every one who is connected with the affairs of the co-operative societies knows that it is very often that the surety has to pay for the borrower. A person in need goes to somebody else and seeing that he is in distress another person comes forward and becomes a surety, because if none comes forward, that person does not get the required loan. So, in order to give him relief, the surety comes forward and for that he has himself to suffer, because when once the date of instalment is fixed by the Collector, it will be very difficult for such borrower to repay it in time, and in case the Collector is unable to recover it easily from the borrower, that is, without using cœrcive measures—it is natural that instead of having such recourse to cœrcing measure he will ask the surety to pay it instead of recovering it directly from the borrower. And thus the surety will be liable to pay an amount which is really due from the borrower in the first instance.

It has been said that the mode of recovery provided for in the present bill is exactly the same as in other existing Loans Acts. But I do not mean to say that any special provision is made in this bill. But the experience of all these Acts goes to show that the persons other than borrowers have at times to suffer though the borrower is set at large. I do not propose to delete any of the powers given to the Collector, but I simply propose that he should recover the amount in the following ways, namely, in the beginning he should recover it from the borrower, and after he has exhausted all his efforts of recovering it from the borrower, then alone he should have recourse to succeeding measures. Even though there are similar provisions in other Acts, it is very difficult to amend them though the difficulty has presented itself to many others. These are measures relating to money matters and it is not so easy to introduce amendments to such measures as in other cases. So, when the opportunity has presented itself now, I think the difficulty felt by so many in this matter should be brought to the notice of this House and I hope the Honourable Member in charge will agree to the proposal and there is no loss to Government in any way. With these words I move the amendment and hope that it will be accepted.

Question proposed.

Mr. BALAK RAM: Sir, I have to oppose this amendment, on several grounds. First of all, the drafting is not very satisfactory. But I suppose this is a point which the honourable mover of the amendment will help us to put right afterwards. Sir, my principal objection to the amendment is of principle. As you know, Sir, very often when a man borrows money from another person, somebody stands surety for him.

[Mr. Balak Ram]

and the transaction is governed by the ordinary law contained in section 128 of the Contract Act to the effect that the liability of a surety is co-extensive with that of the principal debtor unless it is otherwise provided in the contract. That is to say, normally, the liability of the surety and the liability of the principal debtor are identical. It is only in very rare cases that a surety is allowed by the lender to contract himself out of this normal liability and be put in a subsidiary position. The cases are so rare that in all my nineteen years of judicial experience I do not remember having seen any bond or mortgage deed or any other contract in which the surety was allowed to take a subsidiary position in the proposed fashion. Government also advance loans to agriculturists and others under the various Acts and in these cases too the surety is placed in the same position as section 128 of the Contract Act would place him. Of course, Sir, the question of the *legal* liability of a surety is not always the same as that of the *practical* liability, because, as the House knows, every creditor makes his first effort to catch the debtor, and it is only when the debtor is insolvent or is absconding or is a *budmash* placing difficulties in making payments that the creditor goes to the surety, and it is rarely indeed that it becomes necessary to drag the surety to court. Even when he is dragged to court, he has his remedy against the debtor by another suit afterwards. So that, in the long run the surety escapes making payment. But, if the amendment proposed by my honourable friend Mr. Deshpande is accepted we shall have confusion. We shall have persons of substance and no scruples borrowing money and offering as sureties people who are men of straw ; and men of straw offering sureties who are substantial men. In either case the trouble would be that the Government would find it very difficult to recover its dues and there will be unnecessary loss of public money.

Mr. S. A. SARDESAI (Bijapur District) : Sir, I am inclined to oppose the amendment, because it is evident now that the money is primarily recoverable from the debtor and if that is not possible, the money will have to be recovered from the surety. This is a sort of discretion and if Government think that money can be speedily recovered from the debtor, they will take that step and if they think that they can recover this money very speedily from the surety, they will take that step. This gives Government discretion and to do away with that discretion is completely harmful. I think this discretion should always rest with Government so that the debts will be speedily recovered. I oppose the amendment before the House.

(Rao Bahadur B. R. Naik rose).

The Honourable the PRESIDENT : I expect in a discussion like this only fresh points should be dealt with. For instance, the honourable member, the last speaker, repeated in another form what the honourable member, the Remembrancer of Legal Affairs, had placed before the House. I would like to ask the honourable member Rao Bahadur Naik to place his point of view before the House if he has anything fresh to say, as otherwise, we would be losing our time over a small matter.

Rao Bahadur B. R. NAIK (Surat District): Sir, only one point. I support the amendment before the House. It is quite fair and proper that the borrower of the debt, as I said while supporting the first reading of the bill, should first be made to repay it. The honourable mover of the amendment, Mr. Deshpande, wants that Government should strain all their energy and resources towards recovering the debt from the borrower or from the property of the borrower and if Government fail to recover, then the surety must be touched. If this amendment is not carried, I say that the whole object of the bill will be frustrated because the borrowers will not be able to get sureties in the proportion they expect to get. The sureties will see, as the honourable member, the Legal Remembrancer said, that if there is a cunning borrower, whether the borrower has any outstanding liabilities already and if he has, then the surety will say "I am not going to stand surety for him because if I do so, Government will catch hold of me." The result will be that no surety will come forward to help the borrower even in time of distress. I think it is being done everywhere that the borrower's property is first seized upon for recovery of the debt and then the surety.

Mr. Syed MUNAWAR: I rise to oppose the amendment for the simple reason that the safeguard provided in this bill is exactly similar to the provisions of the Indian Contract Act and the rules made under the Co-operative Societies Act which lay down the principle that the liability of the surety is co-extensive with that of the principal. If the material change suggested by the honourable mover of the amendment is accepted, a similar change will have to be made in other Acts. I think there is sufficient provision made in order to recover the amount from the borrower or from the property of the borrower and failing that, the surety will be tackled. So, there need be no apprehension as regards recovery in the mind of my honourable friend, the mover of this amendment. Under the circumstances I oppose the amendment.

Rao Bahadur R. R. KALE (Satara District): Sir, I would like to ask the honourable mover whether he thinks that his amendment would meet the object he has in view. He wants every succeeding remedy to be enforced before proceeding against the surety. In the clause as it stands assets come after surety and this is what raises doubts in my mind as to whether the amendment proposed by my honourable friend would meet the object he has in view.

Secondly, I want to say that people in this country do not seem to realise their responsibility when they offer to stand surety. I am connected with a bank and I find that when people are asked by borrowers to stand surety, they readily assent and go up to the bank and stand surety for the borrowers. But when the time comes, they say "Oh, why did you ask me to stand surety when I myself am a debtor?" In order to make people realise their responsibility when they agree to stand surety, the liability provided by the General Contract Act must be there. The general rule is that the liability of a person who stands surety is co-extensive with the liability of the principal and there is no reason why the surety should be exempted from that general and wholesome rule.

Rao Saheb D. P. DESAI (Kaira District): Sir, I think the difficulty pointed out by the honourable member Rao Bahadur Kale could be met by making provision at the end of the clause of the following proviso:

"Provided that the recovery shall be made from the assets of the borrower in the first instance."

The Honourable the PRESIDENT: The honourable member Rao Bahadur Kale has raised the difficulty that it would frustrate the object for which the amendment of the honourable member Mr. Deshpande is proposed. Do I understand from the honourable member Rao Saheb Desai that he wishes the amendment of the honourable member Mr. Deshpande to go and in its place this proviso which he himself has proposed should be inserted, that is to say, the honourable member opposes the amendment. What he proposes as a remedy is, I suppose, a fresh amendment to the clause. I think that would be out of order at this stage.

MOULVI RAFIUDDIN AHMAD: As long as there is no select committee appointed, how are members to put forward their amendments?

The Honourable the PRESIDENT: I would allow it as a separate amendment.

Mr. L. M. DESHPANDE: The honourable member the Legal Remembrancer just now said that the wording is not clear. I admit that but I say all that can be put right when the proper time comes. Only the principle is to be discussd just now. That is what I think. I have expressed clearly my point of view.

The Honourable the PRESIDENT: The honourable member Mr. Deshpande has not offered an explanation of the point raised by the honourable member Rao Bahadur Kale. I am going a bit out of my way in order to make matters very clear to the House. I would like to bring to the notice of the honourable member that he, in his arguments in support of this amendment, stated that the surety should be dealt with after all the means against the original debtor are exhausted and similarly each remedy must be taken after the previous one is exhausted. The honourable member Rao Bahadur Kale's difficulty is that the surety would be taken first and then resort will be had to the other remedies. What is the explanation to that?

Mr. L. M. DESHPANDE: I say the borrower should be taken first, not the surety; (*a*) reads "from the borrower—as if they were arrears of land revenue due by him." That means that the borrower is to be tackled first.

The Honourable the PRESIDENT: The honourable mover does not mean that all the steps mentioned here should be exhausted before the surety is approached?

Mr. L. M. DESHPANDE: The surety should be approached last.

The Honourable the PRESIDENT: That is the point raised by the honourable member Rao Bahadur Kale that if that is the object it would be defeated because the surety stands before the other assets as the bill at present stands.

Mr. L. M. DESHPANDE : I beg leave to withdraw my amendment, Sir.

Question put and leave granted.

The Honourable the PRESIDENT : The second amendment is

"Add a proviso at the end of clause 5, as follows :
'Provided that the recovery shall be made from the assets of the borrower in the first instance'."

Has the honourable member moved it ?

Rao Saheb D. P. DESAI : Yes, Sir. I have moved it.

Mr. BALAK RAM : Sir, I beg to oppose this amendment also, and for the reasons which I have already given.

Rao Saheb D. P. DESAI : Sir, I have no further remarks to make in this connection except the one that I made previously, that in these cases no asset of the surety should be touched before all the steps have been taken against the assets of the borrower. The assets of the borrower should be touched first, and then those of the surety.

The Honourable Mr. J. L. RIEU : Sir, I strongly oppose this amendment. In the first place, it is not clearly intelligible exactly what it means. Apparently the object which the honourable mover has in view is that the assets of the borrower should be proceeded against first before any action is taken against the surety. But I do not understand how that will work in with sub-clause (*d*), because, after all, our most important asset will be the house. That might have changed hands. Under sub-clause (*d*) we still have the right of attaching the house ; that might have changed hands, and it may no longer be the property of the borrower, and yet that is the most important asset we have. In any case, I oppose the amendment on the wider ground that this is introducing an entirely novel principle in the statutory relations between debtor and creditor. It has no precedent that I know of in the existing law, and I see no reason why in connection with this particular measure we should depart from the ordinary statutory law. I therefore strongly oppose the amendment.

Mr. N. B. CHANDRACHUD : One word, Sir.

The Honourable the PRESIDENT : No ; the final reply has been given.

Question put and lost.

Clause 5 ordered to stand part of the bill.

Clause 6 (*Power to make rules*).

(1) The Local Government may, from time to time, by notification in the *Bombay Government Gazette*, make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for the following matters, namely :—

(*a*) the manner of making applications for loans;

(*b*) the officers by whom loans may be granted;

(*c*) the nature of the security, if any, to be taken for the due application and repayment of the money, the rates of interest at which and the conditions under which the loans may be granted and the manner and term of granting loans; and

(*d*) the instalments by which and the mode in which loans shall be repaid.

Rao Bahadur R. R. KALE (Satara District) : Sir, I move the following amendment :

" Add sub-clause (3) to clause 6, as follows :—

' The rules so made shall be subject to the condition of previous publication and to the further condition that the rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session of the Council, and shall be liable to be modified or annulled by a resolution of the said Council tabled at such next session '. "

My amendment is in the same terms as amendments which have already been incorporated in various Acts which this Council has passed, for instance the Co-operative Societies Act, the City Municipalities Act, the Cotton Markets Act, etc. They are all Bombay Acts, and this Council has laid down the very wise principle in those Acts that the rules which may have to be made under them should be first of all published in the *Gazette* and also placed on the table of the Council a month previous to the next session of the Council, and if, in the meantime, at such next session, any resolution is brought by any member proposing any modification or change, and passed, that should be incorporated in the rules. That seems to me to be a very sound principle. If we look to the history of legislation in England, we shall see that all statutes were self-contained. The power that was to be given to the executive was clearly laid down in the statute itself. But in course of time the statutory provisions became so cumbrous that it was impossible to have all the various details incorporated into a particular Act. Hence it was that the system of making provision in the enactment by which a rule-making power was given to the executive Government came to be observed, in order to save time. No doubt, the rules that are made may ordinarily be such as are unobjectionable, but occasions have arisen, in my own experience, when we have found that the rules which are made by the executive department are, in some cases, such that they are faulty, and we have met with difficulties. It is for this reason that there was an innovation introduced some time ago about previous publication. Previous publication, as defined in the General Clauses Act, means that the rules should be published in the *Government Gazette*. But mere publication in the *Government Gazette*, we all know, is not noticed by the generality of the people, and our attention is not drawn to the particular rules. Hence it is that this further innovation of placing the rules on the table of the Council before the next session has been very properly introduced, and I think the same precaution may be taken in the matter of the present legislation. It may be said perhaps that it is a very urgent matter and the rules may be delayed, but there is a clause giving retrospective effect to this legislation. The loans which have been already advanced and which will be advanced will be legalised by the Act and the rules that will be framed which will also have retrospective effect. So, I do not think that any argument about the delay in the publication of the rules will stand in the way of my amendment. For these reasons I move my amendment.

Question proposed.

The Honourable Mr. J. L. RIEU : Sir, I oppose this amendment for the following reasons. If honourable members will refer to the matters

[Mr. J. L. Rieu]

which will be the subject of rules under the Act, they will see that they include such questions as the officers by whom loans may be granted, the nature of the security, if any, to be taken for the due application and repayment of the money, the rate of interest at which and the conditions under which the loans may be granted and the manner and term of granting loans. These, I submit, are matters which must be left to the executive government to deal with. It would be most inadvisable that this House should have, for instance, the power of determining the rate of interest at which Government will give loans. That is essentially a matter for the executive government to deal with; it cannot be a question for decision and control by this House. I submit therefore that there are strong reasons for objecting to this amendment, which provides that the House can modify, to any extent to which it desires, these rules. I take special exception to this amendment in respect of the question of the rate of interest, which is a matter which must be decided by Government. I may remind honourable members that the rules made for loans granted to agriculturists have for many years been made by Government without the control of the Legislative Council, and I am not aware that there has ever been any complaint as to these rules being in any way objectionable, unreasonable or involving undue hardship on borrowers. And there is no reason to suppose that Government are going to make rules entirely different in the case of loans to non-agriculturists; the rules will naturally follow the rules which already govern loans to agriculturists.

A point which I wish to bring forward especially is that Government have given the most satisfactory evidence of their desire to be as lenient as possible in the administration of these loans in the terms of the reconstruction loans which I announced in the September session of the House. Honourable members will remember that there was special provision to exempt those loans from interest in certain cases and to make partial exemptions from interest or to provide a lower rate of interest than that charged for ordinary tagavi loans. That should surely be sufficient to remove from the minds of the honourable members of this House any apprehension that Government are going to administer the rules unduly harshly. I therefore ask the House not to accept the amendment.

MOULVI RAFIUDDIN AHMAD (Central Division): I am very sorry, Sir, that when my honourable friend the Mahomedan member for Bijapur District asked for a select committee, the Honourable the Revenue Member opposed it. It is only in urgent and exceptional cases in which you, Sir, are authorised to dispense with the usual rule. We have had no opportunity of discussing the details of this bill. My honourable friend Rao Bahadur Kale proposes an amendment that a provision similar to that incorporated in many Acts of this legislature should be inserted, *viz.*, that the proposed rules should be placed before the Council. He has mentioned the several enactments in which that provision has been made and I need not repeat them. In reply to him the Honourable the Revenue Member says: "Why do you suspect the Government?"

[Moulvi Rafiuddin Ahmad]

I may put the same question to him. If Government are not afraid of anything, why do they not place the rules before the House? If the rules are reasonable, there will be no harm done to Government by placing them before the House. With regard to the urgency, the honourable member Rao Bahadur Kale has already pointed out that there is a provision that this enactment is to be retrospective. Then, where is the difficulty? Government are not treating this side of the House in a reasonable manner by saying: "Whatever we do will be all right, and you need not doubt our word." When we have agreed to pass this legislation, at once a very moderate amendment like that should not be opposed. I think it is contrary to the statement of the Honourable the Leader of the House that Government are prepared to meet the wishes of this House in every reasonable way. I think they have taken up an unreasonable attitude and they would be better advised to stick to the spirit of the statement of the Leader of the House and accept this amendment.

Mr. N. B. CHANDRACHUD (Poona City): Sir, it is a matter of regret that even such a modest and moderate amendment should not be accepted by Government. The reason given is that the executive must have the power of making rules as to how the money should be distributed and to whom it should be distributed. May I ask to whom does the money belong? Are the executive advancing money from their own pockets? They are advancing public money. How can they then say that the public should have no voice. If the money belonged to a private gentleman, then I can understand that a man who wants that money should submit to his conditions. But here Government is advancing public money, and yet say: "We will advance it as we like, and the public should have nothing to do with how we do it." Some of the honourable members in opposing this bill rightly threw a hint that Government have not quite laudable motives in bringing forward this bill. If Government do not accept this moderate amendment, I say those honourable members will be justified in making that suggestion. If Government make the rule in such manner as to make it impossible for people to take the loans, what is the good of this bill? Supposing they say that they want ten securities or that the kind of security offered should be this property or that, or that the interest should be 12 per cent. or that the loan should be repayable in one year or two, or if the conditions are too hard to make it advisable for the people to go in for their loans, then this legislation will be absolutely useless. As I have already said, the result of this legislation will depend upon the rules and the spirit in which those rules are made and administered. If you make the rules harsh, then this legislation will be absolutely useless. Therefore, I suggest to Government that they should accept this moderate and modest amendment, so that the Council may have an opportunity of knowing what the rules are. It is no use leaving the making of the rules entirely to the executive. With these remarks I support the amendment.

Mr. P. R. CHIKODI (Belgaum District): Sir, I rise to support the amendment so ably moved by my honourable friend, Rao Bahadur Kale. We are told by the honourable mover of the bill that the rules made already under certain enactments have been just and that no complaints have been received. In regard to that statement, Sir, I would like to say that in the case of Primary Education Act, when the rules were framed and published for criticism, I believe more than one thousand amendments were sent in and we know the fate of those amendments. Not a single amendment was accepted. We have therefore strong reasons to believe that once the power has been given to the Executive for framing rules without bringing them before the Council, we do not know whether they will frame those rules with the same view as that of this House.

With regard to the argument of fixing the interest on loans, if it was thought that it was very important, Government ought to have incorporated it in the Statute itself. Then that question would have come before the House for discussion. Government should know that in the matter of fixing the interest this House is equally responsible as Government. We are the representatives of the people and we are here to watch the financial interest. Government should not be anxious that we shall be opposed to any reasonable rate of interest. The principle has already been admitted on more than one occasion that this House has the right of having the rules submitted to the House for approval and the Government will not be justified in going back upon that policy. I, therefore, support the amendment of my honourable friend Mr. Rao Bahadur Kale.

Mr. L. M. DESHPANDE (Satara District): Sir, the honourable mover of the bill tells us that no complaints have so far been received as regards the framing of the rules for any enactment of this nature. I can cite an instance for the information of the honourable member. In respect of rules framed for the Irrigation Act, I applied to His Excellency the Governor that some modifications were necessary and therefore I would like to bring some amendments in that connection. But I am sorry to state, Sir, that I was not allowed to do so. I say that it is the right of this House to frame rules or to sanction the rules that are framed. Consequently, this power should not be given in the hands of the executive. I therefore support this amendment.

Mr. P. R. CHIKODI: Sir, I move for a closure.

The Honourable the PRESIDENT: I accept the closure.

The Honourable Sir CHUNILAL MEHTA: Sir, may I address the House a few words?

The Honourable the PRESIDENT: Yes. The Honourable member should be very brief.

The Honourable Sir CHUNILAL MEHTA: Sir, what I understand from the discussion that has taken place just now is this. I find that the objection of the honourable members is not really about the rule making powers of the Government, but their objection is that these rules should not be framed and passed without being placed before this honourable House. I may say, Sir, that the power of examining rules has

[Sir Chunilal Mehta]

been given to this House on some occasions before. I see that the House is a little bit nervous that if they do not ask for this right there will perhaps be a breach of the practice which they would like to see established. That is what is in the mind of this House just now as I understand it.

I will now ask the honourable members to refer to clause 6 as it stands. What does it say ? It says :

"the rules may be made for the following matters, namely :—
(*a*) the manner of making applications for loans ; "

Government are not at all keen on making any special rules for the purpose of making any applications for loans. Applications have already been made and the manner in which they are to be made is simple. The next clause (*b*) says :

"(*b*) the officers by whom loans may be granted. "

This power is inherently that of Government.....

An Honourable Member : Why ?

The Honourable Sir CHUNILAL MEHTA : It is the right of Government. Government may depute any person they like. They may depute a Collector or any other person. No special powers are required. For that purpose no rules are necessary at all.

Mr. L. M. DESHPANDE : May I know whether the payments of loans will be by cheques on banks ?

The Honourable Sir CHUNILAL MEHTA : What have cheques to do with this ? I do not understand what this has to do with an Officer, A, B or C, whom the Government may appoint. Therefore, you will see that so far as this clause is concerned neither is any power required by Government nor are any rules necessary for this purpose. Let us now come to clause (*c*). It says :

"(*c*) the nature of the security, if any, to be taken for the due application and repayment of the money, the rate of interest at which and the conditions under which the loans may be granted and the manner and term of granting loans, "

As regards this clause, I submit, Sir, that the conditions and terms of payment and also the rate of interest have all been announced publicly and they have been approved by the House. So also about the instalment by which loans are to be repaid, it has already been determined. House is well aware that various amounts of loans have already been granted to various parties ; honourable members are also aware about their terms. Besides the power of determining these must remain with Government alone and cannot be left to be exercised by any one else.

The Honourable the PRESIDENT : I hope the Honourable the Leader of the House will finish his remarks soon. I have allowed him to speak as a special case after I have accepted the closure.

The Honourable Sir CHUNILAL MEHTA : Thank you, Sir. If the House still thinks that their demand is vital then Government will have no objection to consider the suggestion of Mr. Jairamdas Daulatram.....

An Honourable MEMBER : Why not the amendment ?

The Honourable Sir CHUNILAL MEHTA : No, we cannot accept the amendment. Our position is this. If we accept the amendment, there is likely to be a conflict. Supposing the rules are framed in accordance with the terms of loans we have already accepted, and if in the July session of this Council, those terms are altered, then the position becomes impossible.

Mr. JAIRAMDAS DOULATRAM : Is it not that the rules so framed would refer to the relief for people in other districts in accordance with my suggestion ?

The Honourable Sir CHUNILAL MEHTA : On that account I propose that we should consider your suggestion so that no rules will be made in accordance with your suggestion. But there is otherwise chance of an absolute deadlock, which we wish to avoid.

Rao Bahadur R. R. KALE (Satara District) : I must say, Sir, that the honourable member is taking up the position as if the action that has been taken by the executive Government in the matter of Gujarat floods is all that is to be covered by this Act. We are prepared to justify that action and add a proviso that whatever has been done in regard to the Gujarat and Sind floods heretofore shall be final and is not subject to being re-opened. But this is a permanent enactment which you are going to enact for the future distress that may occur, and there must be certain rules which must govern any executive action to be taken. Of course, as a lawyer.....

The Honourable Sir CHUNILAL MEHTA : I am not a lawyer, Sir.

Rao Bahadur R. R. KALE : He is not one, I am sorry. As a practising lawyer can appreciate, an Act without any rules will be really not capable of being worked, and the things which are mentioned here are merely specimens. The rules may be numerous and may provide for many things. Among other things some things are mentioned here. There must be some rules laid down, and all that this House is anxious is that those rules should be before us. We are not in any way encroaching upon the discretion of the executive officers when the rules are once made and approved by us. The honourable member seems to think that we are going to usurp the power of the executive. Nothing of the kind. The executive power is left to the executive. But the rules must be there, and what those rules are going to be by which the executive officers are to be guided, should be known to the House and approved by them. Even in fixing a rate of interest, it may be 2 per cent. it may be 3 per cent. or it may be anything. We are now required to give a blank cheque to executive officers to give even 12 per cent. Who knows ? Our only object therefore is to lay down the principles which are to guide the various executive officers of Government to carry out those provisions. Rules are nothing but provisions of law. But rules, when once made, have the effect of law. I do submit, Mr. President, that that is a fundamental principle, and if in the past the councils did not ask that such rules should be always laid before them, that was because the Councils were not representative. Now that the Councils are fully

[Rao Bahadur R. R. Kale]

representative, we insist on this, but we shall not be unreasonable. Why should the executive officers be so nervous as to think that the honourable members of this House will be so unreasonable as to reject and disapprove the rules which are really in the interest of the public and which are reasonable ? I think we must trust the executive officers to carry out the rules in the proper spirit and with discretion, once the rules are there. Even in the past, I ask my honourable friends opposite, in regard to the rules under the three enactments which we have hitherto passed and which were placed before this House for confirmation, were there any unreasonable suggestions or amendments put forward by this House ? I do submit, Sir, that the honourable members on the opposite side will be really well advised to accept my suggestion, and if the fears are that whatever has been done in regard to the Gujarat flood and the Sind flood may come up for further criticism, I submit that we are prepared to even accept a clause that those rules which have already been carried into effect with regard to these floods need not be regarded as subject to any revision. Any safeguard of that kind we are prepared for.

The Honourable Sir CHUNILAL MEHTA : All loans are not yet given in regard to these floods ; some are to be given during this year.

Rao Bahadur R. R. KALE : What I was saying was that if Government have made certain rules for dealing with these two specific cases in the past, and if they are afraid of the action taken by Government under them being questioned by the Council, a provision can be made that whatever rules have been made hitherto for the purpose of dealing with the Gujarat and Sind floods may be outside these rules, and these rules may be applied to future measures or cases. I have no objection to that. The honourable member, the Legal Remembrancer, may take care to safeguard the action already taken. As a result of past experience, I do submit that honourable members of Government will see their way to accede to this amendment without going to any division.

The Honourable Mr. J. L. RIEU : It will take me some time to reply ; therefore, I suggest it may be taken up on Monday.

The Honourable Sir CHUNILAL MEHTA : Before we adjourn to-day, I should like to tell the House the order in which we will take business on Monday. On Monday this bill will be continued directly we meet. After this bill is disposed of, the demands for supplementary grants will be taken up.

The Honourable the PRESIDENT : The House is adjourned till 1 o'clock on Monday, the 27th February 1928.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Monday, the 27th February 1928

The Council re-assembled at the Town Hall, Bombay, at 1 p.m. on Monday, the 27th February 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOSSACK, Mr. W. B.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur

JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir Cowasji
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Sahèb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVERIA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.

WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIENT : Order, order. Questions.

DISTRICT LOCAL BOARD, THANA : ADMINISTRATIVE OFFICER

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) whether it is a fact that Mr. Gatne who was selected as the school board administrative officer of Thana by the district local board had been working under the Poona City Municipality previous to his selection by the district local board ;

(*b*) whether it is a fact that Government have approved of the selection of the district local board ;

(*c*) whether the fact that Mr. Gatne's work under the Poona City Municipality was not found satisfactory was brought to the notice of Government ;

(*d*) whether it is a fact that the Poona City Municipal School Board passed a resolution on his application for the post of the administrative officer of the said municipality to the effect that his application deserved no consideration as in the opinion of the said board he was found unfit even for the post of a supervisor ;

(*e*) whether at the time of according approval to his selection Government had taken into consideration the opinion of the Chairman, City Municipal School Board, Poona, under whom Mr. Gatne had worked.

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*), (*b*) and (*c*) Yes.

(*d*) Yes, but the resolution was passed after the question of his appointment by the School Board of the District Local Board, Thana, was raised.

(*e*) Yes.

DISTRICT LOCAL BOARD, THANA : ADMINISTRATIVE OFFICER

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) whether it is a fact that the District Local Board, Thana, had repeatedly recommended Mr. Vedak, the present incumbent of the post of administrative officer and whose services have been offered to the Board by Government for three years and the offer has been accepted by the school board ;

(*b*) whether Government were aware that the work of the school board was likely to suffer by according approval to the selection of Mr. Gatne who was not recommended by the school board ;

(*c*) whether it is a fact that the Director of Public Instruction also considered Mr. Gatne to be inferior to Mr. Vedak ;

(*d*) whether there are any cases in which Government withheld their approval to the local authority's selection of a person recommended by the school board ; if so, to name them with reasons ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The Thana District Local Board did not favour the appointment of Mr. Vedak.

(*b*) No.

(*c*) Government regret that they are unable to supply the information required as the opinions of their officers are meant for the information of Government only.

(*d*) Government refused to accord approval to the appointment of Mr. Betgeri as School Board Administrative Officer, District Local Board, Dharwar. The reason for refusal was that Government considered the qualifications of Mr. Betgeri inadequate for the post to which it was proposed to appoint him.

SCHOOL BOARD, SATARA : ADMINISTRATIVE OFFICER

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) whether they are aware that by resolution No. 3651, Educational Department, dated 1st June 1926, they approved of the rules for appointment of an Administrative Officer by the School Board, Satara ;

(*b*) whether it is a fact that the name of a qualified candidate appointed according to rule 2 of the Rules by the local authority, Satara, on the recommendation of the school board, Satara, was submitted for the approval of Government under section 9 (1) of the Bombay Act IV of 1923 ;

(*c*) whether it is a fact that Government refused approval, and if so, the reason for such refusal ;

(*d*) whether they are aware that the ground for refusal of approval is not covered by the sanctioned rules ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) Yes.

(*c*) Yes. The candidate selected by the District Local Board was considered too inexperienced to hold a post of such importance as that of a School Board Administrative Officer of a District Local Board.

(*d*) No. The sanctioned rules only lay down that no one shall be appointed as Administrative Officer unless he possesses certain qualifications. It does not follow that any one possessing these qualifications must be accepted by Government as suitable when they have reason to believe that for lack of experience or any other cause he is not suitable.

Mr. S. K. BOLE : What was the reason of Government's sanction ? Was it lack of educational qualifications or a matter of administrative convenience ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The lack of necessary experience.

BRIDGES IN KAIRA DISTRICT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) how many bridges have been constructed from provincial funds in the Kaira District over the rivers in that district;

(*b*) whether it is a fact that the existing bridges were constructed by the district local board;

(*c*) whether they intend to construct bridges over the rivers Vatrak, Shedhi and Mohor;

(*d*) whether it is a fact that the want of a bridge over the river Vatrak completely isolated the Collector's headquarters from Ahmedabad and the Khari cut villages from the rest of the district during the recent floods?

The Honourable Mr. G. B. PRADHAN: (*a*) Seven.

(*b*) Out of the remaining 15 bridges, 14 were built by the District Local Board and one, it is understood, from Municipal Funds.

(*c*) The question of constructing a high level causeway over the Vatrak river is under the consideration of Government. Government do not propose constructing bridges across the Mohor River and the Shedi which are already provided with bridges at Kapadwanj, Dakor, Belodra and Kaira.

(*d*) Yes; the construction of the proposed high-level causeway over the Vatrak River will meet this difficulty.

Rao Saheb D. P. DESAI: Do Government realise that the construction of a bridge over the river Vatrak will add to the ordinary conveniences of the people?

The Honourable Mr. G. B. PRADHAN: I would refer the honourable member to my honourable colleague, the Minister for Public Works and Local Self-Government.

BANKOT PORT: FERRY STEAMERS

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR (Southern Division): Will Government be pleased to state—

(*a*) whether they are aware of the inconveniences caused to the people of Bankot and adjoining villages by coasting steamers not touching at the port of Bankot in the Ratnagiri district;

(*b*) the reasons why the port of Bankot has been abandoned by the ferry steamers;

(*c*) whether representations have been made by the people to the Collector of the district and the Collector of Salt Revenue in this connection;

(*d*) if so, what replies have been given and what actions have been taken in the matter ;

(*e*) whether there is any accumulation of silt and sand offering an impediment to the calling of the ferry steamers at the port ;

(*f*) what would be the cost of removing the silt and sand ;

(*g*) whether it is a fact that the people concerned are willing to submit to an additional impost of Landing and Wharfage fee as a contribution towards expenditure for the removal of silt and sand ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) The port of Bankot has been abandoned by coasting steamers since 1905 owing to the want of sufficient water at the bar at the entrance of the river at all stages of the tide.

(*c*) Yes, to the Collector of Salt Revenue.

(*d*) After a re-survey of the creek had been carried out at a cost of Rs. 27,519-4-7, and the opinion of the Royal Indian Marine Survey Officer had been obtained, the people of Bankot were informed that the entrance to the creek is too dangerous for Bankot to be used as a port of call after dark and that even by day the entrance is only safe for coasting steamers up to half tide spring and neap alike. Orders were accordingly issued prohibiting steamers from calling there after sunset and the masters of coasting steamers were warned through their respective steamers companies of the dangers of attempting to make the port by day.

(*e*) Yes.

(*f*) The total cost including the purchase price of a suction hopper dredger is estimated to amount to nearly Rs. 1½ lakhs or Rs. 1,100 per diem. It is reported that dredging even at such a prohibitive expense would only give temporary relief and would have to be repeated at least once a year or supplemented by expensive training works, the utility of which is not certain.

(*g*) No ; but even if the people concerned were to pay the additional fee the amounts so collected would not suffice to cover a day's working cost of a dredger.

BHIMA RIVER BRIDGE : OWNERSHIP

Mr. SYED MUNAWAR on behalf of Mr. S. C. JOSHI : Will Government be pleased to state whether the property in the Bhima river bridge is vested in Government or Barsi Light Railway Company ?

The Honourable Mr. J. L. RIEU : In the Barsi Light Railway Company.

PROVIDENT FUND FOR SUBORDINATES

Mr. SYED MUNAWAR on behalf of Mr. S. C. JOSHI : Will Government be pleased to state—

(*a*) whether they have under consideration the scheme of introducing a scheme of Provident Fund in lieu of pension for their subordinates and inferior staff ;

(*b*) if not, what are their reasons for not introducing such a scheme ?

The Honourable Sir CHUNILAL V. MEHTA : (*a*) Yes.

(*b*) Does not arise.

DECCAN AGRICULTURISTS' RELIEF ACT : ARTHUR-BODUS COMMITTEE REPORT

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) when the report of the Arthur-Bodus Committee appointed by them to revise the Deccan Agriculturists' Relief Act was received by them ;

(*b*) what action, if any, they have taken upon the same and upon the questions raised and statements made in this Council from time to time ;

(*c*) whether their attention has been drawn to the Full Bench decision of the Bombay High Court in the case of Maneklal *vs.* Mahipatram, reported at page 1109 of Volume XXIX of the Bombay Law Reporter and particularly the observation of Mr. Justice Crump at page 1116, *viz.*—

" Since the enactment of Usurious Loans Act, X of 1918, much of the Deccan Agriculturists' Relief Act is out of date, but until the legislature can find time or inclination to deal with the existing chaos the courts must make the best of it."

(*d*) whether they intend taking steps for amending or repealing that Act at an early date ?

The Honourable Mr. J. E. B. HOTSON : (*a*) 1912.

(*b*) The Honourable Member is referred to the reply given to the Honourable Member Mr. N. R. Gunjal printed at page 293 of the Bombay Legislative Council Debates, Volume XVII. At the present time proposals for the amendment of the Usurious Loans Act are under consideration.

(*c*) Yes.

(*d*) Yes, but the question of the best way to proceed is very difficult and has been the subject of much correspondence.

Rao Bahadur R. R. KALE : I am referred to the reply given to the honourable member Mr. Gunjal but there is no indication of what proposals are under foot in regard to the matter.

The Honourable Mr. J. E. B. HOTSON : That answer gave the position as it was on the date on which it was prepared. The action taken since that date is as stated in the last sentence of the answer to (*b*) of the present question, *viz.*, " at the present time proposals for the amendment of the Usurious Loans Act are under consideration ."

RECORD-OF-RIGHTS : ENTRY OF KABRISTAN LANDS, AHMEDABAD

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) the number of 'Kabristans,' Rozas, Durgahs, and mausoleums in the city and suburbs of Ahmedabad ;

(*b*) whether it is a fact that in a good many cases the land belonging to the said Kabristans, Rozas, Durgahs and mausoleums have been wrongly put down as Kharaba land in the record-of-rights by the talatis ?

The Honourable Mr. J. L. RIEU : (*a*) In Ahmedabad City there are 551 properties containing kabristans, rozas, durgahs and mausoleums. Of these, 483 have been entered in the Government records as revenue-free Wakaf or Dharmada grants, and the remaining 68 properties have been entered as Government properties containing graves.

In the suburbs there are 89 properties containing kabristans, etc. Of these 37 have been entered in the Record-of-Rights as Dewasthan inam, 2 as Personal inam and the remaining 52 as Government Kharaba land.

(*b*) Government are not so aware.

Khan Saheb A. M. MANSURI : Is it a fact that after the talatis wrongly put down these kabrastans as kharabis, Government refused to entertain the right of Muslims ?

The Honourable Mr. J. L. RIEU : If the honourable member will refer to the reply to (*b*), he will see that Government do not admit that there has been any wrong recording by the talatis.

FIRST CLASS MAGISTRATE : HONAVAR

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state :—

(*a*) the number of cases sent by the local Police to the present Mamlatdar of Honavar for trial in his capacity first as a Magistrate II Class and then as a Magistrate First Class from the time he took charge of the office of Mamlatdar there till the end of May 1927 ;

(*b*) the number of cases in which he discharged, acquitted and convicted the accused respectively up to the end of May 1927 ;

(*c*) after how many years' service as Second Class Magistrate he was made a First Class Magistrate ;

(*d*) the reasons which led them to make him a First Class Magistrate so soon ;

(*e*) whether it is a fact that the District Superintendent of Police took the initiative in making the Mamlatdar of Honavar a First Class Magistrate ; if not, on whose initiative he was recommended to be made a First Class Magistrate ?

The Honourable Mr. J. E. B. HOTSON: (*a*) 16 cases had been sent by the police for trial to Mr. Koundinya, Mamlatdar of Honavar, up to the end of May 1927, all while he was a Second Class Magistrate.

(*b*) 1, 0 and 15 respectively.

(*c*) One year.

(*d*) He was considered to have gained sufficient experience as a Magistrate of the Second Class and to be fit to exercise higher powers.

(*e*) This appointment was made on the recommendation of the District Magistrate, Kanara, and the Commissioner, Southern Division. The District Superintendent of Police brought to the notice of the District Magistrate the inconvenience caused to both the Police and the public by the absence of a First Class Magistrate from Honavar, where there had always been one until recently.

Mr. W. S. MUKADAM: With reference to (*b*), was not the case in which there was a discharge, tried by the shirastedar of the magistrate and not by the magistrate himself ?

The Honourable Mr. J. E. B. HOTSON: These are the facts as sent to us by the local officers. I am afraid I have not got the dates of all the cases and I cannot say who tried the particular case to which my honourable friend refers.

Mr. W. S. MUKADAM: Are Government aware that this magistrate only delivered the judgment and did not conduct the case ?

The Honourable Mr. J. E. B. HOTSON: Government are not aware of that.

Mr. W. S. MUKADAM: With regard to (*d*), is there any first class magistrate at Kumpta which is close to Honawar ?

The Honourable Mr. J. E. B. HOTSON: There may be, but the fact remains that it is very inconvenient not to have a first class magistrate at a place of the importance of Honawar.

Mr. W. S. MUKADAM: Did not the District Superintendent of Police suggest that first class powers should be given to the magistrate after he conducted and convicted the accused in all these fifteen cases ?

The Honourable Mr. J. E. B. HOTSON: The question of dates does not seem to arise. The appointment was made on the recommendation of the District Magistrate and the Commissioner.

Mr. W. S. MUKADAM: But after he conducted and convicted all these fifteen cases ?

The Honourable Mr. J. E. B. HOTSON: It is not improbable, but the convictions may have been quite proper, not wrong in themselves.

Mr. W. S. MUKADAM: I want to know whether it is a fact or not.

The Honourable Mr. J. E. B. HOTSON: Very probably.

HINDU MOSLEM TENSION: GODHRA

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(*a*) whether it is a fact that a Round Table Conference of Hindus and Muhammadans was called at the Collector's Bungalow at Godhra on the 19th September 1927 to discuss the question of the Hindu Moslem tension at Godhra and met under the Presidentship of Mr. H. V. Braham, the Collector of Panch Mahals and discussed the question for more than 3 hours;

(*b*) whether it is a fact that in the Round Table Conference the Hindu leaders showed their desire to stop music before the mosques at the time of their prayer to please their Muhammadan brothers if they fix and declare proper time of their prayer;

(*c*) whether it is a fact that the Muhammadans present said that all 24 hours of the day are their prayer hours and the Hindus should not play music before the mosques at all;

(*d*) whether it is a fact that the Hindus considered this demand of the Muhammadans of Godhra quite unreasonable and said that they are not going to yield on unreasonable terms and that that situation would remain as it was and the procedure in existence regarding the question of music would remain;

(*e*) whether it is a fact that this Round Table Conference was postponed for the 27th September 1927 or so without settling any points with the clear understanding that the leaders of both the communities should see that nothing unpleasant happened at least up to the date of the postponed conference;

(*f*) whether they are aware that after the Round Table Conference of the 19th September, on the evening of the 20th September 1927 at about 7 p.m. one Mr. Vallavdas Muljibhai Patel a Shrimali Bania was assaulted and beaten by Ghanchis in Godhra;

(*g*) whether the Police have been able to find out the culprit;

(*h*) whether it is a fact that on 21st September 1927 one Mr. Mahasukhbhai Bapuji a Bania merchant of Adadra in Kalol Taluka was assaulted and beaten by Ghanchis in broad day-light on a public road near the Dadi building at Godhra?

The Honourable Mr. J. E. B. HOTSON: (*a*) The District Magistrate of the Panch Mahals invited the leading members of both communities to meet him in his office on the day mentioned. The discussion lasted several hours.

(*b*), (*c*), (*d*) and (*e*) The Honourable Member will admit that it would not be in the public interest to disclose any statements made at informal meetings arranged by district officers with a view to reconciling conflicting parties.

(*f*) and (*g*) The assault in question took place, and the case was registered by the Police under section 147, I.P.C. The complainant was unable to identify his assailants and the case was classed as "undetected."

(*h*) No such complaint has been lodged with the Police or referred to the Police by any Magistrate.

INFLAMMATORY SPEECHES BY MOULVIS

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(*a*) whether they are aware that a Northern Indian Muhammadan Moulvi had come to Godhra and delivered inflammatory speeches in the month of September;

(*b*) whether it is a fact that this Moulvi was preaching to Muhammadans to beat Hindus and kill them if they do not embrace Islam on a public road at Godhra in the month of August or September 1927 and was stopped by the Godhra City Sub-Inspector of Police and was asked to go away from that place;

(*c*) whether the Godhra City Sub-Inspector of Police reported to the District Superintendent of Police the fact that such a Moulvi has come and delivered such speeches in the city?

The Honourable Mr. J. E. B. HOTSON: (*a*), (*b*) and (*c*) No.

PAY OF PRIMARY TEACHERS: AHMEDABAD DISTRICT

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*a*) whether it is a fact that some of the primary teachers serving in the local board schools in the Ahmedabad District have not received their pay for about 11 months;

(*b*) if so, the number of men affected and the total amount due to them till 1927 (June ending);

(*c*) whether poor teachers who are practically starving will receive their dues during the current year;

(*d*) whether they intend to move in this matter immediately with a view to settle the disputes, if any, and to accord justice to the suffering teachers?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No, the teachers have since been paid.

(*b*), (*c*) and (*d*) Do not arise.

PENSIONS: PAYMENT AT NASIK

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) whether they are aware that pensioners at Nasik, drawing pensions at the Nasik Treasury, from Rs. 41 and above, are paid their pensions on the 7th of each month;

(*b*) whether they are aware that these pensioners belong to a class of society, who are expected to make payments on account of house-rent, education of their children, etc., much earlier than that date;

(*c*) if so, whether they are aware that these pensioners are put to considerable inconvenience on account of the delay in getting their pensions?

The Honourable Sir CHUNILAL MEHTA: The attention of the honourable member is invited to the answer given to question put by Mr. S. S. Dev and printed at page 430 of Volume XVIII of the Bombay Legislative Council Debates.

Mr. R. G. PRADHAN: May I point out that the answer given to Mr. Dev's question does not cover the whole of my point, particularly part (*b*) of the question and part (*c*) also partially ?

The Honourable Sir CHUNILAL MEHTA: The whole question was carefully considered, as I stated in reply to the question of Mr. Dev, and I do not think that any alteration can now be made which will not cause greater inconvenience than is being caused at present.

DRINKING WATER: DELASA

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether in reply to my question printed on page 204, dated 19th July 1927, they have stated that the people of Delasa, taluka Olpad, district Surat, experienced some difficulty owing to the wells in the village having become useless for drinking purposes ;

(*b*) whether they have admitted that the people of this village had to walk about half a mile to get water for drinking purposes ;

(*c*) whether they admitted that the people of the village expressed their willingness to contribute to the expenditure that may have to be incurred for boring purposes ;

(*d*) whether Government realise their responsibility to the village people for making arrangements for drinking water ;

(*e*) if so, what steps Government intend to take to remove this grievance of the village people ?

Honourable Mr. J. L. RIEU: (*a*), (*b*) and (*c*) Yes.

(*d*) The provision of village water supply is a function of the District Local Boards, which are subsidised by Government for the purpose. Government have undertaken to make a contribution towards the cost of water supply up to a maximum of two-thirds of the expenditure. The actual amount of the grant is determined by the Collector according to the circumstances of each case.

(*e*) One power boring machine was sent to Delasa village and boring was carried out to a depth of 148 ft., but as the water found was brackish, further work was stopped at the instance of the President, District Local Board, Surat.

PRINCIPAL, GUJARAT COLLEGE, AND PRINCE OF DHARAMPUR

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the Principal of the Gujarat College is keeping the Prince of Dharampur, a student of the B.A. class in his bungalow and charging him Rs. 400 (Rupees four hundred) per month for his food, lodging, etc., since the month of July 1927 ;

(*b*) if the answer to (*a*) is in the affirmative whether the principal had obtained the permission of the head of the department or the Government for doing this ;

(*c*) if the answer to (*b*) is in the negative, what steps Government propose to take in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes. The arrangement is a private one with which Government are not concerned.

(*b*) The Director of Public Instruction was informed of the arrangements made. He did not, however, consider that his permission was required.

(*c*) In view of the reply given to (*b*) this question does not arise.

Mr. J. C. SWAMINARAYAN : The bungalow that is used for the purpose of this arrangement is the property of Government. It is a Government bungalow. How is it that Government are not concerned in this arrangement ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is entirely a private arrangement, and the principal occupies the bungalow free of rent.

Mr. B. V. JADHAV : Are Government servants occupying rent-free Government quarters allowed to sublet their bungalows ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is no sub-letting in this case.

MOULVI RAFIUDDIN AHMAD : May I ask if the department has no rules with regard to private arrangements of this sort by officers of colleges ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not think there are any rules.

Mr. B. V. JADHAV : Is it not a fact that out of this amount of Rs. 400 something is taken as rent for the rooms occupied by the Kumar ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not know.

MOULVI RAFIUDDIN AHMAD : Am I to take it that any officer of the Educational Department is at liberty to make private arrangements for as many students as he likes and charge them as much as he likes for private tuition ?

The Honourable Dewan Bahadur HARILAL D. DESAI : This is only arrangement for boarding.

MOULVI RAFIUDDIN AHMAD : It is boarding and tuition ? I want to know whether any officer of the Educational Department is at liberty to take in students for tuition and as lodgers ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is no case in this matter of the person concerned being taken in for tuition.

Mr. B. V. JADHAV : Does the Honourable Minister mean that the principal is simply keeping a lodging and boarding house and not looking after the Kumar's education ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I think any schoolmaster is entitled to have students staying with him.

Mr. B. V. JADHAV: Does not the question of tuition come in there ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not think it comes in.

MOULVI RAFIUDDIN AHMAD: Even in cases of pure residence, I want to know whether it is not a fact that if students remain with teachers it creates a wrong inference as to partiality in the minds of the public, and therefore, is it not a fact that the department has rules with regard to the residence of students with professors ? If the Honourable Minister says there are no rules, I will accept his word.

The Honourable Dewan Bahadur HARILAL D. DESAI: There are no rules, so far as I know.

Mr. W. S. MUKADAM: May I know whether the principals of colleges are prohibited from keeping any students for boarding, lodging or tuition purposes ?

The Honourable Dewan Bahadur HARILAL D. DESAI: There is no such prohibition.

Mr. J. B. DESAI: Has not the principal passed a receipt for rent among other things ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I want notice of that question.

Mr. J. C. SWAMINARAYAN: The principal is occupying a Government bungalow free of rent. Then, are all Government servants occupying Government bungalows free of rent permitted to take in lodgers and make a profit out of the arrangement.

The Honourable Dewan Bahadur HARILAL D. DESAI: There is no rule, so far as I am aware, prohibiting them from doing so.

Dr. M. K. DIXIT: Are Government officers getting bungalows free of rent allowed to profiteer ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not think there is any case of profiteering here.

Mr. S. K. BOLE: Are these students taken as free lodgers ?

The Honourable Dewan Bahadur HARILAL D. DESAI: For boarding they are charged.

Mr. W. S. MUKADAM: May I know how much of this sum of Rs. 400 is allotted for lodging ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot differentiate.

Mr. W. S. MUKADAM: The question is asked about boarding and lodging both. At least a farthing of it must go for lodging. Unless that was so, the question could not be asked.

Mr. B. V. JADHAV: Are not Rs. 400 a month for boarding excessive ?

Mr. J. B. DESAI: (Asked a supplementary question which was inaudible).

The Honourable the PRESIDENT: Order, order. Next question.

FLOODS AT RAMGADH: DAMAGE AND RELIEF

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether Ramgadh, a para of Chekhla in Sanand Mahal of Ahmedabad District, was almost completely destroyed by floods in July 1927;

(*b*) the amount of tagavi advanced by Government to the residents of the said para Ramgadh;

(*c*) the amount of housing loan given to them for the reconstruction of their houses?

The Honourable Mr. J. L. RIEU: (*a*) Some 40 houses collapsed and 10 houses were damaged in the floods.

(*b*) Rs. 305-0-0 as tagai for kharif seed.

(*c*) Rs. 3,000 have been proposed to be advanced for the purpose.

RAILWAY PROJECT: AHMEDABAD-KAPADVANJ

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether a regular survey was made to construct a railway line between Ahmedabad and Kapadwanj *via* Nawda-Anasan-Pardhol-Vehelal Kadadra-Kothi-Bahial-Madadra-Atarsumba by B. B. & C. I. Railway;

(*b*) whether traffic statistics were obtained by B. B. & C. I. Railway for that line;

(*c*) if the answers to (*a*) and (*b*) be in the affirmative, what are the reasons for suddenly abandoning that route and of ordering another survey *via* Asarva-Sahijpur Singarva-Kanbha-Kuba by a notification in *Government Gazette* of 20th October 1927;

(*d*) whether traffic statistics have been obtained for the new project;

(*e*) if the answer to (*d*) is in the negative, what are the reasons for undertaking the survey without obtaining traffic statistics?

The Honourable Mr. J. L. RIEU: (*a*) No.

(*b*) Yes.

(*c*) The alignment from the Naroda end as originally proposed was rather close to the Ahmedabad Prantij line and at a considerable distance from the main B.B. & C.I. Railway line. The purpose of the line would be better met if it were aligned so that the intervening tracts of country on both sides would be more equally served. This object would be secured by diverting the proposed alignment somewhat Southward at convenient points between Vehelal on the one side and Kanbha and Kunhha on the other, so that instead of Vehelal getting the exclusive advantage of the proposed line, the villages situated in the North East

portion of South Daskroi Taluka would also derive benefit, also the important village of Kathwada and other Baroda villages.

(*d*) Traffic statistics for the new project are being obtained in conjunction with the work of the engineering survey.

(*e*) Enough is known of the general conditions of the locality to justify the execution of the engineering survey prior to the completion of the traffic survey.

RAILWAY PROJECT, AHMEDABAD-KAPADVANJ : PUBLIC MEETING RESOLUTION

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they have received a resolution, passed by a public meeting of the inhabitants of Vehelal held on the 21st November 1927, urging Government to construct a railway line between Ahmedabad and Kapadvanj *via* Nawda-Anasan-Pardhol-Vehelal-Kadadra-Kothi-Bahial-Madadra-Atarsumba ;

(*b*) If the answer to (*a*) is in the affirmative, what action they have taken on that resolution ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) The matter is under the consideration of Government.

MEHLOL ESTATE : GRANT TO KAZI JAMALUDIN

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased—

(*a*) to place on the Council table all the correspondence up to the date of Government Resolution No. 1922/24 which passed between the Prant Officer of Godhra Taluka, the Collector of Panch Mahals, the Commissioner of Northern Division and the Honourable the Revenue Member in connection with 131 acres and 1 guntha of land of Mehlol Estate given to Kazi Jamaludin Amir Mian in the year 1922 by private arrangement ;

(*b*) to state whether by Government Resolution No. 1922/24 the land was ordered to be resumed after the expiry of ten years from the date of the gift ?

The Honourable Mr. J. L. RIEU : (*a*) Government regret that they are not prepared to comply with this request as the correspondence contains the report of Government officers which are intended for the information of Government only.

(*b*) Yes, from the date of the termination of the leases entered into with the sub-tenants.

GUJARAT COLLEGE : TUTOR IN ETIQUETTE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether a missionary lady was engaged by the Principal of Gujarat College for teaching manners to the lady students of the college ;

(*b*) if so, whether any amount of money was paid to her;

(*c*) if the answer to (*b*) is in the affirmative, what was the exact sum paid to her and from what source the payment was made ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No. In the first term of 1926-27 and after consulting the lady students the Principal decided to ask as an experimental measure an English lady (1) to help the lady students in their essay writing, (2) to look after their interests especially in regard to magazines, books, etc., and (3) to meet them once or twice weekly in their room. There is as yet no lady member on the teaching staff and the Principal thought it desirable to make the experiment. The Irish Presbyterian Mission (close to the College) was asked to allow one of their lady members to come to the College for this purpose. The experiment was not continued after the first term of last year.

(*b*) Yes.

(*c*) Rs. 50 only from College non-government funds (the Petit Fund).

Mr. J. C. SWAMINARAYAN: As regards (*c*), is not the Honourable Minister aware that the Petit Fund is only meant for buying books for the library, and not for any other purpose ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not aware of it.

AHMEDABAD-KAPADWANJ RAILWAY: STATION FOR DASKROI TALUKA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether they have received a resolution unanimously passed on 17th December 1927 in a joint meeting of the five villages of South Daskroi Taluka named Kubadthal, Zanu, Vehelal, Lalpur and Huka praying for a railway station at some central place equidistant from those villages in the Ahmedabad-Kapadvanj Railway proposed to be newly constructed;

(*b*) if the answer to (*a*) is in the affirmative, what action they took in the matter ?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) The matter is under the consideration of Government.

GOVERNMENT SERVANTS, AHMEDABAD: HOUSE RENT AND LOCAL ALLOWANCE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the question of allowing house rent to Government servants stationed in Ahmedabad was stated to be under consideration of Government; if so, whether it is now decided and if so, with what result;

(*b*) the house rent at present paid to sub-registrars and karkuns stationed at Ahmedabad with the amount of pay drawn by them;

(*c*) the percentage house rent which they have to pay;

(*d*) whether house rent or local allowance is given to any of the officers stationed in Ahmedabad; if so, what and to whom?

The Honourable Sir CHUNILAL MEHTA: Information has been called for.

RAILWAY PROJECT, ASARVA-KAPADVANJ: OBJECTION OF BHUVALDI PEOPLE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether they have received a representation from the inhabitants, farmers and land-owners of Bhuvaldi, a village of South Daskroi Taluka of Ahmedabad district, protesting against the Asarva-Kapadvanj Railway route proposed to be surveyed as notified in the *Bombay Government Gazette* of the 20th October 1927 on the ground that the said route would lie to the south of Bhuvaldi and destroy precious fertile lands of the said village and that it would threaten eventual destruction of the said village and its fertile lands by intercepting the natural flow of rain-water which is in the southern direction of Bhuvaldi;

(*b*) if so, what action they have taken on that representation;

(*c*) whether Government have made enquiries on the grounds adduced in that representation;

(*d*) whether Government intend to take into account the dangers apprehended by the people of Bhuvaldi at the time of finally deciding the route;

(*e*) whether attention of Government is drawn in the said representation to the fact that the route north of Bhuvaldi would be less costly, shorter and cheaper and at the same time more beneficial to the villages of South Daskroi Taluka;

(*f*) if so, whether Government have taken or intend to take into consideration the suggestion of the people of Bhuvaldi, mentioned in (*e*)?

The Honourable Mr. J. L. RIEU: (*a*) Yes.
(*b*), (*c*) and (*d*) The matter is under the consideration of Government.
(*e*) Yes.
(*f*) *Vide* reply to (*b*), (*c*) and (*d*).

PORT OF BANKOT: REMOVAL OF SILT

Mr. SYED MUNAWAR: Will Government be pleased to state—

(*a*) whether they are aware of the inconveniences caused to the people of Bankot and adjoining villages by coasting steamers not touching at the port of Bankot in the Ratnagiri district;

(*b*) the reasons why the port of Bankot has been abandoned by the ferry steamers;

(*c*) whether representations have been made by the people to the Collector of the district, the Collector of Salt Revenue, and the Commissioner of Customs, in this connection;

(*d*) if so, what replies have been given and what steps have been taken in the matter;

(*e*) whether there is any accumulation of silt and sand offering an impediment to the calling of the ferry steamers at the port;

(*f*) whether the silt and sand can be removed, and if so, at what expense;

(*g*) whether it is a fact that the people concerned are willing to submit to an additional impost of landing and wharfage fee to enable Government to meet the expenditure on the removal of silt and sand;

(*h*) if so, what steps Government propose to take for the purpose of reopening the port of Bankot;

(*i*) whether it is a fact that the Janjira State which levies a wharfage fee of one anna per passenger has been duly apprised of the inconvenience to the people?

The Honourable Mr. J. L. RIEU: (*a*) to (*h*) The Honourable Member is referred to the reply given to the question put by Mr. Haji Ibrahim Haji Mahomed Jitekar. In view of the reasons given therein it is not considered advisable to reopen Bankot Port.

(*i*) No. Janjira State has no jurisdiction over Bankot Port.

LEVEL CROSSING, NASIK ROAD

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they are aware that there is great hardship to the motor and other vehicular traffic between Nasik and Sinnar owing to the constant closing of the gate at the Nasik Road railway level crossing for shunting;

(*b*) whether they propose constructing a bridge over the said level crossing?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) The proposal to construct an overbridge in place of the level crossing is under consideration.

CANAL WATER SUPPLY PANCHAYATS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state whether they intend to form Panchayats to make allotments of canal water to irrigators in the Deccan?

The Honourable Sir COWASJI JEHANGIR: Experiments in connection with the self-management of distribution of water by Panchayats in the Deccan were commenced in 1922. In two cases the results were not satisfactory and the experiments were stopped in 1925 and 1927. The other experiments, two on the Pravara Left Bank Canal and one on the Nira Left Bank Canal, are still in progress and results are being watched.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: Will you kindly permit me to put my questions, Sir?

The Honourable the PRESIDENT: I have given a ruling in this session.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: We have got one hour for questions and only 20 minutes are passed.

The Honourable the PRESIDENT: The principle has to be adhered to. Honourable members should be in their places at question time.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: Please give me indulgence this time, Sir.

The Honourable the PRESIDENT: No, I am sorry.

[*Further consideration of clause 6 of Bill No. IV of 1928 (Non-Agriculturists' Loans Bill) resumed.*]

Question again proposed.

" Add sub-clause (3) to clause 6, as follows :

' The rule so made shall be subject to the condition of previous publication and to the further condition that the rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session of the Council, and shall be liable to be modified or annulled by a resolution of the said Council tabled at such next session.' "

The Honourable the PRESIDENT: The Honourable the Revenue Member.

The Honourable Mr. J. L. RIEU: Mr. President, as I have already indicated when I spoke first on this amendment immediately after the honourable mover had moved it, Government do not find it possible to accept the amendment as it stands. They have given full consideration to the matter and they have come to certain conclusions which I wish to explain to this honourable House.

The amendment proposed by the honourable member Rao Bahadur Kale proposes to give to the Council full discretion in the matter of regulating the subjects which are referred to in clause 6 of the bill. If this amendment is carried, the Council, when the rules proposed by Government are laid before them, will have power to modify them in any way they consider fit and such modifications must stand as the statutory rules. It will not then be within the power of Government to introduce any modification into them. This is a position which Government are unable to accept, whether generally or in regard to the present case. As I have already pointed out, these rules will provide for very important financial matters, which will impose upon Government certain definite financial obligations which may be of a far-reaching scope. I drew attention to certain particular points which appeared to me to be of special importance. I will refer to them again: The principal one is the question of the rate of interest which these loans to non-agriculturists shall bear. There is also the regulation of the period within which repayment shall be made. A third point is the fixing of the instalments by which repayment shall be made. Government cannot accept the position that these matters should be left to the unrestricted control of this House. These questions are financial ones and constitutionally it is objectionable that Government should be deprived of their powers in the way that it is proposed they should be. There is a further objection in principle to the amendment, and that is that if it is accepted, it leaves out entirely the control which under the Government of India Act is conferred on the

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Governor to certify or veto provisions in an Act passed by the Council or to call upon the Council to reconsider any provision that they may have passed. That is to say, so far as rules are concerned—and in this case the rules are an extremely important part of the whole enactment—the Governor will be definitely deprived of his statutory powers. This again is a position which Government are entirely unable to accept. I therefore propose to lay before the House certain modified proposals which I trust that the House will be induced to accept.

I have indicated the specially important points which are among those proposed to be regulated by rules. It is now proposed to place these in a substantive provision of the Act. With regard to the remaining points, it is proposed to modify the honourable member Rao Bahadur Kale's amendment in such a way as not to deprive Government entirely of its discretionary powers in regard to the acceptance or non-acceptance of rules modified by the Council. The amendment which I wish to lay before the House, as an amendment to Rao Bahadur Kale's amendment, is as follows:

"For clause 6 of the bill substitute the following: '6 (1) The Local Government shall by general or special order determine the rate of interest to be charged on loans drawn under this Act and the instalments by which the debts on account of such loans shall be repaid'."

The first sub-clause therefore provides that Government under a substantive provision of the Act shall have power to act in respect of these matters. Sub-clause (2) of the clause which I propose reads as follows:

"The Local Government may from time to time by notification in the *Bombay Government Gazette* make rules prescribing the manner of making applications for loans, the officers by whom the loans may be granted and such other matters as may be necessary for carrying out the provisions of the Act; such rules when made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a motion of the said Council tabled at that session. If any rule is modified the local Government may accept the modification and re-issue the rule accordingly or may rescind the rule."

That is to say, the Legislative Council will have power to modify the rules in respect of those matters which still remain to be regulated by rules, and Government will then be left with the option either of accepting such modification or of rescinding the modified rule altogether. The sub-clause does not give the Government the power to modify a rule once modified by the Council. They must either accept the rule as modified or rescind it entirely. And I trust that the position of Government having been explained to the Council, this House will be prepared to accept this modification. As I have already said, Government find it impossible to accept the honourable mover's amendment as it stands. I would emphasize again that such acceptance would involve the delegation to the Council of very important financial powers which it is impossible for Government to divest themselves of. And I would also point out, as I observed on a previous occasion, that even by accepting the amendment as now proposed to be modified, Government are making a large concession in favour of non-agriculturists. As this House is aware, the rules which govern the granting of loans to agriculturists are not subject to the control of this House in any sort of way; they are promulgated

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entirely by Government on their own authority and it is entirely within their discretion to repeal or modify them from time to time. And therefore by granting the Council an opportunity of revising the rules in respect to loans to non-agriculturists, Government are making a very substantial concession to this Council. I trust, therefore, that the Council will appreciate this point and will be willing to accept the modification of the honourable member Rao Bahadur Kale's amendment which I now propose.

The Honourable the PRESIDENT : I should like to understand the position clearly as regards the procedure. I find that this amendment which the Honourable the Revenue Member proposes as an amendment to the amendment of the honourable member Rao Bahadur Kale goes a little beyond the amendment of the honourable member Rao Bahadur Kale.

The Honourable the Revenue Member wishes practically to withdraw clause 6 as it stands at present and substitute another clause in its place. The honourable member Rao Bahadur Kale wants that clause 6 should stand as it is, but desires that a further sub-clause should be added to it. The amendment moved by the Honourable the Revenue Member goes further than the amendment originally moved, although it includes in an amended form in the last sentence, the amendment proposed by the honourable member Rao Bahadur Kale. Therefore if I understand the Honourable the Revenue Member aright, he really wishes to withdraw clause 6 and substitute it by these clauses.

The Honourable Mr. J. L. RIEU : That is the effect of my proposal.

Mr. P. R. CHIKODI : Sir, can an amendment to an amendment be moved now ? Yesterday we had reached the stage at which the honourable mover of the amendment had replied and we were on the point of voting. The honourable member in charge of the department had also replied.

The Honourable Sir CHUNILAL MEHTA : No. He had not.

Mr. P. R. CHIKODI : At any rate, we had reached the stage at which an amendment to the amendment could not be moved. A fresh amendment at this stage will reopen the whole question in debate.

The Honourable Mr. J. L. RIEU : Sir, may I suggest that the way out of the difficulty would be for the honourable member Rao Bahadur Kale to withdraw his amendment, and then it will be possible for me to propose the amendment which I have now proposed.

Rao Bahadur R. R. KALE : Sir, I am not prepared to withdraw my amendment in the light of the statement made. If I am given an opportunity, I will make a statement giving the reason for which I am not prepared to withdraw before I understand how the new amendment stands.

The Honourable the PRESIDENT : The position is certainly unusual and does present some sort of difficulty.

The Honourable Mr. J. L. RIEU : All I wish to say is that I am quite willing that the honourable mover should be given an opportunity

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of fully discussing my amendment. I have not the least intention of shutting out discussion on the subject.

The Honourable the PRESIDENT : If this amendment is ruled to be in order, if we call it an amendment to the amendment, it will certainly re-open the whole question, and the House will be entitled to go into discussion over it. But the point on which I wish to be satisfied is whether this is an amendment to the amendment. But another point of order has been raised than an amendment to the amendment cannot be moved now at this stage when the amendment before the House has been discussed and closed. On this point, I do not know if honourable members have enlightened themselves as regards the procedure of the passage of a bill in the House of Commons. There the whole House sits in committee, and when a clause is taken into consideration and there is a reasonable amendment or modification to be made, opportunities are given to move the amendment irrespective of the particular stage at which the bill has reached, if the best interests of the intentions of the bill are thereby contemplated. I think the House will agree that in such cases a way should be found to allow alterations of clauses practically at all stages. But I do not accept this (the amendment moved by the Honourable the Revenue Member) as an amendment to the amendment, because it goes beyond the original amendment and proposes the withdrawal of clause 6.

The Honourable Sir CHUNILAL MEHTA : Sir, I can see the inconvenience of the present position. There is another way of getting over the difficulty in the manner that I would venture to suggest. It will be possible, for instance, to move that " the consideration of Clause 6 of Bill No. IV of 1928 be postponed " under the Standing Orders. If that is done, then, Sir, a fresh amendment can be moved. The motion that is placed before this House by the Honourable the Revenue Member is not an amendment to the amendment. It merely divides clause 6 of the bill. Anyhow, I say, Sir, that if we postpone the business of this House only in respect of clause 6 of the bill, the technical difficulty can be got over. That will give an opportunity to the House to debate on any amendment that may be moved before the House.

The Honourable the PRESIDENT : I think the Honourable the Leader of the House refers to Standing Order IV (4).

The Honourable Sir CHUNILAL MEHTA : Yes, Sir. I refer to Standing Order IV ; clauses (3) and (4) may both be used in this instance. Clause 3 says :

" The President may adjourn any meeting or business to any future day and hour or to any part of the same day without discussion or vote."

You can under the powers given to you under these Standing Orders postpone the discussion till say an hour hence. Clause 4 can also be used.

Sir, I would rather rely upon Clause IV (3) alone. That can I think be done by you, Sir.

The Honourable the PRESIDENT : I would draw the attention of the Honourable the Leader of the House to clause 4 (2).

The Honourable Sir CHUNILAL MEHTA : I have seen it, Sir. It says :

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" The President may disallow any motion for the adjournment of any business if, in his opinion, such motion is made for the purpose of securing the adjournment of the meeting.

I am not asking for the adjournment of the meeting at all.

The Honourable the PRESIDENT : To my mind that involves the principle that the President cannot do it arbitrarily. He has to take the House with him if the suggestion made has the effect of stifling the efforts of a section of the House. Here the intention implied in the suggestion is apparent. However, I would like to hear honourable members opposite with a view to take the House with me in the matter of the proposals made by the Honourable the Leader of the House. I would therefore ask Rao Bahadur Kale to give his views on the point.

The Honourable Sir COWASJI JEHANGIR : Sir, may I suggest a method to get over the difficulty ? The position is this. An amendment has been moved by my honourable friend, Rao Bahadur Kale. In reply to that amendment, the honourable member in charge of the bill suggests another method of meeting the wishes of the opposite benches. The opposite benches think that no opportunity will be given to them to speak on the amendment put forward by the Honourable the Revenue Member and they would not get an opportunity of pointing out to Government any defects that may be in that amendment. What I would suggest is this. Rao Bahadur Kale should withdraw his amendment, with an undertaking that if the opposite side is not satisfied with the amendment proposed by Government, he would be allowed to move his amendment again. If that is done, the whole question will be solved.....

The Honourable the PRESIDENT : Quite so, if rules of procedure would allow it.

The Honourable Sir COWASJI JEHANGIR : I think it is.

Mr. BALAK RAM : Sir, I beg to submit that the amendment of the Honourable the Revenue Member should be taken as an amendment to the amendment of Rao Bahadur Kale.....

MOULVI RAFIUDDIN AHMAD : Sir, I rise to a point of order. You have already decided that it is not an amendment to the amendment of Rao Bahadur Kale. May I therefore know whether the honourable member (Mr. Balak Ram) is right in addressing the House on that point ?

The Honourable the PRESIDENT : I suppose he is developing the point of the procedure suggested by the Honourable the Leader of the House. And as such the honourable member is right in arguing that point.

Mr. BALAK RAM : Sir, clause 6 of the bill is about the rule-making powers which are given to Government. Rao Bahadur Kale's amendment says that the rule-making power should be left to the House entirely. If you look to the amendment of the Honourable the Revenue Member, you will find that it suggests that the " rule-making power

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should be given in certain respect to Government and in other respect to this House." The proposal therefore suggests a position between the two extremes, and though there may be a technical objection to its wording it should be allowed to be treated as an amendment to the honourable member Rao Bahadur Kale's amendment.

The Honourable the PRESIDENT : I think I have the situation now well before me. This is not strictly an amendment to Rao Bahadur Kale's amendment. It has a double aim. It proposes to withdraw clause 6 of the bill and substitute a new clause instead. I have nothing to do with the merits of the original or this amendment. What I am concerned with is the procedure ; and I must follow the proper procedure. If it is possible for honourable members to assist me in that respect, I would be prepared to hear the views of this House. The opportunity to be given to the whole House to discuss the merits of this proposal is not denied either by the Honourable the Revenue Member, nor am I going to withhold that. But I should like, if the honourable member Rao Bahadur Kale has got to say anything on this point, to hear him before I definitely hold one way or the other.

Rao Bahadur R. R. KALE : Sir, as I understand the position taken up, the proposal is somewhat like this, that my amendment is before the House and there is another amendment also from the Honourable the Revenue Member which is also before the House. The two amendments are, as it were, relating to the same subjectmatter and they can be discussed together as it were. That is to say, the discussion may proceed on either amendments, not as if the Honourable Mr. Rieu's amendment is an amendment to my amendment. I take it his is an independent amendment. Mine is before the House. Then, another amendment proposed by the Revenue Member is before the House also, and it is in the discretion of the Chair to allow both amendments to be discussed together, if you consider that the subjectmatter covered by the amendments is the same. Then, in that case, I certainly am prepared to agree to that course. Therefore, I think it will be open now to all honourable members to discuss the amendment that is newly proposed in the light of the amendment which has already been debated upon. Now, Sir, I would certainly point out with reference to the last observation of the Honourable the Revenue Member that the old Agriculturists' Loans Act.....

The Honourable the PRESIDENT : Order, order. I would not allow honourable members to enter upon the merits yet. The Honourable the Revenue Member has given a reply to Saturday's amendment, and that matter ends there. Now in the reply there is a fresh proposal. I have heard all possible sides and I disallow this as an amendment to the amendment of the honourable member Rao Bahadur Kale. I would, now, therefore, put the amendment of the honourable member Rao Bahadur Kale to vote. I do not think I can exercise the power as suggested by the Honourable the Leader of the House under clause 3. The honourable member Rao Bahadur Kale's amendment should be dealt

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with independently and disposed of in whatever manner the House is prepared to dispose of it. Then, I would take the other as an amendment coming by itself from the Honourable the Revenue Member.

The Honourable Sir CHUNILAL MEHTA : But, Sir, when that amendment is passed, if it is passed, there will be difficulty, and we were suggesting, Sir, that in this difficult situation you might exercise your power and find a way out. It is agreed both by the honourable member Rao Bahadur Kale and ourselves that opportunity should be given to the House to discuss both the points of view. We do not for a moment suggest that the Honourable the Revenue Member's amendment alone should be before the House. We are quite agreeable to the suggestion that both the original amendment (Rao Bahadur Kale's amendment) as well as the new proposal which the Honourable the Revenue Member makes should be both before the House which, after the discussion of the merits of both, can come to a decision. I am hoping, Sir, that in the discussion Rao Bahadur Kale and his friends will be convinced that the proposal suggested by Government is the only possible proposal that can be accepted, and as a result of that discussion either Rao Bahadur Kale will withdraw his amendment or the Council will dispose of it. The situation just now is that neither side has had an opportunity of considering both the amendments. We wish that the House should come to a decision after understanding and discussing the merits of both the proposals. If the honourable member Rao Bahadur Kale and we are agreed about that, we would request you to try and find out a way to regularize the procedure. (An Honourable Member : How can the procedure be changed ? The procedure is there already ?) The Honourable the President may even take the assent of the House, Sir, for a change in the procedure which he may wish to make. I feel quite certain that the House would give its consent to the President if he so desires it. I submit, Sir, that this matter is of considerable importance. It does not relate to this bill alone ; it is a question of the powers of the Council in future also, and I think it is a very important question, and the Council would do well to have the merits discussed from both points of view and help the Honourable the President to find a way out. Your suggestion that a solution ought to be found will certainly meet with response from both sides of the House.

Mr. P. R. CHIKODI : You have already ruled, Sir, that the amendment given by the Honourable the Revenue Member is not an amendment to the amendment moved by the honourable member Rao Bahadur Kale.....

The Honourable the PRESIDENT : Quite right.

Mr. P. R. CHIKODI : If it is so, how can both the amendments come before the House at all ?

The Honourable the PRESIDENT : I did not understand the honourable member Rao Bahadur Kale particularly to mean that he is agreeable to the procedure suggested by the Honourable the Leader of the House ? Is that correct ?

Rao Bahadur R. R. KALE : I only want to make it clear, Sir, that if both the amendments are before the House, I have nothing to object to the debate that may be raised upon the Honourable the Revenue Member's amendment. That is all I say.

The Honourable the PRESIDENT : Then, there is a great deal of difference between the honourable member and myself. He seems to be in favour of discussion of the merits of both the amendments. I am not concerned with the merits ; I am concerned only with the procedure and the procedure suggested by the Honourable the Leader of the House is a novel one, and I do not know whether I would be right in following it.

I would, therefore, put the amendment of the honourable member Rao Bahadur Kale to the House, and then consider whether this amendment of the Honourable the Revenue Member can be taken into consideration. The amendment that I now put to the House is, therefore, the one by the honourable member Rao Bahadur Kale, which runs thus :

" Add to clause 6 a further clause (3) as a sub-clause that rules so made shall be subject to the condition of previous publication and to the further condition that the rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session of the Council and shall be liable to be modified or annulled by a resolution of the said Council tabled at such next session. "

Question put. House divided. Ayes, 32 ; Noes, 40.

Motion lost.

Division No. 1.

Ayes

AHMAD, MOULVI RAFUIDDIN,
ASAVALE, Mr. R. S.
BECHAR, Mr. N. A.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DESAI, Rao Saheb D. P.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
HAJI, MIR MAHOMED BALOCH, Mr.
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JANVEKAR, Mr. D. A.
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED.
JOG, Mr. V. N.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
LALJI NARANJI, Mr.
LALJEE, Mr. HOOSEINBHOY ABDULLBHOY
MUKADAM, Mr. W. S.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
PAHALAJANI, Mr. B. G.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
RAHIMTOOLA, Mr. HOOSEINNALLY M.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
VANDEKAR, Rao Saheb R. V.

Tellers for the Ayes : Rao Bahadur B. R. NAIK AND Mr. LALJI NARANJI.

Noes

ABDUL LATIF HAJI HAJRAT KHAN, KHAN SAHEB
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
ANDERSON, Mr. F. G. H.
BALAK RAM, Mr.
BELL, Mr. R. D.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BROWNE, Mr. D. R. H.
DESAI, the Honourable Dewan Bahadur HABILAL D.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur.
HARRISON, Mr. C. S. C.
HOSSACK, Mr. W. B.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE.
JAN MAHOMED KHAN, Khan Bahadur
JEHANGIR, the Honourable Sir COWASJI
JONES, Major W. ELLIS
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
MANSURI, Khan Saheb A. M.

MARTIN, Mr. J. R.	RIEU, the Honourable Mr. J. L.
MARZBAN, Mr. P. J.	SMART, Mr. W. W.
MEHTA, the Honourable Sir CHUNILAL	SMYTH, Mr. J. W.
MONTEATH, Mr. J.	SYED MUHAMMAD KAMIL SHAH
NOOR MAHOMED, Mr.	THAKOR OF KERWADA, the
PAINTER, Mr. H. L.	TURNER, Mr. C. W. A.
PETCH, Mr. F. W.	WILES, Mr. G.
PRADHAN, the Honourable Mr. G. B.	WINTERBOTHAM, Mr. G. L.

Tellers for the Noes: Mr. F. W. PETCH and Mr. G. L. WINTERBOTHAM.

The Honourable the PRESIDENT: I understand that the Honourable the Revenue Member, under the present circumstances, does not wish to move his amendment. I, therefore, put clause 6 to the House.

Clause 6 ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

Third reading.

The Honourable Mr. J. L. RIEU: Sir, I beg to move that Bill No. IV of 1928 (A Bill to provide for the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans) be read a third time.

Bill read a third time.

Question put and carried.

The Honourable the PRESIDENT: The bill is now read a third time and passed into law.

SUPPLEMENTARY ESTIMATES

Supplementary demand, covered by re-appropriation, from 47, Miscellaneous-Reserved, to 24, Administration of Justice, for temporary appointment of an Assistant Judge in Sind..... Rs. 7,205.

The Honourable Mr. J. E. B. HOTSON: Sir, I move for a supplementary grant of Rs. 7,205 for a temporary appointment of an Assistant Judge in Sind. The facts are very simple, and are stated in the note* that is before the House. There has been a very considerable increase in the judicial work in Sind, and since 1924 we have constantly been obliged to provide an Assistant Judge in Sind in addition to the number formerly posted there. We hoped at the time of framing the current year's budget that necessity would come to an end, and that after the middle of last year (1927) there would no longer be any such necessity. Unfortunately, our expectations have been disappointed. So far from a reduction in the work there is a constantly increasing volume of work, and we have had to keep this Assistant Judge for the whole year, with the result that the budget grant has been exceeded. I do not think that my honourable friends, especially those from Sind, will have any doubts that Government have done the right thing in this matter, and I ask that the grant be given.

Question proposed.

Rao Bahadur R. R. KALE (Satara District): Sir, with regard to this demand, I have to make a few observations. It has become the policy of Government to ask, from time to time, supplementary grants to provide for additional or temporary assistant judges or other officers, on the ground that the work has increased. I wish to ask whether there is any supervision or any inspection of the work of these judicial officers,

*Appendix 4.

[Rao Bahadur R. R. Kale]

namely, the subordinate judiciary as well as those who do the work of Assistant Judges or District Judges, to enable the higher authorities to come to the conclusion that they have been really working for full time in disposing of the cases that come before them. I submit that if strict supervision and inspection take place, it may be possible to find out that really the work is not increased in such a manner as to require the addition of extra officers, and it will be possible to see whether, with the officers that we already have, it is not possible to get more work done. In this connection, I might mention that inspection work is somewhat difficult. We have got as inspecting judges judges from the High Court, to supervise and inspect the work in the presidency proper, and in Sind I suppose the Judicial Commissioner's court takes the place of the High Court, and the Judicial Commissioner's court supervises and inspects the work of the District and Assistant Judges in Sind. I submit that the procedure and the records of the courts must be carefully examined, and it can be done so by those who are acquainted with the inner working of the courts, I mean persons who are familiar with the vernaculars of the district, so that they can examine the cases, the documents that are filed in the cases, and I remember Sir John Heaton, when as Inspecting Judge he came to inspect the courts in the mofussil, remarking that it is the Indian judges who can have a better insight into the work of the subordinate courts, because an Indian judge has the advantage of being able to go through the records of the cases, not merely the depositions which are no doubt recorded in English, but the other documents exhibited in the case ; an Indian judge has the advantage of reading for himself the records of cases, and he really is in a better position to check and find out whether the District Judges and Assistant Judges have put in full work while they are hearing cases. I submit, therefore, that Government should, for the future, direct supervision and inspection of this kind more closely, so that they may be in a position to know, whenever assistance is asked for, whether it is really needed. I find that when a District Judge or an Assistant Judge says that the work has increased and therefore more assistance is required, that assistance is given. Now, I do not know whether any effort is made by Government to satisfy themselves that really the work has not increased in such a way as to require an additional hand. I know there may be fluctuations. Sometimes the work may be little, and sometimes it may increase, but I do not think that, as soon as there is a little congestion extra temporary appointments should be made. I submit that it is due to this want of thorough inspection that this kind of demand comes to be made. I would, therefore, request the Honourable the Home Member to see that in future the inspection of these courts is carried on in an effective manner.

The Honourable Mr. J. E. B. HOTSON : Sir, the inspection of these courts and the supervision over the work of the Judges and the Assistant Judges and the magistracy is already, in the opinion of Government, very efficiently performed both in Sind and in the presidency proper ; in the presidency proper by the High Court and in Sind by the Judicial Commissioner's Court. The Judicial Commissioner, last cold weather

[Mr. J. E. B. Hotson]

went on a tour of inspection through Sind and saw the courts on the spot in working order. Over and above that, they are constantly examining the records of the work done by each Judge and Assistant Judge. It is not the case, as my honourable friend seems to think, that every time we are asked for additional establishment we give it. That is very far from being the case. We examine the facts on which any such demand is based very carefully before we agree to it.

I might add that there are special reasons for the increase of work in Sind. There has been a great deal of criminal work. It is impossible to say why there are waves of crime, why in one year, or two or three successive years, more murders and more serious crimes are committed than in other years; but that has been the case. In addition, there are a very large number of land acquisition cases coming from the Barrage Canals, which have had to be decided by the Judges and the Assistant Judges. In 1923, the amendment of the Criminal Procedure Code, section 110, transferred a number of appeals which used to be heard by the District Magistrates to the Sessions Judges. My friend the honourable member from Satara, judging from the conditions that prevail in the presidency, probably does not realise what an immense difference that makes to the work of the Sessions Courts in Sind. In Sind, cases under section 110 of the Criminal Procedure Code are very much more numerous than they are in the presidency proper, and the additional work that has fallen on the Sessions Judges there is very much greater than has been the case in the presidency proper. As I have stated, we have been very careful indeed in scrutinising the reasons for which this request is granted, and I very much doubt whether it would be possible to do anything more than is being now done in the way of seeing that the courts are doing their work properly. I do not exactly understand why my honourable friend proposes that the Judges of the Judicial Commissioner's Court should take up the records of individual cases, and examine them and the documents in them, and see whether the documents have been properly admitted, and so on. This they can do in any particular case in which there is reason to think that the correct procedure has not been followed or that unnecessary delay has occurred. But I think it is obvious that if the judges took such action in a large number of cases they would themselves be responsible for great waste of time and labour.

Question put and carried.

Supplementary grant for Rs. 45,000 for fees in criminal cases by transfer from 47, Miscellaneous to 24. Administration of Justice.

The Honourable Mr. J. E. B. HOTSON: Sir, the next item is a demand for a supplementary* grant of Rs. 45,000 by transfer from 47, Miscellaneous to 24, Administration of Justice on account of fees in criminal cases. This item is a fluctuating one. If I remember rightly I was obliged last year to ask a supplementary grant in the same connection. We are now obliged in preparing our budget to cut down our

*Appendix 5.

[Mr. J. E. B. Hotson]

figures as far as we possibly can and to observe the greatest economy in proposing our requirements. Sometimes we find that we have underestimated these requirements. It is not within the power of Government to decide what cases shall come forward or in what cases fees shall have to be paid. I have more than once informed the House that my friend the Remembrancer of Legal Affairs has given this matter his close attention and has done his very best to reject as many as possible of the demands for special counsel in criminal cases, wherever it can be done, and to keep the fees payable to our prosecuting staff at the lowest minimum consistant with justice and efficiency.

Question proposed.

Mr. M. D. KARKI (Kanara District): Sir, I wish to speak some words on this motion. Before I do so I wish to bring to the notice of this House a very serious illegality which has been committed by the District Magistrate in Kanara at the instance of the Deputy Superintendent of Police of that district. A second class magistrate who is an experienced and at the same time an intelligent man has been illegally and unnecessarily brought into troubles. Not on account of his inability to discharge the magisterial duties, not because.....

The Honourable Mr. J. E. B. HOTSON: I fail to see how this arises on the present motion.

Mr. M. D. KARKI: Before I begin to speak on the motion I wish to bring to the notice of this honourable House a very serious illegality at a very early stage.

The Honourable the PRESIDENT: The honourable member must bring it within the scope of the grant.

Mr. M. D. KARKI: The demand for the grant is before the House. I can speak.

The Honourable the PRESIDENT: On what?

Mr. M. D. KARKI: The illegality committed by the District Magistrate. I therefore proceed Sir. Not because of his inability to discharge magisterial functions or misconduct in discharging them.....

The Honourable the PRESIDENT: It is distinctly going beyond the demand made. The honourable House has been informed before that when demands for supplementary grants are made no general policy of the department concerned can be discussed, unless remarks are made within the scope of the supplementary grant asked for.

Mr. M. D. KARKI: This relates to the administration of civil justice and I am entitled to speak when that demand for grant is made about a particular grievance in my district. Though it seems somewhat irrelevant, it is not so. I am entitled to speak.....

The Honourable the PRESIDENT: How can the honourable member make it relevant?

The Honourable Sir CHUNILAL MEHTA: On a point of order. This demand is limited only to the payment of certain fees for criminal cases.

[Sir Chunilal Mehta]

It has nothing whatever to do with the Administration of Justice or conduct of any particular judge in any particular debate.....

Mr. M. D. KARKI: This is part of Administration of Civil Justice

The Honourable Sir CHUNILAL MEHTA: The demand for grant for Civil Justice is not before the House. This is a particular limited item. It would be impossible to get through any of the supplementary grants if the whole working of the department is brought under discussion.

The Honourable the PRESIDENT: I think the honourable member is out of order in referring to this particular instance. He may speak on the grant if he likes.

Mr. M. D. KARKI: I am sorry for your ruling.

The Honourable the PRESIDENT: Order, order. The honourable member should withdraw that statement.

Mr. M. D. KARKI: I withdraw it, Sir. I must bow to your ruling.

On the motion I have a few remarks to make. In mofussil there are pleaders appointed by Government to conduct cases in their behalf. I think the grant that is demanded is to cover the expenses incurred by them to pay legal officers of Government in the mofussil. In my own district I find that in Government cases, that is, cases started by Government after sanction under section 195 of the Criminal Procedure Code, police prosecutors are generally engaged. Formerly, it was the practice of Government to engage Government pleaders in prosecuting criminals in such cases; but very recently there has been a change in that practice and police prosecutors are being employed to conduct such cases. In Honavar there is a Government pleader, a pleader appointed by Government, to look after Government cases, but in one or two cases that were started after sanction was granted under section 195 of the Criminal Procedure Code, the Government pleader was not at all engaged. The police prosecutor was engaged and he conducted the cases. If police prosecutors are engaged in such cases, I think they are not paid extra remuneration for conducting them. That being so, there must be no increase under the head 'payment of fees for law officers.' Therefore, I want to know whether Government have decided now-a-days to appoint police prosecutors to take the place of Government pleaders in the mofussil. If they have not done so, then I want to know why in two cases in Honavar the Government pleader was not engaged by the Government and why police prosecutors only were engaged to prosecute the cases. For this reason, I rose to speak on the motion and I want to be enlightened on this point by the Honourable the Home Member.

Mr. V. N. JOG (Dharwar District): Sir, with reference to this demand I have to bring before the House the way in which the services of law officers are lent in certain cases. I cannot, I must say, follow the arguments of my honourable friend the previous speaker. My point in criticising this demand is to make it clear that I do welcome the services of the

[Mr. V. N. Jog]

police prosecutors where they can be done with economy. We find in several districts police prosecutors have been appointed by Government, and my complaint in regard to that matter is just the contrary to that of my honourable friend who spoke just before me. I have come across in my district very trivial cases being handed over to public prosecutors. There are certain cases under Excise and Forest relating to trivial offences —sometimes illegal possession of ganja which the accused was not entitled to possess—petty cases in which public prosecutors or their assistants are engaged. Sometimes, when cases are conducted in mofussil courts and public prosecutors or their assistants go there, the scale of fees is higher per day, although in the district courts it is only Rs. 15 per day. Whenever a Government pleader from the district town goes to the mofussil courts his fee is enhanced. I submit, therefore, that the District Magistrate, or the person responsible for lending the services of Government pleaders, should be very careful to see that the importance of the case deserves the help that is given by the District Magistrate. I submit, Sir, that this additional amount which has swollen to Rs. 45,000 must be the result of indiscriminate help given by the District Magistrates. It has been the fashion of the Forest and Excise Departments, whenever they launch a case, to think that the police prosecutor will not be equal to the task, and to send a report to the District Magistrate that the case is an important one and that the services of the public prosecutor should be given to them which is easily accepted. I therefore submit that the Honourable the Home Member should give directions to the various District Magistrates to see that the importance of the cases should be considered before the services of the public prosecutors are lent.

Then, I come to certain cases in my district where the assistance of the public prosecutor was given to certain officers of Government to explain their conduct, so to say, by prosecuting those who had defamed them. No doubt, such cases as the Harvey-Nariman case are world wide known. But there are certain instances in my district where the services of the public prosecutor were given in cases which are little noticed by the outside public and all of which after all failed. I want to refer to that particular case, which the honourable member the Home Secretary will remember, which was launched by a sub-inspector in the Dharwar taluka. It was a case of defamation in which the complainant had been accused of bribery. The case was conducted before the bench magistrate, and I am told that more than one hundred adjournments were taken. In that case the services of the public prosecutor were engaged. The result is we see how the bill has been swelling up. In the bench court the Government servant succeeded, but when the case went up to the Sessions Judge the accused was acquitted. Thus, the Government servant lost the case. Not being satisfied with that, the case was taken to the High Court and in the High Court the judgment of the Sessions Judge was confirmed. When the Sessions Judge had given a judgment for acquittal, why was the case taken to the High Court unless a strong opinion was given in regard to the success of the case?

[Mr. V. N. Jog]

I do not want to go into the merits of that case here, but I only want to urge that before action is taken to conduct a prosecution proper enquiry should be made to find out whether the case would be a success. Before the time of the first trial, no doubt, all the records and the materials may not have been before Government, but when all the records and materials come to Government, it is for the legal officers of Government to say whether an appeal is likely to succeed and money will not be wasted. There is also another instance in which a case was started against a gentleman under sections 182, 211 and 500, Indian Penal Code, and was taken to the High Court under section 182 which quashed the prosecution under section 182. Other cases on the same material were started after that judgment against the same gentleman under section 211. Even this case the Honourable the Home Secretary must be aware of. In the Sessions Court, the gentleman was acquitted and in spite of this, the case was taken to the High Court with the same result. I am told now that the Sub-Inspector is prosecuting the gentleman under section 500, Indian Penal Code, with the help of the Public Prosecutor. My submission is that whenever cases are launched, before help is given to Government servants all the materials and records should be properly scrutinised to see whether there is a good *prima facie* case. Sometimes, it is said that Indians are litigious and the agriculturists waste their money in litigation. In the case of Government at least, I would suggest, that they would be well advised to see that cases are not taken to the High Court without proper enquiry. With these remarks, I resume my seat.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to oppose this grant. In the first place, Sir, I have to mention that we have not been told or given any particulars of the heavy expenditure that has been incurred in the districts on this account. It is very difficult for the honourable members of this House to deal with the question without full particulars. For myself, I do not know what the cases are in which eminent counsel have been engaged. Without that information it is not possible for me at all to criticise as to whether in a particular case the expenses incurred by Government were necessary or not.....

The Honourable Mr. J. E. B. HOTSON : On the point of explanation, Sir, I may inform the honourable member that this demand is not for fees for special counsel, but it is for fees payable to the ordinary law officers of Government.

Mr. F. J. GINWALLA : Sir, I have not followed what the Honourable the Home Member said.

The Honourable the PRESIDENT : The Honourable the Home Member says that this grant is not for special counsel but it is for the Government ordinary law officers.

Mr. F. J. GINWALLA : I do not know for what it is. Without knowing for what purpose this expenditure is incurred, it is impossible to criticise the grant.

The Honourable Mr. J. E. B. HOTSON : Sir, I understand that the honourable member wants to know for what purpose this amount is

[Mr. J. E. B. Hotson]

required. I may tell him that this grant is a demand for law officers such as Public Prosecutors and Assistant Public Prosecutors, who are engaged in conducting cases. This is not for special counsel brought from Bombay or any other place.

An Honourable MEMBER: Does it vary every year?

The Honourable Mr. J. E. B. HOTSON: Yes, of course, it varies from year to year.

Mr. F. J. GINWALLA: May I know if public a prosecutor does not get permanent fee from Government?

The Honourable Mr. J. E. B. HOTSON: The public prosecutor gets a small retaining fee from Government, but he is also paid separate fees for conducting cases.

Mr. F. J. GINWALLA: May I take it that this grant is meant for separate fees to be paid to public prosecutors?

The Honourable the PRESIDENT: Order, order. I think honourable members know the purpose for which they allowed a grant of Rs. 1,71,000 last year. If honourable members will look to that item in the current year's budget, they will, I suppose, be able to get details therefrom.

Mr. F. J. GINWALLA: Sir, it is not right that honourable members should not get full particulars from Government, when they make a demand for a grant.....

The THAKOR OF KERWADA (Northern Division): Sir, I would like to ask one question to the Honourable the Home Member.....

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, may I know who is in possession of the House?

The Honourable the PRESIDENT: Mr. Ginwalla is in possession of the House. But as he is busy finding out some references, the honourable member (The Thakor of Kerwada) has asked a question.

The THAKOR OF KERWADA: May I know from Government whether this grant is required for payment to the permanent staff?

The Honourable Mr. J. E. B. HOTSON: I thought that honourable members understood the system. But apparently they to not. So, with your permission, Sir, I would explain the position. In each district certain law officers receive retaining fee. But for each day's work they receive further fees. When the cases are numerous the fees they receive are naturally greater. It has been found by Government that in the current year cases have been unexpectedly numerous, and in order to meet the extra fees to be paid to law officers, they have had to make this demand.

Mr. F. J. GINWALLA: Sir, at page 108 of the White Book, I find that the fees in criminal cases paid in the year 1927-28 came to Rs. 1,71,200 and the amount asked for in this year of 1928-29 is Rs. 1,96,700. I do not know why this increased amount is required for this year. Why Government should allow more fees to counsel in the current year?

[Mr. F. J. Ginwalla]

Government has not given us sufficient reasons for the same. The Honourable the Home Member told us that there would be a greater number of cases and therefore they had to pay more amounts. But he has not told us what increase in the number of cases he expects to have. I am not at all satisfied with that.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I am encouraged to make a few observations on this subject by the statement made by the Honourable the Home Member in putting his motion before the House. He has given reasons as to why he has to make a demand for this grant. He has explained to this honourable House that it was his desire to cut down expenditure and economise, which led him to under-estimate this demand last February. Since the Honourable the Home Member is anxious to make reduction in expenditure, we will probably be justified in suggesting to him a few additional items for economy. There are public prosecutors and assistant public prosecutors in various districts in the presidency. In Sind we have got an extra officer,—a public prosecutor for Sind. The fee paid to the public prosecutor for Sind is naturally higher than the fee paid to an assistant public prosecutor. In order to secure economy in expenditure, I would suggest that where ordinary criminal cases are to be conducted in Karachi district the services of an assistant public prosecutor should be utilised and not of the public prosecutor in Sind. I am not sure whether I am correct in the figures I shall quote now. But as far as I know, the daily fee that is paid to the public prosecutor of Sind is Rs. 150, whereas that of the assistant public prosecutor is only Rs. 50. The train leaves Karachi somewhere in the evening, and that makes one day, and the day on which work is done in a mofussil court, makes the second day. The returning train starts somewhere in the early morning, and that makes a third day. If the cases which are to be tried in the mofussil courts are similar to most of those which are being tried in Karachi city,—and in these cases the assistant public prosecutors are generally engaged,—then there is no justification for engaging the public prosecutor for Sind for mofussil cases, excepting in very important ones. I am making this suggestion to the Honourable the Home Member since he is anxious that we should economise public money.

Rao Saheb D. P. DESAI (Kaira District): Sir, I have one observation to offer. The Honourable the Home Member just stated that these public prosecutors are given a daily retainer (the Honourable Mr. J. E. B. Hotson: No, monthly retainer), a monthly retainer and daily fees. In that connection, Sir, I have heard lot of complaints from the public. In the first instance, if the public prosecutor happens to be the favourite of the Collector, then special fees are given to him, that is, over and above the ordinary fees, special fees are given. For example, if he draws ordinarily about Rs. 20, then Rs. 20 extra is given and the amount is made up to Rs. 40, and in this way the bill of the public prosecutor rises in a single case up to Rs. 8,000 or Rs. 9,000, where an ordinary pleader would have charged only Rs. 1,000 or Rs. 2,000. And these fees are allowed by the Collector. So, if my honourable friend the Home Member

[Rao Saheb D. P. Desai]

is really desirous of cutting down the expenditure on these public prosecutors and is willing to economise in the matter, then here is the scope for him to economise. If the public prosecutor occupies the post of a public prosecutor, he clearly understands that he is to be engaged for a whole day and he is to get only a particular amount. He is a hired servant of Government, after all, and he cannot expect any additional amount or more amount than that what is already fixed for his fees. So, I bring to the Honourable the Home Member's notice that no special fees should be given by the Collector to these public prosecutors.

Mr. H. V. PATASKAR (East Khandesh District): Mr. President, I wish to make a few observations with regard to the way the business of mofussil courts is arranged. In every district there are police prosecutors as well as one public prosecutor and one more assistant public prosecutor. In many cases I find that with the sanction of the District Magistrate the public prosecutor is asked to work in the mofussil, where the work is to be done by the police prosecutor himself. Government ought to inform all District Magistrates and Sessions Judges that as a matter of economy, as far as possible, the services of the public prosecutor should not be utilised for conducting ordinary cases in the mofussil. Another curious way is, and I refer to one particular instance in my own district. In the district of East Khandesh there is at present one police prosecutor; there is one assistant public prosecutor, who is an LL.B., and was formerly a member of this House. There was not a very serious case, but an ordinary riot case, to be tried at Jalgaon, and for this purpose they wanted and imported a police prosecutor from Poona. I think it was absolutely unnecessary. There was a protest from the whole bar in East Khandesh, and I think the very statement that was submitted by the prosecutor himself was submitted before the District and Sessions Judge of that place. In view of all these things, I really fail to understand why Government should consider it desirable to bring an ordinary police prosecutor from Poona to conduct such an ordinary case. He was appointed a temporary public prosecutor for that district and the case was conducted by that man. I think it must have involved Government in some additional expenditure. As a matter of fact, the procedure is highly derogatory to the dignity of the public prosecutor as well as that of the pleaders in the whole of that district. I submit that no such instances which entail unnecessary expenditure in the way of fees to be paid to these law officers should happen in future.

The Honourable Mr. G. B. PRADHAN: Mr. President, because I was a public prosecutor for several years, I think I can speak with some authority upon the question which is being raised. In the first place, I could not at all follow my honourable friend Mr. Ginwalla because he does not know the practice in the mofussil. There is a certain retainer paid to a public prosecutor or to a Government Pleader, and then for every day that he works he is paid separately, and I can tell this honourable House that the retainer or the fee which is paid by Government is so poor that simply because the pleader gets a certain status, that is the only

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inducement for a man to be a public prosecutor. Otherwise, the fees which are paid by private parties are considerably higher than those which are paid by Government.

Mr. N. B. CHANDRACHUD : What about the civil work ?

The Honourable Mr. G. B. PRADHAN : Even as regards the civil work, as regards land acquisition matters, when Government found that the percentage came to be very high, then they only paid Rs. 25 a day for every working day. When they found the percentage was low, they chose only to pay the percentage rate. But in these land acquisition matters when Government found that several cases were grouped together and the fees came to be very high, then Government thought it more prudent to change the rule and pay only Rs. 25 a day for every working day. So, it was also in the interest of Government to change that rule. Then, one honourable member could not understand, when a demand is made for Rs. 45,000, as to why this amount is being claimed ; as if the Honourable the Home Member must know beforehand how many criminal cases are going to be heard in the whole of the presidency, for how many days they are going to be heard and how many appeals are going be heard.....

Mr. K. F. NARIMAN : Then, how do you put down this definite figure ?

The Honourable Mr. G. B. PRADHAN : By the experience of the previous three or four years. Then, my honourable friend Rao Saheb Dadubhai Desai said that the District Magistrates give higher fees to their favourites. In the first place, let me tell him that even when the old rules stood, the trying court had to certify that it was a very important case and it was conducted with very great ability and care and then only excess fee could be allowed. But now even that power is taken away, and it is now the Legal Remembrancer who sanctions the higher fee. Originally, the District Magistrate with the concurrence of the trying Judge before whom the case was conducted, could sanction enhanced fee only up to a particular limit. Now, with regard to the third observation which was made by my honourable friend Mr. Pataskar, I think, if I remember aright, it was an assistant public prosecutor from Poona who went to Jalgaon.....

Mr. H. V. PATASKAR : No ; police prosecutor.

The Honourable Mr. G. B. PRADHAN : Oh, I see.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, reading the note as it stands, I think it is due to the House to have more particulars from the Honourable Member in charge. The note as it stands runs thus :

" An additional grant of Rs. 45,000 has therefore been sanctioned to cover the anticipated excess expenditure up to the end of the current financial year."

The sanctioning of the amount rests with the Council. Now, what the Honourable the Home Member says is that he is unable to determine the exact increase that will take place up till the 31st March. But this House is entitled to know, either in the revised budget estimate or by

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figures outside this book from the Home Member himself, what has been the actual expenditure up-to-date and what is going to be the future expenditure for the next two months ? We have got on page 108 some figures. The fees came to Rs. 1,71,200 in the current year. In the revised budget estimate column there is no figure mentioned at all so that the House is not in possession of any figures whatever as to the actual expenditure incurred up to the present date and is not in a position to know what items or claims are still awaiting disposal up to the 31st of March. Therefore, to place this simple note before the Council and to state that 45 to 50,000 rupees more will be needed up to the end of the year is hardly fair to the good sense and the commonsense of the Council. This Council is entitled to know how much above Rs. 1,71,000 has been actually spent. This Council is entitled to know what more, during the next two months will be spent, and this Council is entitled to know what claims arising up to 31st March will remain undisposed of. In short, this Council is entitled to know as far as possible the amount that will be needed up to the 31st of March. Certainly, what is more is that though we know that for the last two years the Remembrancer of Legal Affairs has taken unto himself the power of enhancing the fees and therefore greater care is exercised in enhancing fees, yet there are certain cases in which the Legal Remembrancer or the Home Member can easily exercise powers of scrutinising the demand to see whether the enhancement should be granted or not. I do not deny the necessity of enhancement of fees in a great many cases, yet the procedure of giving extra fees should be carefully regulated. At least so far as this Council is concerned to-day, it is entitled to know what these cases have been either in the Presidency or in Sind where enormous, unprecedented delay has taken place, and after knowing that this House will be perfectly justified in allowing the grant.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I am very much surprised that in this matter a very scandalous state of affairs has been brought to the notice of this House. A demand is made for additional amount for fees in criminal cases. These cases are conducted by public prosecutors and assistant public prosecutors who I find draw regular salaries.....

The Honourable Mr. J. E. B. HOTSON: No, no.

Mr. J. C. SWAMINARAYAN: I think there would be many pleaders who would like to do the work if salaries are paid. I cannot understand why in addition to salaries high fees should be given.....

The Honourable Dewan Bahadur HARILAL D. DESAI: I may tell the honourable member that it is as a Government Pleader that salary is allowed and over and above the salary, in civil cases, fees are allowed per case, but to public prosecutors no salary is allowed and they are given fees per day.

Mr. J. C. SWAMINARAYAN: You will see from the budget that Rs. 47,000 was provided last year for Government pleaders and public

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prosecutors. I think in this matter Government should take special care to see that money to be paid for the work done by public prosecutors should be given with care and caution and that more money is not spent on persons who are in the good graces of the local officers as at present.....

The Honourable the PRESIDENT: That is repeating arguments in a small matter like that and I would not allow it.

Mr. J. C. SWAMINARAYAN: Therefore, Sir, there is great scope for saving in this matter and Government should be well advised to reduce a great deal of their expenditure in the payment of fees of this character.

Rao Bahadur B. R. NAIK (Surat District): Sir, in this connection I have to make one observation about my district. There was a case called the Surat Riots Case recently tried and the Honourable the Home Member as well as the local officials know that Surat has got a Government Pleader, one of the best lawyers of Surat and also an assistant Government pleader and also a Public Prosecutor. In spite of the fact that Surat has also got an eminent advocate, Government sent for a lawyer from Bombay on special terms.....

Mr. BALAK RAM: No, no.

Rao Bahadur B. R. NAIK: From Ahmedabad. It is true that these fees are sanctioned by the Legal Remembrancer but that is done on the recommendation of the District Magistrate generally, and usually the District Magistrate recommends for special fees to be sanctioned. This practice should be discontinued especially in a district like Surat where able lawyers are available to conduct cases and it should not be necessary at least in Surat to import lawyers from Ahmedabad or Bombay by giving special fees.

The Honourable Mr. J. E. B. HOTSON: Sir, I think the procedure in appointing and the method of paying the public prosecutors have already been sufficiently explained, but as my friend, the honourable member Mr. Swaminarayan, refers me to page 108 of the White Book, B-3 (1) Pay of Officers — I ask him to observe that there are 26 Government Pleaders and the Public Prosecutor, Karachi, who have to share among them a total of Rs. 46,800 altogether for the year, which gives an average of a little over Rs. 1,500 per annum. In fact, the retaining fees which they receive are in some cases Rs. 100 and, if I am right, the maximum is Rs. 200 per mensem.

I have been asked why it is that we have only entered Rs. 1,96,700 in the budget estimate for 1928-29. The actuals in 1924-25 were rupees two lakhs thirteen thousand and odd, in 1925-26 two lakhs seven thousand and odd, in 1926-27 two lakhs twenty-five thousand and odd. We drew up an estimate on that basis which came to something over two lakhs, but we were asked by the Finance Department to cut it down and we did cut it down hoping that we might be able to realise a saving. The same thing has happened again with regard to the next year's estimate.

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We have again cut down the estimate below what we think will be required if the previous year's figures were closely followed, but we still hope that by the exercise of economy we shall contrive to bring it down. If the cases to which my honourable friend Rao Bahadur Naik referred had been given to local officers, instead of a saving under this head, we should have had another increase in the charge under this head. The fees in the cases to which he refers were paid from a different head of account and not from this head of account.

My honourable friend from Sukkur would like details. I am sorry I have not got full details up to date, but within the first six months of the year the expenditure was Rs. 1,12,000 out of a total estimate of Rs. 1,71,000, and on that average we should require Rs. 2,24,000 for the whole of the year, but we are hoping to get on with Rs. 2,16,000. Day by day demands are coming in from all districts of the presidency, asking for supplementary grants because the grants already given have been entirely used up or because they are within a few hundred of rupees being used up. These grants are being given as carefully as possible, but when we have exhausted the amount given to us by the Legislative Council, we cannot give any more unless the Legislative Council sanctions it. If the Legislative Council were not to sanction it, the result would be not that these fees would not be payable, but that we could not pay them this year and we should have to pay them next year. That would be the only difference.

As regards the public prosecutors and police prosecutors, the police prosecutors are very few and are employed in the magistrates' courts. It is the rarest possible thing for a police prosecutor to appear in a sessions court. Even for the magisterial courts there are not enough police prosecutors to go round. If there are several important cases going on in different courts in a district at one time, then the police prosecutor and his assistants, if he has any, will all be employed in the several courts, and however much the District Magistrate may desire economy, he has got to call in the only other men available, that is to say, the public prosecutor and his assistant. The police prosecutors are not ordinarily qualified to conduct cases in sessions courts and it is necessary to employ the public prosecutors. However, whatever can be done in the way of economy has been done and I am sure will continue to be done.

I may say that excise cases, though often trivial in themselves, sometimes embody very important points of principle which it is necessary to fight out and in such cases it becomes necessary to employ the best legal talent available.

Mr. B. G. PAHALAJANI: What is the total expenditure?

The Honourable Mr. J. E. B. HOTSON: My honourable friend was not in the House when I told the House that, in the first six months, Rs. 1,12,000 were spent; I have not got the later figures here.

In the particular case referred to by my honourable friend Mr. Pataskar, he seems to think that the course adopted by Government was with the

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intention of increasing expenditure. I cannot imagine why Government should be supposed to wish to increase expenditure, but if they did, they signally failed, because, in that case, there were no fees paid at all, neither to the local man nor to the man from Poona, because the man from Poona was in receipt of his regular pay as a Government servant, and he was not entitled to fees and he did not get any fees.

Mr. H. V. PATASKAR : Even when he was appointed prosecutor, he got no fees ?

The Honourable Mr. J. E. B. HOTSON : He got no fees. I think these are all the points that have been raised which it is possible for me to answer.

Question put and carried.

Supplementary demand, covered by reappropriation from 47, Miscellaneous—Transferred to 41, Civil Works—Partly Reserved and partly Transferred, for grant-in-aid to the district local boards, Hyderabad and Thar Parkar, for repairs to roads..... Rs. 75,000.

The Honourable Sir GHULAM HUSSAIN : Mr. President, I move for a supplementary grant* of Rs. 75,000 to be reappropriated from 47, Miscellaneous to 41, Civil Works. These Rs. 75,000 are to be given as a special assistance to the district local boards of Thar Parkar and Hyderabad for repairing their roads which have been damaged by the floods.

Question proposed.

Rao Bahadur B. R. NAIK : On a point of information, what is the length of the roads in these two districts for which this money is asked, and what is the nature of the roads ? Are they metalled or fair weather roads ?

The Honourable Sir GHULAM HUSSAIN : The roads in these two districts have been washed away by the recent floods, and the money is intended to assist the local boards concerned to repair their roads.

Question put and carried.

Supplementary grant, covered by reappropriation from 41, Civil Works, to 31, Education, on account of stipends to graduates in Civil Engineering.....Rs, 11,000.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I move for a grant† of Rs. 11,000 to be added to the provision under 31, Education of Rs. 1,91,36,000. The item relates to stipends to graduates in Civil Engineering. It is a mere adjustment item. Up to now these stipends were provided for under 41, Civil Works, but the Accountant General ruled that the expenditure was properly debitable to 31, Education, and as a transfer of funds from one grant to another is not feasible, the amount of Rs. 11,000 has been allowed to lapse and a supplementary grant of equal amount under 31, Education is now asked for against the earmarked saving of the same amount under 41, Civil Works. I therefore submit to the House that the grant should be made.

Question proposed.

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Mr. J. C. SWAMINARAYAN: Sir, I want some information on one point. Are these graduates required to prosecute further studies in Civil Engineering during the time they are receiving these stipends just as students in the Arts and Medical Colleges. Are these stipends paid in the shape of scholarships or are they fellowships requiring some sort of work to assist the staff on the part of the recipients ? I should like to be enlightened on this matter.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, these stipends are in the nature of fellowships to graduates who are working in the college and are helping the staff.

Question put and carried.

Supplementary grant,* covered by reappropriation from 57, Miscellaneous—Transferred to 6, Excise, for extension of the Nasik Distillery water works for the supply of water to the Nasik Central Jail.....Rs. 68,200.

The Honourable Mr. G. B. PRADHAN: Sir, I request that a sum of Rs. 68,200 be transferred from 47, Miscellaneous to 6, Excise. The House is aware that there is a central jail shortly to be opened at Nasik near the distillery. The distillery has got water works ; water has to be provided to this jail, and it is more economical to furnish it from the water supply of the distillery. Now, the distillery being a commercial concern, the necessary charges will be levied from the Jail Department. It has been arranged that the water should be charged for at the rate of 14 annas per 1,000 gallons, but if after the completion of the work, it is found that the rate is to be less, it will be adjusted. This amount will carry interest, and this is the most economical way of supplying the jail with water.

Question proposed.

Rao Saheb D. P. DESAI: On a point of information, I should like to know whether there will be any additional return over and above the interest.

The Honourable Mr. G. B. PRADHAN: At least 6 per cent. clear we must get. For the present we have decided that we should charge 14 annas per 1,000 gallons, but if after adjustment, the rate works out at a less figure, it will be adjusted.

Rao Saheb D. P. DESAI: I cannot understand the necessity of providing this extra water-supply.

The Honourable Mr. G. B. PRADHAN: Otherwise, the jail will have to start a water works of its own at a cost of several lakhs of rupees. The water works are already there, and we are only supplying water to the jail by the provision of one more settling tank.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I think we should not let this item pass in the absence of fuller information. The Council is asked to sanction a sum of Rs. 68,200 for a settling tank, filters, etc. But before we are asked to sanction this item, we must be told what the details are. We do not know what amount is to be spent for the filters ; we do not also know whether the filters are to be of Indian make or of foreign

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make. We do not know what the estimate is. Therefore, before we are asked to give a blank cheque, I think it is necessary that we should be supplied with more details. I would therefore ask the Honourable Minister to give more details.

The Honourable Mr. G. B. PRADHAN : The additional purification plant at the distillery will consist of one Jewel filter Rs. 31,100 ; additional compartment for the slump tank Rs. 26,100 ; two more compartments for the filtered water Rs. 11,000 ; total Rs. 68,200.

Mr. F. J. GINWALLA : Is that to be at the distillery or the jail ?

The Honourable Mr. G. B. PRADHAN : At the distillery ; it is over and above the expenditure which the Jails Department has to incur : preliminary survey Rs. 6,400 ; elevated service tank Rs. 20,000 ; distribution system Rs. 49,200 ; works establishment Rs. 3,300. The expenditure on the first items which I have read out is to be made by the Excise Department at the distillery, and the distributory system, the elevated service tank, etc., are to be put up by the Jail Department.

Mr. F. J. GINWALLA : Are the articles of local manufacture, or are they to be brought from England ?

The Honourable Mr. G. B. PRADHAN : Most of the articles will be of local manufacture, but the Jewel filter will have to be ordered out from England.

Mr. B. V. JADHAV : Will the expenditure that will have to be incurred for the laying out of the pipes and the service tank be borne by the Jails Department or by the Excise Department ?

The Honourable Mr. G. B. PRADHAN : That will be borne by the Jail Department. The latter expenditure on preliminary survey, the elevated service tank, etc., will be borne by the Jails Department ; the expenditure on the Jewel filter, the additional compartment for slump tank, etc., will be borne by the Excise Department.

Mr. B. V. JADHAV : Will this water be chlorinated ?

The Honourable Mr. G. B. PRADHAN : Yes.

Question put and carried.

Supplementary grant for Rs. 2,93,000 by way of transfer from 52-A, Capital Outlay on Forests to 8-A, Forest Capital Outlay charged to Revenue.

The Honourable Mr. G. B. PRADHAN : Sir, I ask for a supplementary grant* of Rs. 2,93,000 by way of transfer from 52-A, Capital Outlay on Forests to 8-A, Forest Capital Outlay charged to Revenue. Originally this House sanctioned last year Rs. 3,15,000 under 52-A, Capital Expenditure on forests. The Secretary of State has made certain rules as regards expenditure to be charged to capital. One of the rules is : " Expenditure which is less than five lakhs cannot be charged to capital unless it is shown as a paying concern." The forest railways, roads and bridges are paying concerns. But no particular profit can be put down as profit to a

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particular project. Therefore this amount which was sanctioned under 52-A has to be transferred to 8-A.

Question proposed.

Mr. L. M. DESHPANDE (Satara District): Sir, this sum of Rs. 2,93,000 is proposed to be transferred from 52-A. But I wish to point out that the sum allotted under 52-A is to be met from loans. The Honourable Minister has told us that the Secretary of State does not allow this amount to be spent from loan account. Therefore the Honourable Minister wants that this should be spent from the general balances. Another thing is that it is stated in the note that it is not productive. Lakhs of rupees are being spent year after year. It is again stated that commercial account cannot be maintained by the Forest Department. One of the tests imposed by the Secretary of State is that the loan is not available to capital expenditure on works which give a profit below 6 per cent. Another test is that a commercial account should be maintained for those works. None of these three tests are fulfilled in this case. When the finances of the presidency are so heavily taxed and when expenditure on very important heads is required I desire to have an explanation from the Honourable Minister whether this sum should be spent from the ordinary revenue.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I oppose ths grant. The budget provision for 1927-28 was Rs. 3,15,000 and the details given are—I am only referring to major items only: roads, bridges and railways Rs. 1,87,000; buildings Rs. 6,500; other works Rs. 8,000; working plants Rs. 10,000; discretionary grant with the Chief Conservator of Forests Rs. 70,000. This was to be met from the loan account and the Honourable Minister now wants that this should be charged to revenue including the sinking fund and interest charges. First of all we want to know whether this amount has actually been spent and whether it has been held in suspense. If nothing can be spent, then it is not necessary to sanction such a large amount from this year's closing balance, as we have a deficit budget. Especially in a supplementary grant of this kind, the House is entitled to know whether the money has actually been spent or has to be spent hereafter. All these matters have to be fully explained when such a huge amount is to be charged to current revenues. The House should not sanction the amount if money has not been spent. If it has not been spent it is not necessary to spend this provision which may be omitted. The House should know what amount has been spent, what amount can be spent and what amount will remain.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I wish to know whether the major head 52-A is to be closed down as it does not appear in the budget. If that is to be omitted how Government will meet the expenditure on works which will cost more than Rs. 5,00,000 ?

The Honourable Mr. G. B. PRADHAN: Sir, as regards the objection raised by my honourable friend Mr. Deshpande that this expenditure is not brought under any of these heads to show that it is productive, I

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want to bring to the notice of this House the income from this department from 1921-22 to 1926-27. Every year from the Forest Department there has been a surplus profit of Rs. 31 lakhs, Rs. 27 lakhs, Rs. 32 lakhs, Rs. 33 lakhs and so on. The difficulty is that a particular profit cannot be put down to a particular work.

The honourable member Mr. Pahalajani wanted to know whether the amount has been spent. Last year the Council sanctioned under 52-A a sum of Rs. 3,15,000. Out of that amount Rs. 2,93,000 have already been spent. The details are : roads, bridges, and railways Rs. 1,21,000 ; purchase of tools and stores Rs. 23,890 ; buildings Rs. 4,727 ; survey Rs. 4,000 and so on. Only Rs. 2,93,000 was spent which was debited to 52-A. A book transfer has to be made and this amount will be credited to 8-A, because the Forest Department is not able to show that a particular profit has been realised for a particular expenditure. So, the amount is spent already. The whole of the amount is not spent ; otherwise I would have asked for the transfer of the whole amount. This is only a book entry. Of course, Government have approached the Secretary of State for a change in these rules. I may assure my honourable friend Mr. Deshpande that I agree with him that such expenditure should be charged to capital, but as the rules stand at present the transfer should be made. Attempts are however, being made to see that the rules are changed.

Mr. J. C. SWAMINARAYAN : Is the major head 52-A wholly abolished ?

The Honourable the PRESIDENT : Order, order.

Mr. J. C. SWAMINARAYAN : I wish to be enlightened on this point whether the major head 52-A is altogether closed ?

The Honourable the PRESIDENT : Order, order. The honourable member never listens to the command of order but goes on speaking. I must call his attention to this very particularly.

Question put and carried.

Increase in the amount of provisional payment to be made to the Sangli State for the lease of its abkari revenue.

The Honourable Mr. G. B. PRADHAN : Sir, I request for an additional grant* of Rs. 30,450 for 6, Excise. The note which has been placed in the hands of honourable members makes the reasons quite clear. The contract with the Sangli State expired on the 31st July 1924, and therefore an agreement for another ten years was entered into on the 1st August 1924. At the time when the agreement was made the average revenue for the three years prior to that date was to be the payment. A provisional figure of Rs. 1,15,000 was fixed, but the actual amount works out to Rs. 1,24,000 in round figures. The arrangement is that the payment is to be the average for the previous three years, and if this exceeds the provisional sum fixed, the balance should be given to the State. As

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the provisional amount was Rs. 1,15,000 and the actual is Rs. 1,24,000, we have to pay to the State the additional amount due to them.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to oppose the demand made by the Honourable Minister for Excise. At the time when the budget was being discussed last year, we were complaining about the growing revenue from Excise which should really go down, and we expected that the Honourable Minister would follow some policy whereby, if he cannot totally abolish the drink traffic, at least reduce it to an extent that will give satisfaction to this House.

The Honourable Mr. G. B. PRADHAN: Sir, I rise to a point of order. Is the honourable member in order when he discusses the policy of the whole Excise Department? Here I am only asking for an additional amount to be paid to a particular State which has a legitimate claim to it.

Mr. N. A. BECHAR: Sir, if you will permit me, I wish to point out that it is because the revenue is growing that the Honourable Minister is compelled to give an excess amount to the State as its legitimate share. I want him therefore not to increase the revenue, so that he may not have to make such a demand for an extra amount to be paid to a State. He must try to reduce the consumption and so reduce the yield in revenue derived from that source. That was the point I wanted to make. In this connection, since there is no likelihood of our carrying out the policy of prohibition, at least the Government carrying out the policy of abolishing this drink traffic, before a particular year, will this Council be justified in allowing this grant. If we allow this grant to be made, it means that we shall become parties to this drink traffic. Sir, we have so often expressed in this House.....

The Honourable the PRESIDENT: Order, order. The honourable member has heard the ruling before this to-day and knows what the ruling was in the last session. The Honourable Minister has also pointed out that he has to confine his remarks to the demand made and not enter upon a general discussion of the excise policy of the Government of Bombay. He would be out of order, if he did that.

Mr. N. A. BECHAR: Then, it is only a matter of figures. Since the Honourable Minister has placed the figures before us, it means that we have got merely to sanction it. That is what it comes to.

The Honourable the PRESIDENT: There was a general discussion of the budget for three days, and further there are items coming before the House later on, and occasions would arise for honourable members to speak about the prohibition policy.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to oppose this grant. In doing so, I want to draw the attention of the honourable House to page 39 of the Blue Book where an explanation is given of the policy of compensations. In paragraph 25 of the Blue Book it is stated that the increase of five lakhs in the ensuing year's estimate

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as compared with the current year's revised estimate is due to the provision made for this liability. From this paragraph it appears that the principle is :

" In the case of those Indian States whose abkari administration is managed by Government the entire revenue collected within the State limits is made over to them."

That means to say, that Government do not deduct anything for the collection charges incurred by them. Surely, if we collect revenue for some body else, we must get the collection charges. Why should the British Government be so liberal to the Indian States that they should hand over the whole amount to them ?

The next point is, it is further stated in this paragraph :

" The country spirit consumed in these territories is supplied at the rates charged to retail licensed vendors in the neighbouring British districts. These rates are somewhat higher than the actual cost to Government. It is now proposed to pay to the States in question the difference between the rates charged to the retail vendors and the actual cost (including all overhead charges) to Government and to bring this change into force from the year 1925-26. It will therefore be necessary to pay to the States the excess amount for the years 1925-26 and 1926-27. The increase of 87 in the revised estimates as compared with the current year's sanctioned estimate is due to this cause and to the increase from 1,15 to 1,24 per annum of the amount of the provisional payment to the Sangli State for the lease of its country spirit revenue. "

It goes on to state :

" The Indian States whose abkari administration is managed by Government are as a rule paid a provisional amount fixed with reference to the average revenue of the three years preceding the commencement of the current lease. This payment is subsequently adjusted with reference to the actual revenue realized, if this is in excess of the provisional amount paid, the adjustment taking place at the end of the third, sixth and tenth year of the lease. The current leases of most of the States commenced from 1st August 1924 and the first adjustment has now to be made. The increase of 5,08 in the ensuing year's estimate as compared with the current year's revised estimate is due to the provision made for this liability. "

Sir, the net result is that the Honourable Minister wants to make a present of five lakhs to Indian States. The Council is not aware of the reasons of the principle on which Government propose to make this grant. They propose to pay to the States the difference between the rates charged to the retail vendors and the actual cost (including all overhead charges) to Government. I therefore want to know from the Honourable Minister why he proposes to make a present of five lakhs more to Indian States in addition to the 13 lakhs compensation which he already pays. I think, Sir, that in these times of retrenchment something should be charged to the Indian States towards the cost of managing the excise administration of their territory. It is of course true that we have taken over their administration for the purpose of carrying out a certain policy of ours, but all the same, in fairness to us, the States must agree to give us some portion of the revenue for the purpose of managing their affairs.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I oppose this grant. I am not satisfied with the reasons given by the Honourable Minister. I find, Sir, that nearly Rs. 9,000 more are to be sanctioned for the Sangli State as regards the consumption of liquor. I would like to know from the Honourable

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Minister if the average revenue from this source is increased within the last three years, how is it that it will also be the same in the next three years? I should also like to know from the Honourable Minister whether any steps have been taken consistent with the policy that Government intends to adopt with regard to rationing, or whether the abkari officers in the States are given a free hand to go on increasing the consumption of liquor. It so happens that these abkari officers more than the Government themselves, especially in the Native States, go on increasing the consumption in order to get more revenue. Sangli State is very near the Satara district where Government want to introduce the policy of prohibition. Therefore, Government should try to check the consumption of liquor in this State. We find that Indian States go on increasing their consumption of liquor by 10 per cent. every year. I should certainly like to know from the Honourable Minister as to who is responsible for this increase of consumption. I submit, Sir, that if we go on giving the States more money, they will go on extending the consumption of liquor in their States. I therefore oppose this increase in the grant.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I am opposed to this grant, because I know that this Government is always in the habit of pleasing the princes. They even go out of the way at times and allow a Principal to lodge a Prince as a boarder in a Government bungalow. Government are very solicitous in doing service to the princes.

Sir, we find that a gratuitous work is being done by the Government of Bombay who say that the entire revenue is given away to the States. The Government further say that they have entered into a contract for ten years. I would like to know from the Honourable Minister whether the revenue of the State is calculated by the officers or there are other officers engaged by this Government to take out an estimate of revenue. I want to know in what way they are calculating revenue. Have they employed any men for the purpose of the excise administration in the States? If Government is giving a blank cheque to the officers of the State and at the same time if they are giving them a certain amount as compensation, then I may submit, Sir, that Government should discontinue such a practice and they should not do this gratuitous work at all for the States. What Government should do is this. They should adopt the prohibition policy in the districts as well as in the States. Government should try to have control on the consumption of liquor in the Indian States.

The Honourable Sir GHULAM HUSSAIN: Sir, I should like to say a few words with regard to the observations made by the honourable member from Ahmedabad (Mr. J. C. Swaminarayan). In the first place, I repudiate the insinuation of fraud against the Indian States. Even if they attempt to do so, Government will not allow themselves to be defrauded by them. Government manage the whole liquor administration and compensate them in proportion to the liquor consumed in

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their areas. My honourable friend says " if Government would give a free scope to the States in the consumption of liquor, it would come in the way of Government in adopting the policy of prohibition which is their aim." I may submit, Sir, that it is nothing of the kind. Our policy of prohibition has nothing to do with it. We have no control over the liquor policy in the States. If we do not stick to the present arrangement, the States may manufacture their own liquor and sell it at reduced rates and thereby increase drunkenness among their people and ours, and this may also lead to smuggling and may also affect our revenue. We have been charging in the States the same price that is charged elsewhere. Whatever the consumption is, we pay in proportion. If there is a reduction in the consumption, then we pay less.

Rao Saheb D. P. DESAI (Kaira District): Sir, I would like to point out to the Honourable Minister with regard to the supply of liquor to the Indian States, that since we have adopted the policy of prohibition, I cannot understand why the Minister does not induce the Indian States to assimilate our policy. On the contrary, Sir, we have been the indirect means of increasing the consumption of liquor in their territory. (Moulvi Rafiuddin Ahmad: How?) Because, if the consumption of liquor in their territory is more in the subsequent three years, then for the previous three years our distilleries would supply to them an increased ration, that is only an increased quantity is consumed by them. We should not be a party to this sort of encouragement in an evil which we ourselves have decided to prohibit in our own country. So, if the Honourable Minister just brings it to the notice of these States that it would be far better on their part to assimilate the British policy than come to the British Government and ask for more liquor, that would be right and proper. In this connection I may point out an instance, that of the British Parliament. The British Parliament, in order to introduce their foreign liquor in Chinese territory, they may have been swayed by pure motives, but the British Parliament induced the Indian Government not to do any opium business with the Chinese Government and obliged the Indian Government to such an extent as to forego six crores of revenue, on the ostensible ground that it was not fair on the part of the Indian Government —which after all was a subordinate of the British Government— that China should be poisoned and demoralized by a dependency of theirs, that is India. So, if this principle is logically extended, if this principle is followed by this Government, they can very well ask the Indian States to assimilate our policy of prohibition. In any case, I would not be a party to supplying liquor to these Indian States so long as the policy of prohibition is our guiding policy. I was asked to propose an alternative, and I have just brought this to the Honourable Minister's notice.

Mr. B. V. JADHAV (Satara District): Sir, I had no intention of taking part in this debate, because I think it is a simple question. That the administration of the Abkari Department of the Indian States should, as far as possible, be in the hands of the British Government, is a self-evident proposition. If we want to introduce uniformity, and if, as has been

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resolved by this House, prohibition is our goal, then the administration of the Abkari Department in the Indian States also, as they are situated in the middle of the British territory, should be in our hands. But I think the policy which has been introduced in the British districts with regard to the rationing of liquor ought to have been introduced in the administration of the Abkari Department in the Indian States also. I am not sure whether His Highness the Chief of Sangli has given his consent or has accepted the policy of gradual prohibition. But I know for certain that the Chief of Aundh has expressed his desire that he would like that his territory should be made dry along with the neighbouring British territory. I should like to know whether the rationing in the Aundh State is reduced by 10 per cent. as is the case with the district of Satara. If rationing is not brought in operation in Aundh, Sir, then we are not following the right policy. If we are allowing the Indian States to consume as much liquor as they like, when we are going to reduce the consumption in the British districts, the natural consequence would be for people living in the contiguous territory to cross the border and consume as much liquor as they like in the other territory. Well this will certainly come in the way of bringing about prohibition in our territory, which has been the policy which has been settled by this House and also accepted by Government. As I said just now, it is necessary that this grant ought to be made because the demand that is made by the States is just and we have to take this fact into account. But I want to criticise the policy of Government in not introducing the rationing policy, which is the recognised policy in the British territory, into the Indian State territory, and therefore, I hope that in future contracts, whenever any will be made, the condition of rationing should be put in them. I am sure that the enlightened Chiefs of Indian States would readily accept the suggestion and thus try to save thereby their subjects from the evils arising from larger consumption of liquor. I see several honourable gentlemen on the opposite side shaking their heads. But, with all deference to them, I shall say that the rulers of Indian States have the welfare of their subjects very much at heart and, therefore, they ought to be credited with the desire to improve the lot of their subjects. I am very sorry the Honourable the Education Minister is not convinced by this argument, as I see him shaking his head. Perhaps this may be due to his knowledge of the Chiefs on his side. But he will allow me to tell him that I know some of the Chiefs in the Central and Southern Divisions, and I have got a better opinion of their solicitude for the welfare of their subjects. I suggest therefore that whenever agreements may be made in future, it will be much better, and I think it will be more dignified for Government, to introduce the condition about rationing and in this way gradually bring about prohibition or, at all events, moderation in the consumption of liquor in the Indian States as far as possible.

Mr. J. MONTEATH: I move the closure.

The Honourable the PRESIDENT : I accept it.

The Honourable Mr. G. B. PRADHAN : Mr. President, I would first of all answer the last points of my honourable friends Rao Saheb Desai and Mr. Jadhav. Now, I can assure this honourable House that we approached almost each and every Indian State to permit us to introduce rationing and also restriction of shops. Excepting only two, so far as I remember, none agreed. These two also laid down certain very difficult conditions.....

Mr. B. V. JADHAV : Who are these honourable two ?

The Honourable Mr. G. B. PRADHAN : I think one is Aundh, and I do not remember the other. Most of the States said that " We are not going to allow you to interfere with our excise administration if you are going to dabble like that. " They said " It is practically because you want to follow a particular policy that we are allowing you to handle our excise administration ; otherwise we are not prepared to renew the contracts. Also.....

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : What policy are you following ?

The Honourable Mr. G. B. PRADHAN : Let my honourable friend be patient. Two honourable members wanted to know as to why we make these contracts with the Indian States. By making these contracts with the Indian States we prohibit them from manufacturing liquor within their territories and smuggling it in our territory. We sell their shops, we manage everything for them ; otherwise if we do not do so, then they manufacture liquor, and that liquor crosses our frontier. That liquor finds its way to the British territory. So, in order to follow the policy of prohibition.....(Interruption by two or three honourable members).....

The Honourable the PRESIDENT : The Honourable Minister does not yield.

The Honourable Mr. G. B. PRADHAN : My honourable friend Mr. Swaminarayan wants to know what are our inspectors doing ? They are doing their duty. But it is impossible for the inspectors or any amount of staff to guard the whole frontier in such a way, especially when there is liquor, specially cheap liquor, manufactured in Indian State territory, as to prevent it from pouring into the British territory. That is why the British Government thought that it was more prudent and in the furtherance of the policy which they have adopted that the excise rights of all these neighbouring States should be taken by them, that none of those States should be allowed to manufacture their own liquor or to sell liquor at lower prices because we are asked to make the liquor dear. The whole administration of excise is taken by the British Government and all these shops are sold by them, the whole administration is run by them and that is why they do not charge anything for administration charges. My honourable friend Mr. Ginwalla wanted to know why we do not take even the expense of management. My answer is that because we stop them from manufacturing their liquor,

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we stop them from lowering prices and we stop them from sending liquor into our territory.

The honourable member Mr. Hooseinbhoy Lalljee wanted to know whether the money would be employed in extending the consumption of liquor. If he will read the second note, he will find that what we have got to pay is actually regulated by the amount of consumption which they show during the last three years of the preceding lease.

My honourable friend Mr. Swaminarayan again started the same question and he said that Indian States are deceiving the British Government. I suppose he thinks that the British officers concerned with these States are all boobies to allow any such thing like that. The liquor is supplied by the British Government, there are no distilleries there, we know exactly what quantity we supply ; all the shops are sold by us. Where does the question of deceiving come in ? The whole administration is in our hands. I submit that the Council will be pleased to sanction the grant asked for.

Question put and carried.

(*After recess*)

Payment* of ' Gain on liquor ' to Indian States whose abkari administration has been taken on lease.

The Honourable Mr. G. B. PRADHAN : Sir, I make a demand :

That Rs. 57,000 be debited from 47 Miscellaneous Transferred and added to 6, Excise—Transferred for payment of ' gain on liquor ' to Indian States whose abkari adminstration has been taken on lease.

This amount will be Rs. 57,000 representing the gain on liquor as I explained to this honourable House at the time of the general budget discussion. I then told this honourable House that we sell liquor to our shopkeepers at a certain rate. That rate does not actually represent the cost of manufacture. Over and above the cost of manufacture, we charge a certain profit and we charge the same rate for the liquor which we supply to the Indian States. The Indian States now contend that that which we charge as an extra amount over and above the cost of manufacture for the liquor which is consumed in their territories legitimately belongs to them and this right of theirs was supported by all the political agents and the claim having been found to be equitable and just, Government have had to admit it and so for the years 1925-26 and 1926-27 we have got to pay Rs. 57,000 as the extra amount for gains on liquor. The arrangement is that if during the previous three years it is found that the contractual amount which we pay to the State is more than the amount which would be legitimately due to that State based upon the consumption, then we deduct the gain on liquor from the excess amount which we pay. Then we do not pay, so that we only give this excess amount to the States where the legitimate share of revenue allotted to them is equivalent to the previous three years which they can claim.

Question proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I rise to oppose this grant. In opposing this grant I wish to place

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before this House certain facts to show that we are really losing all this money because the policy which our Government has laid down does not seem to have been faithfully followed. We have laid down a policy that we should reduce our liquor consumption by five per cent. every year.

Now, Sir, what does the present demand mean ? It only means that in our British territory we reduce our consumption by 5 per cent. every year, but at our next door we allow the Indian States to consume as much liquor as they like ; we supply them with as much liquor as they want, with the result that we reduce consumption in our shops, whereas the Indian States increase it in their shops. That is to say, we are actually losing this money and it is paid to the Indian States. It has been stated that if we do not supply the Indian States with the total quantity of liquor that they require, they will not agree to the arrangement that has been going on for so many years, that they will manufacture cheap liquor, and they will smuggle it into our territory. I ask Government in all earnestness, how was it that they are able to manage to get these people, I mean Indian States, to agree to place their abkari administration under our control ? It was because the British Government thought that it was wise that these small States must not smuggle liquor into British territory, and they must follow a policy which is not inconsistent with the policy of the British Government ; and if Government can prevail upon these States to forego making cheap liquor and give the administration of their abkari arrangements, in the interest of their people, to us, Government can equally well ask the States to follow the same policy which is being followed in British India. If that cannot be done, I say we ought to take steps to stop smuggling. We can do it, because we know that the Indian States cannot grow opium, nor can they bring opium into British territories. We also know that arrangements are in existence to stop the smuggling of salt. However, if we cannot do that, I should certainly say that all that we are doing for a reduction of consumption by 5 per cent. every year is simply a farce, that we are actually losing our revenue, and that the people of this province as well as those of the Indian States are as hard drunk as they used to be. Sir, we are not charging them anything for entrusting us with the administration of their abkari department, and now they come forward and say " Give us the profit out of the liquor trade." If we allow them this latitude, it only means that we encourage increased consumption of liquor in Indian States, and we encourage the rulers of those States to go on increasing their liquor traffic. So, it must now be clearly stated by Government whether we can control them or not and if we cannot control them then we ought not to follow the policy that we have adopted, and we should tell the public at large that we are helpless, that the policy we have laid down is not the correct policy in the opinion of Government and that it is a farce. I should certainly like the Honourable Minister to tell us frankly whether he can follow the policy laid down by this House effectively. It is no use reducing consumption by 5 per cent. from our shops at the border and giving to the Indian States that quantity or any quantity they like. There is no restriction

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there ; we can reduce here by 5 per cent., and they can increase it by 10 per cent. Therefore, we are actually losing money. Let Government say they are unable to do anything. Having once laid down the policy, it is no use doing like this. For these reasons, it is high time that the Honourable Minister should clearly tell the House what our actual position is, rather than lead the people to believe that we are following an effective policy, whereas in reality we are following a policy which is not in effect a policy which would save our finances or our people from drink, vice and ruination.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I also rise to oppose the demand, for the reasons which have been more or less advanced by my honourable friend Mr. Hooseinbhoy Lalljee. Sir, at one time we were told by Government that they are going to follow the policy of prohibition. Assuming that by following this policy we make British India dry in twenty years, then the question arises, what about the Indian States. If Government are not going to bring pressure to bear upon the Indian States to follow the same policy which is followed in British India, it comes to this, that British India is going to be dry, but all the drinkers will go to the Indian States. Therefore, the question is this : are Government going to encourage the Indian States to continue to remain wet when British India is becoming dry ? I say, this charge is admitted by Government on the ground of equity, fairness and justice, but, at the same time, they are not prepared to force the Indian States to accept our policy, namely, that the States also should go dry. If the States adopt a recalcitrant attitude, then I would ask the Honourable Minister to take up a strong attitude and tell them " If you are not prepared to fall in line with our policy, then we are not prepared to pay you anything." Unless and until Government take up a strong attitude, I do not believe the Indian States will come to their senses. I therefore hope that the House will try to strengthen the hands of the Honourable Minister by refusing this grant.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, the terms of the contract which Government had with the Indian States before 31st July 1924 were changed. Now, when they changed these terms and admitted a fresh claim on the part of the Indian States it was necessary for them to come before this House and to take its verdict, whether we desired that these new concessions should be given to the Indian States or not. But even while entering upon a far-reaching change in the terms in the matter of renewing the leases, Government have not come to this House and taken the House into their confidence. Now, when payment has to be made, they come before the House and ask the House to give them this amount. Did they, when admitting a fresh claim in 1925, tell us that they had admitted this additional claim on the part of the Indian States ? No. They sat silent for three years, and now they come forward and tell us to sanction this additional amount of money on account of the new conditions introduced into the leases. This is not the way in which they ought to have done this business involving a change of policy.

[Mr. J. C. Swaminarayan]

When Government take over the abkari administration of these States, I want to find out what benefit they get. The Honourable Minister ignores that deceptions and frauds are going on. I have got experience of it in Mahi Kantha Agency, and I have had instances of certain States actually putting pressure on Government for extra compensation. Therefore, Government ought to prevent money leaking out in this way. They have to enquire into these matters. But they do not care to enquire into these matters; they merely sit here without any enquiry, and we are not properly heard when we make any suggestions from our own experience gained in the course of our tours and travels. They bring forward such matters before the Council and our criticism is not cared for. However, on the ground that the Government did not care to take the House into its confidence when making contracts on the new basis, I think it would be wise on our part to reject this claim on the part of the Indian States.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I wish to offer a few remarks with regard to this item which has to be considered with the previous item. The whole question has to be considered from the point of view of utility. In the first place, we find that we have to give these States whose abkari management we have undertaken; and that we have to give the difference between the cost price of the liquor manufactured and the price at which it is sold to the States. As a business proposition there is absolutely no margin to this Government. The Honourable Minister stated that the only consideration was that otherwise the State would manufacture liquor cheaper and import it into British territory. If we are in a position to take up abkari administration of all the Indian States bordering on the British territory, it would have been an acceptable proposition. But as a matter of fact many of the bigger States are not willing to enter into any contract with this Government and States which have entered into contract are petty States. So, supposing a time comes when this presidency adopts the policy of prohibition we cannot enter into any such contract. There is no gain by these contracts with the Indian States, except the idea to prevent their importing into British territory. I think it would be better to take steps to prevent such importation than to take up the administration which is no gain to us. I hope this view will be accepted.

An Honourable MEMBER: I move the closure.

The Honourable the PRESIDENT: I accept the closure.

The Honourable Mr. G. B. PRADHAN: Sir, with regard to the point raised by my honourable friend Mr. Hoosseinbhoy Lalljee as a matter of fact the leases from the Indian States were taken up even before the policy of rationing was adopted by this Government. Then Government adopted the rationing policy and for three successive years rationing was applied to the Indian States also. Then the Indian States kicked up a row and stated that they were not going to allow any rationing and that they were going to have a free hand. Then the question before the Government was whether to enter into contract with them or to

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allow them to have their own excise administration, with the result that they might manufacture any liquor with liberty to send it to our people. Government after considering the matter made the rationing 15 per cent. in the States, while it was 25 per cent. here. The Indian States insisted that rationing should not exceed that figure in their territory.

As regards the action of petty officers in Indian States raised by the honourable member Mr. J. C. Swaminarayan, I do not think it is possible to make any inquiry unless the honourable member brings to my notice any specific instance. The second point raised by the same honourable member why Government should not take this House into confidence with regard to the claim for gain on liquor, I may state to the honourable House that the correspondence with regard to the claim was started only last year. Some correspondence went on and after considering the *pros* and *cons* of the question it was found that the claim must be allowed. The claim has not yet been paid. So, before the claim is paid we want to bring it to the notice of the Council. Their claim for last two years was worked out at Rs. 57,000. Government have further decided that in the case of those States for which provisional payment has been fixed at more than the average annual revenue of the three preceding years, the gain on liquor should be reduced by the difference in the amount between the amount of the provisional payment and the actual revenue.

Question put and carried.

The Honourable the PRESIDENT: Before we get on to the next item, I wish to point out to the House that we have to get through 12 more items of supplementary grants. I doubt whether it would be possible to get through all of them to-day. If it cannot be finished to-day, I do not know whether the House would like to come to some agreement with the Honourable the Leader of the House as to whether the supplementary demands should be continued to-morrow, or whether the budget demands are to be taken up to-morrow, so that the remaining items of supplementary grant may be taken up on some other Government day.

The Honourable Sir CHUNILAL MEHTA: With regard to what you said, Sir, we allotted three days for Government business, before demands for grants are taken up. This is the third day and we have taken up such bills as were absolutely necessary. In view of shortness of time we then asked that the supplementary grants might be taken up, because they must be disposed of before the year ends. There are yet 12 items to be dealt with. One of them, I understand, is important which will take some time. I may explain to you and the House that I have just received a note from the honourable member Mr. Pahalajani that the consideration of the statutory motion No. XI on the agenda is most important. I cannot take up the statutory motion until the supplementary grants and Government Resolution No. 10 which is to be moved by the Honourable the Revenue Member for railway expenditure in Sind are disposed of. That resolution must be passed by the House so that we may inform the Government of India that the railway may be undertaken. The Government of India have informed us that they consider it most urgent

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and want a reply as soon as possible from this Government. Therefore the House will see that the supplementary grant and Government resolution No. 10 must be disposed of within the three days of Government business *plus* an additional day that was allotted for emergency. It is for the House to consider how they will deal with these urgent matters and whether they would like to continue the supplementary grants to-morrow in case they are not finished to-day. I am told by some honourable members that the supplementary grants may be continued to-morrow. (An Honourable member : 14th). It will be very difficult to allot any more days. I am sure honourable members will feel pretty tired at the end of one month the Council will be in session. It is for them to consider how much time they will give. The important point I wish to know is whether they want to make to-morrow a Government day or whether demands for grants may be taken up to-morrow, because I am told that many members want that supplementary grants should be finished to-morrow.

Rao Bahadur R. R. KALE (Satara District) : Sir, some members have gone to attend Local Board elections. As originally arranged it would be better to take up the remaining supplementary grants on the 14th. If necessary Government must give one more day. The sense of the House that the supplementary grants should be adjourned to the 14th should be adhered to by Government.

Mr. M. S. KHUHRO (Larkana District) : Sir, I would like to make one suggestion. In Government business there are many important matters, which have got to be discussed just as statutory motions of which the honourable member Mr. Pahalajani and the honourable member Mr. Jairamdas have given notices. Therefore they may be taken up to-morrow. I am sure after three weeks of Council session it is very likely that many members would like to return home. I therefore think that Government business should be taken up to-morrow. I therefore think that the House may agree to allow Government to take supplementary grants and other Government business to-morrow.

The Honourable the PRESIDENT : Do I understand the honourable member correctly, that he proposes that the supplementary grants should continue to-morrow ?

Mr. M. S. KHUHRO : Supplementary grants and other Government business.

Mr. B. G. PAHALAJANI : I do oppose the proposal. I do not think, this House can arrange that. According to the rules the days for voting of demands are fixed not by the House, not by the Government, not by the Chair, but by His Excellency the Governor. Now these days have been fixed, and the particular days, twelve days, are there, and that being so neither this Council nor the Government nor the Chair can change the dates fixed.

The Honourable Sir CHUNILAL MEHTA : Sir, may I ask the honourable member whether the dates are fixed by His Excellency or only the twelve days ?

Mr. B. G. PAHALAJANI: The dates are fixed according to the notice we have got. According to the notice, from Tuesday, February 28 right up to Tuesday March 13, voting of demands for grants continues. That is the programme that has been sent to us. You have got a copy of it.

Rule 29 says:

"(1) Not more than twelve days shall be allotted by the Governor for the discussion of the demands of the local Government for grants.

"(2) Of the days so allotted, not more than two days shall be allotted by the Governor to the discussion of any one demand....."

So that, with due deference to Government, I may even go further and say that when His Excellency the Governor once fixes the dates, he is *functus officio* and cannot change them. Every other business must give way to that business. If Government wants they can extend the number of days and take up this business on the 14th, 15th or 16th. It is for His Excellency the Governor to extend the number of days. But so far as the twelve days that are already fixed are concerned, they have been fixed under the statutory rules made by Parliament and not under the Standing Orders made by us, and therefore they cannot now be changed.

Then, as a matter of principle also, on behalf of the elected members, I object to any change being made. We are strongly against any change in the dates for voting of grants. Those are important and we cannot afford to change our programme and allow Government to change the days for the most important business. Does the Honourable the Leader of the House mean that the Governor can go on postponing these days further and further? (The Honourable Sir Chunilal Mehta: Yes, The Government can.) That is absurd: that is not intended by the Rule.

The Honourable Sir CHUNILAL MEHTA: May I say, Sir, in reply to the honourable member for Sukkur, that Rule 29 simply says that the Governor shall fix the number of days.....

Mr. B. G. PAHALAJANI: And allot the days.

The Honourable Sir CHUNILAL MEHTA: "Days" and not "dates." The wording is "not more than twelve days shall be allotted." Read that, Sir, with Standing Order IV (1) at page 238:

"The Government may arrange Government business in such order as it deems fit; Government business shall be deemed to include statutory motions."

Sir, on this question, as you are aware, there was a long discussion between Government and the Honourable the President, and in consequence of that it was ruled that the arrangement of dates as sent out is only provisional subject to any changes that Government may desire to make. Government have in the past, as you are aware, declared on the day previous what business they would take up the next day. Government are entirely, under both the Rules and the Standing Orders, possessed of the power of arranging their business in any way they like. They have always tried to meet the wishes of the House. In this case also, we do not in the least wish to inconvenience the House, but I do not think that I on behalf of Government can give up the power which Government

[Sir Chunilal Mehta]

now possess. There are certain matters which are most urgent and which Government must get through within a certain time, and if power was not given to Government to alter the arrangement of business in a way that will allow these matters to be disposed of, then the House can spend an inordinate amount of time on certain questions and crowd out the matters that are important. That, Sir, should not be allowed and hence the wording of the Rules and the Standing Orders.

Mr. B. G. PAHALAJANI : The President can regulate it.

The Honourable Sir CHUNILAL MEHTA : It is not for the President, if I may say so, with great respect ; it is for Government ; it is not even for the Governor.

Mr. L. M. DESHPANDE : It is not Government business.

The Honourable Sir CHUNILAL MEHTA : Supplementary Demands are Government business,—I am talking of Supplementary Demands now,—and so is the Government resolution standing in the name of the Honourable the Revenue Member. I cannot divest Government of the power that they possess. But I mention this point just now in order that we may be informed what would suit the convenience of the honourable members of the House. Government will then come to a decision as it may deem fit. There are several honourable members of the House who desire that the supplementary demands should be taken up to-morrow. There is another section which wishes that the supplementary demands, if not finished to-day, should be taken over to the 14th. It will be for Government to come to a decision in this matter, but I must resist any attempt on the part of honourable members to deprive Government of the power that they now possess.

The Honourable the PRESIDENT : I wanted to save time, but this discussion itself is taking much time. There is no doubt that the Rules and Standing Orders read by the Honourable the Leader of the House do not mention " dates " but " days." At the same time, the honourable member Mr. Pahalajani is perfectly right in saying that so far we have had from His Excellency the Governor a programme of work, if I may call it so, where actual dates have been given.

The Honourable Sir CHUNILAL MEHTA : Not from His Excellency, Sir.

Mr. B. G. PAHALAJANI : I am not very definite about it, but I have received a programme where the dates are mentioned ; it is stated that a particular kind of business will be taken up on certain days. I believe, it is not from the Government, but from the Governor.

Mr. B. G. PAHALAJANI : Sir, it is the Governor who prepares the programme of the Council.

The Honourable the PRESIDENT : I shall have to refer to that paper. I want to find out the source through which this office has received that paper.

Mr. B. G. PAHALAJANI: Sir, so far as the budget demands are concerned, it is not for Government to regulate the work, but the Governor in his personal capacity alone can do it. Rule 29 makes it quite clear that "not more than 12 days will be allowed by Governor" (and not by Government). This is the position.

The Honourable the PRESIDENT: We cannot go beyond the rules laid down in the Standing Orders. What I understand from the Honourable the Leader of the House is this. He does not dispute about the number of days allotted for the discussion of the demands for grants. He wishes to draw a distinction between "days" and "dates." That is "days" should not to be mixed up with "dates." At the same time I may say that the honourable member, Mr. Pahalajani, is perfectly correct that this Council as well as the honourable members do receive a paper—call it an "agenda" or a "programme"—indicating the work, which will be taken up on particular dates. I have sent for that paper to see whether that communication is made by His Excellency's office or Government.

The important question with which I am concerned is this. Do I understand from the Honourable the Leader of the House correctly that he wishes to obtain the wishes of the House as to what they would like the Government to do? If that is expressed, do I understand that the Honourable the Leader of the House is prepared to accept it? If that is so, I shall find out the opinion of this House.

The Honourable Sir CHUNILAL MEHTA: It is certainly an important factor to which due weight will be given. But I submit that Government cannot bind itself to follow any wishes that the House may express either by majority or unanimously.. ....

Mr. JAIRAMDAS DOULATRAM: Then why should you take the opinion of this House?

The Honourable Sir CHUNILAL MEHTA: When the question of interpretation of the rules of the Standing Orders is being discussed, I cannot for a moment agree to any suggestion that would deprive this Government of the power that they possess. We shall, no doubt, give the utmost consideration to the wishes expressed by this House. In this House there are various sections. I understand there is one section which is quite desirous of continuing to-morrow the supplementary demands and there is another which says that they should be postponed till the 14th of March next. Therefore, I say that Government will give consideration to the wishes of honourable members but it cannot bind itself to accept that opinion.

The Honourable the PRESIDENT: I have got here the paper which fixes the dates and to which the honourable member, Mr. Pahalajani, refers. That has been forwarded by the Chief Secretary. It is stated there:

"Copy forwarded to the Secretary, Legislative Council, for necessary action with an intimation that the programme has been approved by His Excellency the Governor. By order of the Governor in-Council."

[The President]

The paper is sent by the Chief Secretary and not by the Private Secretary. Besides, it says :

" By order of the Governor-in-Council."

Therefore, I do not think that this House or myself will be right in disputing the statement made by the Honourable the Leader of the House. I now want to know from the Honourable the Leader of the House whether he is prepared to abide by the opinion of this House, if I ask the House to express it.

The Honourable Sir CHUNILAL MEHTA : We cannot abide by their opinion. We shall give it our due consideration.

MOULVI RAFIUDDIN AHMAD : Is this question to be determined by the majority of the House ? I take it from the statement of the Honourable the Leader of the House that he would give due consideration to the feelings of the sections in this House and abide by it. Is it so ?

The Honourable the PRESIDENT : No. That is not so. I think we need not further discuss the point. I simply want that both sides of the House should come to an agreement and we should clearly understand what we have to do to-morrow. The Honourable the Leader of the House has made it quite clear that he does not give up the right of Government by accepting the opinion of the House one way or the other. He, however, says that he will give his due consideration to the wishes expressed by this House. I want to know if the House desires me to take its opinion and find out what their wishes are.

Honourable MEMBERS : No. no.

The Honourable the PRESIDENT : It seems that the House does not wish to express its opinion. I, therefore, leave this question to the Government Benches to settle.

The Honourable Mr. J. E. B. HOTSON : Sir, I ask for a supplementary* grant of :—

" Rs. 15,000 from 47-Miscellaneous Reserved to be transferred to 24-Administration of Justice—Law Officers—High Court Pleaders– Contingencies."

This is as a result of certain heavy expenditure incurred on appeals in the Khoti suits with the history of which the House is well acquainted. This is merely a book item. It will be spent on court-fees and will be received as court-fees. So, there is nothing in the way of actual expenditure. I, therefore, hope that the House will agree to this grant.

Question proposed.

Rao Bahadur R. R. KALE (Satara District) : Sir, may I speak on the point of information ?. I want to know from the Honourable the Home Member that if Rs. 15,000 are paid in the way of the court-fees, there will be a proportionate increase in the fees to be paid to the Government pleader. If that is so, then that expenditure will be in addition to this item.

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* Appendix 12.

The Honourable Mr. J. E. B. HOTSON: There may be further expenditure in that respect. But it does not follow that there will be.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to oppose this grant. You will see, Sir, that in this item we find that Government have incurred heavy expenditure on appeals in Khoti suits. But if you go to another item what do we find? The next item says:

"In February 1914 Government prescribed new forms of kabulayat for the district. Certain khots refused to pass the new kabulayats and their villages were consequently attached in 1916."

Now, Sir, we all know that Government had to incur this expenditure for which this grant is demanded, on account of filing 76 Khoti suits. I want to know from the Honourable the Home Member as to who is responsible for this litigation. Sir, I am unable to understand why when certain khots refused to pass the kabulayats their villages were attached in 1916. I want to know, who is the officer responsible for these despotic methods? That is an answer I want to know, not from the local officers but from the Honourable the Home Member, as to who is the gentleman responsible for this measure and who was the Legal Remembrancer who advised Government to attach these villages. We do not know why Government and public moneys are wasted in this fashion. At least the legal advisers of Government should know better that these methods are wrong, and they should know what are their rights before launching into suits. And in the next item, the Honourable the Revenue Member asks another demand, item No. 10, also for a similar purpose. Therefore, I say, Sir, that this House insists and warns the executive that "if you make such mistakes and follies, this House is not going to endorse the follies." Therefore, I say this expenditure is not justified, and a vote of censure should be passed on the honourable members who are responsible for the prosecution of these khots and this House should throw out the demand.

Mr. L. M. DESHPANDE (Satara District): Sir, I want to know whether this amount is actually spent from the Miscellaneous Reserve. Rs. 15,000 have been debited to that head, and so, how is it a book transaction? I wish to understand it from the honourable mover of the demand. Again, one thing more, Sir. After filing these suits against these khots, Government have put themselves into heavy expenditure. The cases were remanded by the High Court to the district court, and after the decision of the district court, that for a paltry thing of mesne profits this Government should again file an appeal is strange, and in that case if the appeal is decided again against Government, this House will have to go in for another expenditure. So, before filing such appeals Government may have been taking legal opinion of the Legal Remembrancer and others, but we find that Government could not have received proper advice. If Government were well advised in filing appeals, I think Government would have saved a useful amount. So, I think some explanation is necessary in regard to this demand.

Mr. S. K. BOLE: Sir, I rise to support this grant. I am afraid that the activities of my honourable friend Mr. Ginwalla are only confined to the city of Bombay. He is watching the interests of tenants of the

[Mr. S. K. Bole]

city of Bombay. But he does not know what is happening outside Bombay. In Ratnagiri and Kolaba it will be seen that these khots are harassing the poor tenants, and Government received several complaints about the harassments of the tenants and they wanted to ascertain what was the clear position of these khots, and therefore, to ascertain that position, they filed these suits in order to safeguard the interests of the tenants. Government therefore filed suits against the khots but unfortunately they failed. Under these circumstances I think it is but right that the expenditure that is incurred in this connection must be sanctioned by this House.

The Honourable Mr. G. B. PRADHAN: Mr. President, as the suits relate to Kolaba district, I know something about these suits. These suits originally referred to certain kabulayats to which the khots objected. Government attached their villages. Then, there was a suit or several suits by the khots to get it declared that Government have got no right to ask the khots to pass such kabulayats. They lost in the original court, the lower court, but in the High Court, on appeal, the decision of the lower court was reversed. Then, as the villages were attached, the suits were remanded by the High Court to the district court for ascertaining the mesne profits. So, these appeals relate to the mesne profits. Now, the original court, the District Judge of Thana, passed certain orders as regards the mesne profits. Naturally, as Government did not accept the decision of the original or lower court, they appealed against the decision to get them modified. The note says: "Apeals have been ordered to be filed against the decrees of the District Court in respect of the balance still due." In certain cases Government do not accept the decision of the trial court as regards the mesne profits in respect of the kabulayats which had been decided by the original court, and so this expenditure has cropped up.

Mr. S. A. SARDESAI (Bijapur District): Sir, I think I must oppose this demand because it does not appear to be an innocent one. The Honourable the Home Member in making the demand says that it would mean an increase of revenue to Government because the court-fee stamps are to be purchased. Of course, that is quite true, but the drafting of memos. of appeal is not the final thing. Government have to carry on litigation further and a good deal will have to be spent as lawyers' fees, etc. Therefore, this demand does not seem to me to be an innocent one, and so on principle it must be opposed.

The Honourable Mr. J. E. B. HOTSON: I have nothing further to say

Question put and carried.

Damages awarded in remanded Khoti Suits

The Honourable Mr. J. L. RIEU: Sir, I move a demand* for Rs. 80,515 to be provided by transfer from 47-Miscellaneous—Reserved—to 5-Land Revenue. This demand arises out of the same litigation as has been just referred to, and it is only a question of paying into court the sums decreed by the District Court of Thana, pending appeals against the decrees. If we do so, we avoid recurring charges of interest. It is to

*Appendix 13.

[Mr. J. L. Rieu]

avoid this interest that it is proposed to make this payment and in order to make the complete payment of the sum due this provision of Rs. 80,515 has to be made.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to oppose this demand. I have explained, Sir, before the reasons for opposing the demand. I should like to know from Government the information I asked for when discussing the last grant. Since the Honourable the Home Member has chosen to remain silent, I cannot know it. On certain points I asked for information, as to who are responsible for launching these suits involving Government into the expenditure of this large sum. Who advised Government, whether the Legal Remembrancer's advice was taken, who was the law officer who advised Government and whether that officer is still in service and whether Government want to take action against that officer. Sir, in this particular case heavy damages have been awarded. The suits were remanded by the High Court to the district court for ascertaining the amount of mesne profits due to the khots in respect of khoti faida. The amount of faida was Rs. 2,51,396-2-11, japty expenses were Rs. 24,209-9-4, Government's share in the fee ordered to be paid by the court to the Commission appointed for calculating the faida and japty expenses was Rs. 50 and forest damages were Rs. 25,814-11-11 making a total of Rs. 301,470-8-2. This is an amount which the exchequer of this presidency has got to pay for the folly of Government especially at a time when there is the greatest need for retrenchment. Therefore I hope that this House will be well advised to throw out this grant.

Rao Bahadur R. R. KALE (Satara District): Sir, I merely bring to the.....

The Honourable the PRESIDENT: Loudly, please.

Rao Bahadur R. R. KALE: I merely bring to the notice of the Honourable the Revenue Member that Government will be well advised, in view of the High Court's orders, in expediting the matter of these kabulayats. I have put a question on the point and I hope that there will be no more delay.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I am at a loss to understand why Government did not appeal to the Privy Council when this was a very important matter and had for its object the delivering these tenants from the oppression of the khots. The attachment of these villages was the right thing which Government did in order to deliver the oppressed tenants from the tyranny of the khots, but I am very sorry that Government did not fight out the case to the last.

The Honourable Mr. J. L. RIEU: Sir, I have nothing more to say

Question put and carried.

Subsidies to Taluka Development Associations

The Honourable Mr. G. B. PRADHAN: Sir, I ask for a grant* of Rs. 21,000 under 34, Agriculture, for subsidies to the Taluka Development Associations.

*Appendix 14.

[Mr. G. B. Pradhan]

This House is aware that there are taluka development associations started by non-official members. Now, Government in their G. R. No. 3378, decided that they would bear half the cost of development up to a maximum of Rs. 1,000. These taluka development associations are rapidly increasing in number and during the last year a provision was made for Rs. 30,000. As these associations increased in number to 74 last year, an additional amount of Rs. 21,000 is required. More will have to be spent under this head as the associations go on increasing.

Mr. P. R. CHIKODI (Belgaum District): I want to support the grant and I am sorry that the amount provided is not large enough. Rs. 1,000 per development association is nothing.

Further what I want to bring to the notice of the House is that, in the matter of supplying boring machines to the rural public, the Agricultural Department has been competing in a way with the operations of these associations. The rates of the boring charges as levied by the Agricultural Department are far less than the rates charged by these associations. Hence the associations are handicapped in their working by being put to a loss by the department of Agriculture which the Honourable the Minister, the mover of this demand, is also controlling. What he wants to promote in one Department is being retarded by another department under his control. That is the experience I have had in the Belgaum district. The association in the Chikodi Taluka has been working with great effort to meet the wishes of the public but is handicapped for want of money. What is absolutely necessary is that the Agricultural Department should not be allowed to give these boring machines to people at a lower rate than this body, or Government should give the latter more money so as to enable it to meet the demands of the public without being put to any loss.

Mr. F. J. GINWALLA (Bombay City, North): Sir, in regard to this item my complaint is that we want more information than has been vouchsafed to us in this brief printed note. We have not been told when or where these taluka development associations were formed, whether in the year of Grace 1928 or 1927 or 1926.

The second point is we have not been told whether the taluka development associations are of the Government Agricultural Department or whether they are conducted by the co-operative societies. I would ask for more information.

The Honourable Mr. G. B. PRADHAN: Only one point, Sir. I am sorry that my honourable friend Mr. Ginwalla does not know the A.B.C. of these taluka development associations. These are started by non-official people. These people are clamouring for money. The honourable member Mr. Chikodi said they wanted more money. With the greatest difficulty we could give Rs. 21,000 over and above the amount which we have sanctioned. Then the honourable member Mr. Ginwalla further says he does not know where these associations were formed,

[Mr. G. B. Pradhan]

what they are, and when they were formed. I submit he should read the report of the Agriculture Department.

Question put and carried.

Temporary Appointments of Special Magistrates

The Honourable Mr. J. E. B. HOTSON : Sir, I ask for a supplementary grant* of Rs. 6,560 to be transferred from 47, Miscellaneous, Reserved, to 24, Administration of Justice, for temporary appointments of special magistrates.

Special magistrates have been appointed to try cases arising out of riots in two places. The honourable members are well aware of the fact there was also a very large gang case in the Ahmednagar district. As the printed note points out, if these cases had been entrusted to ordinary revenue officers invested with magisterial powers, there would have been great delay, and considerable inconvenience would have been caused to every body concerned.

Question proposed.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to oppose this grant. My reasons for opposing this grant are that we have been asking for retrenchment. And here Government gives it as a reason for appointing special magistrates that the cases should be disposed of expeditiously. Suppose they were not disposed of expeditiously, were Heavens going to fall, I ask the Honourable the Home Member. If Heavens were not going to fall, where was the necessity of burdening the already heavily taxed public with this additional expenditure. So much for the riot cases of Surat and Larkana.

Now, I see that a special magistrate was also appointed at Ahmednagar to try a Bhamta gang case in which a very large number of witnesses had to be examined. The reason given for this appointment is that if the case had been entrusted to an ordinary revenue officer invested with magisterial powers, the case would not have been disposed of for several months. What would have been the consequence ? Very dangerous ? Would there have been a revolution or riots or unrest of a severe kind ? I ask the Honourable the Home Member. The printed note states further that the extra expenditure on account of these three appointments and the clerical and menial establishments entertained for them amounts to Rs. 6,560 and it is proposed to meet it by re-appropriation from the reserve at the disposal of the Finance Department.

This is the way Government are carrying out retrenchment ! Are they really serious in their retrenchment professions and policy ? By this kind of behaviour, Government are making their professions of retrenchment ridiculous. I hope this House will throw out this grant.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, I join my honourable friend Mr. Ginwalla in opposing this demand. Sir, part of the money now asked for is in connection with the expenses for the trial of the

*Appendix 15.

[Mr. Haji Mir Mahomed Baloch]

persons concerned in the Larkana riots. If Government wanted to do so, they could have arranged for the trial of the cases by the existing magistrates. After all, the persons concerned were involved in minor disturbances.....

Mr. B. G. PAHALAJANI: I rise to a point of order. The case is still pending in the Sessions Court. Is it in order for the honourable member to go into the matter?

The Honourable the PRESIDENT: As the case is *sub-judice*, the honourable member cannot touch on the merits of the case.

Mr. HAJI MIR MAHOMED BALOCH: My remarks are not against either the judge or the magistrate.

The Honourable the PRESIDENT: The honourable member cannot make any remarks on the merits of the case.

Mr. HAJI MIR MAHOMED BALOCH: I bow to your ruling, Sir. I find that Government are always increasing the expenditure, and this can easily be seen from the dozens of supplementary grants that are placed before the House to-day. When they start making retrenchment, it is the peons and clerks that are touched first and not the persons who are in the museum—I mean the highly paid officers—They are not touched at all. My submission to Government is that they must try to retrench in the way of reducing the number of the highly paid officers.

Rao Bahadur B. R. NAIK (Surat District): Sir, although the honourable member who spoke last supported my honourable friend Mr. Ginwalla, I rise to support the demand made by the Honourable the Home Member. As far as Surat is concerned, it was very essential on the part of Government to appoint a special magistrate. There was some tension between the two communities: A special C. I. D. officer was appointed by Government to investigate into the matter and it was necessary that Government should do everything to expedite the trial of persons concerned, and therefore they appointed a special magistrate. So, as far as that is concerned, Government are quite justified in asking for the grant.

Question put and carried.

Supplementary grant, covered by re-appropriation from 60—Civil Works to 60A—Other Provincial Works not charged to Revenue, for resumption of plots in connection with the Artillery Maidan Development Scheme, Karachi..... ....Rs. 38,000.

The Honourable Mr. J. L. RIEU: Sir, I move a demand* for Rs. 38,000, under 60A—Other Provincial Works not charged to revenue. This sum, together with a sum of Rs. 12,000 which is already provided, is required to complete the payment which Government have undertaken to make to the Government of India in consideration of receiving the military lands comprised in the Artillery Maidan.

Question put and carried.

Supplementary† demand, for additional funds required for the Lloyd Barrage and Canals Construction Scheme.....Rs. 14,19,000.

* Appendix 16. † Appendix 17.

The Honourable Sir COWASJI JEHANGIR: Sir, I rise to make a demand of Rs. 14,90,000 to be added to the demand already granted by this Council, of Rs. 2,01,45,000. The statement placed before this House is very clear indeed. Honourable members will remember that for the last few years, at the request of the Finance Department, we have been cutting out a sum of Rs. 25 lakhs from the estimates submitted by the Chief Engineer for the Lloyd Barrage and Canals Construction project, and it has always been understood that if, during the year, work progressed to an extent which required more money than that granted by this House, the department was to come for a supplementary demand. Sir, the work has progressed a little more than was anticipated, and therefore we have to come to the House with this demand. In works we require Rs. 11,55,000 more. The suspense account has also been increased, the reason being a simple one. If and when stores are required, they will be removed from the suspense account and debited to the proper head. As to pensionary charges, which is a new item, honourable members have already heard, during the general discussion, that, under the orders of the Auditor-General, pensionary charges are now debited to each separate head and not one general head as they used to be in previous budgets.

I have no further remarks to make. I will ask for the demand.

Question proposed.

The Honourable the PRESIDENT: I have received from the honourable member Mr. Khuhro notice of a motion on this demand, but I find that it is a motion for total omission. He cannot move it; he may oppose the total demand if he likes.

Mr. M. S. KHUHRO (Larkana District): Sir, in rising to oppose this demand, I should like to make a few observations. I find from the budget that every year the amount sanctioned for the Sukkur Barrage has been in excess of actual requirements, and the funds made available to Government it has not been possible for them to utilise. The result has been that Government have had to pay interest on funds borrowed in excess of their requirements. Therefore, it is necessary for the Honourable Member in charge to see that the funds that are actually borrowed every year from the Government of India are really absorbed.

I do admit that the work has been more than anticipated; the last two inundation seasons being unfavourable, they have been successful in doing work more speedily than heretofore. At the same time, there is also an apprehension in my mind that all this money that will be required, namely, Rs. 2,96,00,000 may hardly be absorbed during the course of 12 months. If the inundation is good and if there is water for a longer period, the work of excavation for the barrage itself is not likely to be carried out throughout the year.

Besides I find that money spent on establishment is much in excess of the requirement.....

The Honourable Sir COWASJI JEHANGIR: I rise to a point of order. It strikes me from the remarks that the honourable member is discussing

[Sir Cowasji Jehangir]

next year's budget. We are on the current year's budget and this is a supplementary grant in the current year's budget.

Mr. M. S. KHUHRO: I thought it was a grant for next year.

The Honourable the PRESIDENT: This is a supplementary grant relating to the current year's budget.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, I rise to oppose the supplementary grant. I fail to understand how this excess expenditure over the budget provision has been incurred. This is a work that will continue for some ten years. When such is the case what urgency has arisen to incur this excess expenditure? The Public Works Department is very capable in preparing estimates and plans of works. The Chief Engineer is supposed to be an expert as he has been placed in charge of the biggest engineering work in India. In spite of all this the excess in expenditure has occurred. This extra expenditure has been incurred in regard to the works establishment and pension charges. Is it so very impossible for the Chief Engineer as to not to be able to make provision for pension charges and establishment? Are these charges not known to him? How could he have incurred this extra expenditure if he had carefully prepared the plans and estimates and the establishment and pension charges? In view of this extraordinary expenditure that is being incurred every year it is absolutely necessary to go into the whole matter. Nearly 28 per cent. of the expenditure is incurred in the establishment only. Is it fair in proportion to the estimate of the works? Is it not abnormally high? Matters should not be allowed to drift in this way long. Before it proves another Bombay Development, it is absolutely necessary to investigate the whole matter. We do not want that Government should send some members on a pleasure visit as they have done now. Of the members that were invited to pay a visit to the Sukkur Barrage works only one European member having no or very little experience has painted a rosy picture and has published it in the newspapers and the other members have not yet made any report to Government. We want a competent committee to go into the whole question and report so that the work may efficiently and economically be completed. There is no good appointing a committee after this too has shared the fate of the development scheme. Where is the good of any enquiry after everything has proved a failure? There are many merchants in Bombay, and they know that when they import goods worth five or ten lakhs from foreign countries they spend only one per cent. or so on getting them from there. Here Government spend 27 or 28 per cent. over supervision.

The Honourable Sir COWASJI JEHANGIR: Sir, may I ask the honourable member to explain. Did he say that 28 per cent. is spent for ordering out stores?

Mr. HAJI MIR MAHOMED BALOCH: On establishment charges for works.

The Honourable Sir COWASJI JEHANGIR: On establishment charges, 28 per cent. ?

Mr. HAJI MIR MAHOMED BALOCH: Yes, I can prove it.

Then, there are many buildings put up in Bombay of beautiful architectural design. How much do they spend for survey, plans, estimates and supervision charges ? Six or eight per cent. at the most.

The Honourable the PRESIDENT: I am sorry to interrupt the honourable member, but is he likely to take much longer ?

Mr. HAJI MIR MAHOMED BALOCH: I will take still half an hour.

The Honourable the PRESIDENT: The honourable member need not take half an hour over a supplementary grant; he can speak exhaustively in the course of the debate on the demands for grants.

The Honourable Sir CHUNILAL MEHTA: Sir, I do not know whether the honourable member's eloquence will be exercised some two weeks hence to the same extent as it has been to-day, but Government have considered the proposal that was made as to what should be the course of business for to-morrow and have come to the conclusion that the demands for grants will be taken from to-morrow.

Mr. J. C. SWAMINARAYAN: What is the order in which the demands for grants will be taken ?

The Honourable the PRESIDENT: Order, order. That was what I was going to ask the Honourable the Leader of the House.

The Honourable Sir CHUNILAL MEHTA: I thought I had explained that the demands for grants would be taken from the end.

The Honourable the PRESIDENT: The House is now adjourned till one o'clock to-morrow, Tuesday, the 28th February 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Tuesday, the 28th February 1928

The Council re-assembled at the Town Hall, Bombay, on Tuesday, the 28th February 1928, at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOSSACK, Mr. W. B.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JOG, Mr. V. N.
JONES, Major W. ELLIS

JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Demands for grants.

DEMANDS FOR GRANTS

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to ask for—

"a demand for Rs. 52,42,000 under the head 'Loans in advance bearing interest—Reserved.'"

Question put and carried.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to ask for—

"a demand for Rs. 18,62,000 from Famine Insurance Fund—Reserved."

Question proposed.

The Honourable the PRESIDENT : I find that there is a cut to be moved by Rao Saheb Desai. I am sure honourable members are aware that it has been the practice of this House that when a small cut of Re. 1 is tabled, it means that the honourable member intends to move a vote of censure, and, therefore, he is not permitted to move the cut, only to discuss the general policy of the department : I think the honourable member remembers this practice and I hope he will proceed in accordance with that practice.

The Honourable Sir CHUNILAL MEHTA : Sir, I would like, with your permission, to give a little explanation to this House. I may point out to the House that this does not deal with any question of Famine Relief or of the Insurance Fund. It is entirely concerned with the loan from the Famine Insurance Fund that will be required next year for the flooded area. The Council will remember that a sum of Rs. 80 lakhs was sanctioned by it last year to be met from the Famine Insurance Fund. As I have explained in my budget speech the original amount of Rs. 80 lakhs is likely to be exceeded and will amount to Rs. 85,22,000. This year Rs. 66,60,000 are being met from the Famine Insurance Fund. With some recoveries, an additional sum of Rs. 18,62,000 will be required during the next year, which will bring up the total to be met from the Famine Insurance Fund to Rs. 85,22,000 against the original figure of Rs. 80,00,000. Therefore, I cannot understand the reason why the honourable member has tabled a motion to reduce this grant by Re. 1. I fear that there is some misapprehension on the part of the honourable member and I have, therefore, explained the situation.

Rao Saheb D. P. DESAI (Kaira District) : Sir, my idea in moving this cut of Re. 1 was to get an opportunity of speaking on the general policy adopted by Government in granting loans to the agriculturists in the flooded area. I, therefore, hope that I will be permitted to discuss the general policy.

The Honourable the PRESIDENT : Honourable member should have tabled in that case a bigger cut, say a cut above Rs. 100. He would then have got an opportunity of discussing the general policy. As it is, he cannot do so.

Rao Saheb D. P. DESAI : Sir, I may be allowed to take up for discussion the cut of Rs. 100, which is the third item in the list.

The Honourable the PRESIDENT : The practice has been as I have stated. But as there is no other motion tabled, I find that the whole question would drop if I did not allow the request of the honourable

[The President]

member. I, therefore, would allow the honourable member to take the third item that stands in his name in the list, namely,

"Reduce by Rs. 100—Total Votable Demand under Famine Insurance Fund—Rs. 39,85,000."

Rao Saheb D. P. DESAI: Sir, I would not move the first two items, but move the third item.

The Honourable the PRESIDENT: I believe Rao Bahadur B. R. Naik has no objection to that.

Rao Bahadur B. R. NAIK: No, Sir.

The Honourable the PRESIDENT: Rao Saheb D. P. Desai is not going to move the first two items. He is moving the third item and I am giving him permission to discuss the general policy.

The Honourable Sir CHUNILAL MEHTA: Sir, I may point out that this demand for Rs. 18,62,000 deals with quite a different item from that of Rs. 39,85,000 to which the third cut of Rs. 100 refers. I fear, Sir, that the present item before the House is only a demand for Rs. 18,62,000 and it has nothing to do with the administration of loans. All I am concerned with is this. This is a loan taken from the Famine Insurance Fund. I, therefore, ask this House to sanction the amount for giving loans to cultivators. I am not at all concerned with the administration of loans. That is dealt with by the Honourable the Revenue Member and it belongs to some other item and not the present demand.

The Honourable the PRESIDENT: That is perfectly correct. I think the point raised is right and I do not think this would be the proper moment for the honourable member to discuss the general policy.

Rao Saheb D. P. DESAI: Will I be permitted to discuss all these matters when the other item comes up?

The Honourable the PRESIDENT: That will have to be seen at the moment as to how it fits in. I cannot give a binding at this moment.

Question that a demand for Rs. 18,62,000 from Famine Insurance Fund—Reserved be granted, put and carried.

The Honourable Sir CHUNILAL MEHTA: Sir, I now beg to move for a grant of Rs. 4,79,000 for payment of commuted value of pensions—Reserved.

Question put and carried.

The Honourable Mr. J. L. RIEU: Sir, I move for a grant of Rs. 4,12,000 under 60-A, Other Provincial expenditure not charged to Revenue.

Question put and carried.

The Honourable Sir GHULAM HUSSAIN: Sir, I move for a grant of Rs. 43,82,000 under 60, Capital Outlay, for Civil Works. I should like to say a word, Sir, before the grant is placed before the honourable House. Out of this Rs. 43,82,000, we propose to spend Rs. 12,15,000 for communications which have already been sanctioned by this honourable House, because they are works in progress. Now, deducting this Rs. 12,15,000 from Rs. 43,82,000, there remains about Rs. 31 lakhs.

[Sir Ghulam Hussain]

Out of this Rs. 31 lakhs, we propose to spend Rs. 7,49,000 on the acquisition of the Sailors' Home which has been sanctioned by this honourable House. The remaining amounts are to be spent on works in progress pertaining to the various departments—Revenue, Judicial and Medical. The honourable members of this House will agree with me that, if we do not proceed with the works in progress, it will be a penny wise and pound foolish policy. If I remember rightly the words of the Retrenchment Committee, they advise us to concentrate on our works in progress and expeditiously carry them to completion, and we are acting up to that advice.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I want to move:

"That the total demand under 60, Civil Works not charged to revenue be reduced by Rs. 10,00,000.

Because a particular expenditure has to be met from capital, we need not be lavish in spending money. If we look to the expenditure for this head that was incurred last year, we shall find there was a difference of Rs. 16 lakhs between the amount budgetted this year and the revised estimate of last year. Last year we sanctioned Rs. 44 lakhs and the actual expenditure is Rs. 38 lakhs. That is to say, Government have spent Rs. 6 lakhs less than the budgetted expenditure. This year Government demand more than 54 lakhs. Though there is financial stringency and though the presidency is overburdened with debts and taxation, Government are still incurring more debt and this capital expenditure is increased. On the other hand, we must decrease this expenditure. If we look to 1926, we find the expenditure is Rs. 36 lakhs; in 1927-28 it is Rs. 38 lakhs; while this time they wish to have Rs. 43,82,000 under works, the total demand is more than 54 lakhs under 60, Civil Works. Government should cut down expenditure in all directions and have a good budget which would save the taxpayers instead of having a budget which will be the ruin of the presidency by their incurring heavier expenditure in various directions. Sir, I could make suggestions in various ways. Though the Council has passed the grant for the Sailors' Home, it may be acquired and a new Council Hall may be built, but we are ready to build this much later after many years as a self-denial when our finances may improve. For a more luxuriant Council Hall Government need not spend all at once. We are quite content with the Hall in which we are working. If they are committed to the Sailors' Home, let them acquire it, let them rent it out and get as much rent as possible for it, and not proceed with the building of the new Council Hall just now. When better times come and when we have better finances and when the presidency has been relieved of the burdens which have been entailed on it by the policy that has been pursued so far in the matter of the Bombay Development, that may be done. Till then Government should halt and desist from incurring further capital expenditure. Government may have an idea of building the Council Hall when it will be possible for the finances to meet it. But just now they may cut down from the budget the large expenditure of Rs. 7,36,000 which has been put down in the current year for that item. Similarly, in other works in progress, they may not proceed as rapidly as

[Mr. J. C. Swaminarayan]

they intend, and they can cut down at least Rs. 10 lakhs from this budget, because last year they have spent Rs. 38 lakhs only and this time also the expenditure may not be more than Rs. 44 lakhs. If a higher amount is allowed, Government will be inclined to spend lavishly. Therefore, this House will be well advised to give them less money than they demand.

We know that the Public Works Department are in the habit of over-budgetting. If only they would be careful in spending the money, they could do with 44 lakhs and therefore I ask the House to pass my motion for a cut of 10 lakhs.

Question proposed.

Mr. L. M. DESHPANDE: On a point of information. Out of these 54 lakhs a sum of 45 lakhs is shown for works in progress. This amount is to be spent from capital funds. I want to know whether all these 45 lakhs have been borrowed and if so, whether from the Government of India or from the Provincial Loans Fund.

The Honourable Sir GHULAM HUSSAIN: From the Government of India.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, our budgets have been showing deficits year after year almost. In my speech to-day I wish to say something about the way the Public Works Department have been carrying on the work of the court at Karachi, in so far as it relates to the calling of tenders and so on. When the construction of the court house was commenced, tenders for its foundations were called for; tenders were also called for, for its plinth and also for its ground floor. The tenders that were the lowest were 25 to 30 per cent. less than the estimated rate. After that no tender was called for. The officers of the Public Works Department, from the lowest to the highest, gave the work to a contractor at his own rates—a work running into lakhs of rupees. After the ground floor was ready, application was made stating that the Maharaja of Jodhpur was constructing a big palace and if the Public Works Department did not come to terms with the contractor, the rates for Jodhpur stone would mount up, with the result that where one foot of Jodhpur katcha stone ordinarily costs Rs. 1-10-0 to Rs. 1-11-0, a price of Rs. 3 was sanctioned to the contractor. I leave the officers and the Honourable Minister in charge of the Department and this House to think for themselves what all this means. They may say "Oh, we shall deduct this Rs. 3 while giving out other work and thus make up for the high rate." But this will not be achieved when other contractors who have not gained will not accept low rates. Be that as it may, but my point is that other contractors would have agreed to take the work at much lower rate than Rs. 3 for katcha Jodhpur stone. As a rule, tenders are invited for work amounting to five to ten thousand rupees but in this case it was about 15 lakhs worth and was yet given away without any tender. In this instance no tender was asked for. Did the Department have only one contractor? Were there

[Mr. Haji Mir Mahomed Baloch]

no other contractors ? Why should the Department ruin the other contractors in this manner and also waste public funds mercilessly.

I would venture to tell the House that the general taxpayer will suffer a great deal if this kind of policy is allowed to continue unchecked. Government do not hesitate to ask for supplementary grants. They do not scruple to present deficit budgets to the Council. And yet, their own officers go on spending money as they please with perfect indifference without even taking the formality of inviting open tenders. I would not be wrong in applying these remarks to the other departments also. The cut proposed by my honourable friend Mr. Swaminarayan should be passed by the House.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I have nothing more to say in reply than that if Government are careful in spending the money and in calling for tenders and getting the work done by contractors offering to do the work for the lowest prices, the amount of 44 lakhs will be more than sufficient for the year's needs. Therefore the cut I propose should be passed by this honourable House.

The Honourable Sir GHULAM HUSSAIN: Sir, my honourable friend, Mr. Swaminarayan, complained that the Public Works Department was over-budgetting, and that it cannot spend the amounts that are sanctioned by this House. That allegation is not true. The reason why 38 lakhs instead of 44 lakhs was spent this year was that we did not utilise the six lakhs provided by this Council for the acquisition of the Sailors' Home. We thereby saved all the interest on this huge amount, for which this honourable House ought to be thankful.

It is, on this account, that instead of Rs. 44 lakhs, we have spent Rs. 38 lakhs, and saved interest on Rs. 6 lakhs.

Then my honourable friend made another suggestion. He says that there is no necessity for the Sailors' Home to be turned into the Council Hall. I am afraid this House will be stultifying itself ; having sanctioned that amount, we cannot go back upon it.

Then, coming to my honourable friend from my part of the country, this House may like to hear the history of these judicial courts in Sind. I myself, the representatives from Sind in the pre-Reforms days, the Chamber of Commerce, the Indian Merchants' Chamber, all of us were trying to have a decent Judicial Commissioner's Court in Sind, and when Government provide the money to finish that court, here comes my honourable friend and complains. I can assure him that we have invited tenders on more than one occasion, and we are satisfied with the work of the contractor. We have given him only reasonable rates, and I challenge my honourable friend to show that he can get more favourable terms than those. We have accepted the lowest possible tender.

Mr. N. A. BECHAR : Tenders are not invited for all the work.

The Honourable Sir GHULAM HUSSAIN : They were invited. They were invited for the plinth and the first floor ; you cannot go on changing the contractor every day. Is that businesslike ? It is all very well to smile.

[Sir Ghulam Hussain]

Now, what is the position? They say, cut down the grant by Rs. 10 lakhs. That means leaving the building half finished, and thus wasting public money. I, therefore, strongly oppose the motion for reduction.

Question put and lost.

Question that the grant of Rs. 43,82,000 under 60, Capital Outlay for civil works be granted put and carried.

The Honourable Sir COWASJI JEHANGIR: Mr. President, I rise to make a demand of Rs. 47,84,000 for 59, Development. The budget provides for works on the Back Bay reclamation as settled by this honourable House this time last year. But I would like to bring two matters to the attention of the House. I do not propose to go into any of the provisions in the budget, as they have been very fully explained in the Blue Book.

In presenting a demand for a supplementary grant at the October sessions, one of the items necessitating additional funds was an excess of Rs. 2·43 lakhs on the budget provision for dry filling of block 8. Since that date, there has been a further settlement of the wet filling, requiring, according to the most recent surveys and calculations, additional murum filling amounting to 7·14 lakhs of cubic yards, and estimated to cost an extra Rs. 9·07 lakhs. This necessitates the continuance of dry filling operations in block 8 during the next financial year, and will bring the total excess in the cost of topping block 8 to Rs. 11·5 lakhs. Another result of this further shrinkage of wet filling is that the murum topping will not now be completed by the end of next month, as was contemplated at this time last year. Every effort is being made to expedite the work and the consequent transfer of the area to the military authorities. In this year's budget a credit of Rs. 2,20,70,000 was taken as the value of block 8, excluding the recreation ground for which a credit of Rs. 11·39 lakhs had been assumed in the revised budget estimates of 1926-27. The recreation ground area was not transferred, however, till November 1927, and on measurement was found to be equivalent in value to a sum of Rs. 20·74 lakhs, which has been set off against previous borrowings from the Government of India. The remaining area, according to the most recent surveys, is estimated to be worth Rs. 205·22 lakhs, for which a credit is taken in next year's budget receipts. The total receipts from the transfer of block 8 to the military authorities are thus assumed to be Rs. 225·96 lakhs, as compared with the estimate of Rs. 239·09 lakhs at this time last year. The decrease is due to a difference of 13·56 acres between the area of block 8 according to the recent surveys and the area assumed when the transfer was arranged in 1921. With these remarks, Sir, I ask for the demand.

Question proposed.

The Honourable the PRESIDENT: There is an amendment of the honourable member Mr. Nariman to reduce the demand to 40. Do I understand that the honourable member wishes to reduce the amount to Rs. 40 lakhs?

Mr. K. F. NARIMAN (Bombay City, South): Yes, Sir, my motion is to reduce the total demand to Rs. 40 lakhs. I move my motion, namely:

"Reduce to Rs. 40 lakhs, Total Rs. 41,79,000."

In the first place, Sir, this reduction is a reasonable one; it does not contemplate the reduction of the total demand to Rs. 40 as appears in the printed paper. I am sure the Honourable the General Member will agree that the reduction I propose of Rs. 1,79,000 is not a large reduction, because I do not wish this reduction to apply to this particular item. The reduction relates to the suburban activities of the Development Department. In speaking on this motion I wish to refer to the suburban development. I want an explanation from the Honourable the General Member with regard to it. He gave us to understand that the Development Department, with regard to its activities outside the reclamation branch, was abolished. But we find that the Development Department, so far as the suburban area is concerned, is still allowed to subsist, and there are officers of the Development Department in the suburban schemes although we were given to understand that the Development Department outside the reclamation had no existence any further. I want to know from the Honourable the General Member the reason for retaining that part of the Development Department, when the larger activities of the housing and industrial schemes have been abolished. I know the explanation will be that certain parts of the suburban areas have to be developed. But I may tell the House the difficulties under which the suburban residents are suffering on account of this Development Department. I do not say that the activities of that department are not necessary but what I say is that it can be transferred to the district public works department. It is not necessary to continue that establishment. I will give an instance how the suburban residents suffer. They complain and have been complaining for a long time about the water charges. I think it is a just complaint from the suburban residents. We from the Bombay municipal corporation supply water to the Development Department in the suburban area at the rate of 5 annas per thousand gallons while the Development Department recovers at the rate of Re. 1 per thousand gallons from the inhabitants, thus making a profit of 11 annas. If there had not been this intervening agency of the Development Department I am sure the suburban residents' legitimate complaint would have disappeared. Imagine, Sir, they are making a profit on the supply of water, the first requisite in life, which is supplied not by any human agency but by nature. In that we are not entitled to make any profit, but we can only recover the amount we spend on our water works. It is inhuman to make a profit on water supply. We expect the Development Department to give as many facilities as possible to the residents in the suburban area. I am not at present going into the other grievances caused on account of the intervening agency of the Development Department. The residents complain rightly that they would not have to pay that much for water if they had had direct negotiations with the Bombay municipality; and they would have got it for not more than 8 annas or 10 annas. The Bandra municipality has direct negotiation

[Mr. K. F. Nariman]

with the Bombay municipality and it gets water at the rate of 8 annas or 10 annas. Two or three miles away from Bandra for the same water the Development Department charge Re. 1, because it has no direct communication with the Bombay municipality. I know that an explanation will be given that because they have to lay the water main they have to charge more. Even then does it justify a difference of 11 annas ? It is a monstrous charge which must go. When the whole department has been done away with, there is no justification for this small establishment costing about Rs. 2,00,000. It is with that object I have moved this small cut. I do not say that the amount spent on the development of the suburban areas should be reduced ; on the other hand I consider the expenditure incurred on the development of the suburban areas is in the right direction and not like the one on the reclamation. I do not think it necessary to retain any more that establishment and it should be abolished.

Mr. R. D. BELL : Sir, the honourable member who has just spoken is under a misapprehension regarding the abolition of the Development Department in the suburban area. Probably what he is thinking is the arrangement made in 1926 whereby the technical control of the development works in the Bombay suburban area was transferred to the Public Works Department. If the amount of work remaining to be done at the present time in the suburbs had been slight, it might have been possible to dispense with an entirely separate staff. But there is still sufficient work going on in the suburban area, which includes Ambernath, to require a full time executive engineer and two assistant engineers. Honourable members will find that the details are given on page 241 of the Blue Book. The engineering establishment in the suburban area now consists entirely of one executive engineer, two assistant engineers and one station engineer. This staff is under the control of the Superintending Engineer, Public Works Department, for technical purposes but they are under the control of Government in the Development Department for purposes of general administration.

The other matter to which the honourable member referred is the water charges in Salsette. Perhaps he has not read in the local newspapers the correspondence that recently appeared on the subject ; otherwise he would have been in possession of the information which he now seeks. It is quite true that the Development Department pays 5 annas per 1,000 gallons to the Bombay municipality for the supply of water at the municipal main and charges the consumer one rupee per thousand gallons for water drawn off at the consumers' taps. Between the Municiaplity's main and the consumers' taps there is a distribution system. The cost of the water charged to the consumer must, in addition to covering the five annas paid to the municipality, pay the interest and sinking fund charges on the capital cost of the distribution system which has been put in by the Development Department. So far from any profit having been made, as was suggested by the honourable member, the accumulated losses on distributing water in the suburbs up to the

[Mr. R. D. Bell]

end of the last financial year is Rs. 2,95,000, or almost three lakhs of rupees. I think this fact effectively disposes of the charge that the Development Department are profiteering on the supply of water in the suburbs.

Mr. LALJI NARANJI: Sir, will the honourable member explain how that loss occurred ?

Mr. R. D. BELL: The loss occurred thus. When these schemes are initiated, a forecast is prepared, which is considered in the Development Department and in the Finance Department. It usually happens that in these areas which are under development, the forecast shows a loss for a number of years at the outset, and the schemes are not approved by the Finance Department unless the Finance Department is satisfied that after a reasonable number of years, three, four or five, as the case may be, the schemes will pay. Most of the schemes are still young, and, therefore, they are not in the paying stage. Some of them lose less than others, but I think at the end of the last financial year none of them had a balance to its credit, although some of them, at least one, was beginning to make up the deficits of previous years.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I support the motion before the House for reducing Rs. 1,79,000 for the following reasons. This proposition has to be considered not from the point of view of either the suburban scheme or the Back Bay scheme individually, but from the point of view of the Department as a whole. I think if a real effort is to be made by Government to wind up this Development Department, they can make a very good beginning by accepting the moderate reduction proposed. In keeping this Department separate, Government are acting counter to one of the resolutions that I placed before the House in 1924 recommending the amalgamation of this department with the Public Works Department. If they want to do it even now, it is quite possible for them to make a beginning this year by accepting the reduction of Rs. 1,79,000 which can be made in the following way. You will see, Sir, that at page 244 of the Blue Book, the expenditure on establishments is divided into the following heads :—

	Rs.
Salaries	3,36,228
Establishments	3,15,003
Allowances	1,43,746
Contingencies	51,800
Total ..	8,46,777

From this they have deducted Rs. 1,42,346 on account of recoveries to be made from other departments, reducing the total to Rs. 7,04,431. I think Government should now make a serious attempt to wind up this department. If the Honourable the General Member does not do it now,

[Mr. Lalji Naranji]

as a matter of business necessity, Government will have to do it in the near future helplessly without any grace. Instead of doing it all at once they are proceeding in a gentle way in order to keep up their pride. What is the use of doing it in a gentle way when it has been proved to the satisfaction of everybody and that it is no use carrying on this department as a separate unit ? Under one item alone, " Allowances, " Rs. 1,43,746 is provided. These allowances are paid because this department is maintained. Out of that nearly Rs. 52,922 is to be paid for leave allowances to be paid in England. Now, you will see that this department is proved to have been in incompetent hands, and still we are made to pay leave allowances for officers who are enjoying their time in England after having managed the department in the way they did and left us the legacy of a big loss running to seven crores. Under " travelling allowances " alone Rs. 29,000 is provided ; " duty allowance, " Rs. 12,000 " house rent allowance, " Rs. 14,000. Now, if this department is closed down, they can save Rs. 1,43,000 alone under allowances, or at least a considerable portion of it, not to speak of what they can save by curtailing the establishment on the Suburban Scheme or by curtailing other activities. Now, what is the use of keeping a big secretarial-department for the Suburban Scheme when the real activity is to be only the Back Bay scheme. If Government are serious and are not proud of their voting power in this House, they should accept the modest suggestion made by the honourable member Mr. Nariman.

I have only pointed out one item from which this modest amount can be reduced. There are other items also from which reductions can be made, if the Honourable the General Member is serious. The total demand is Rs. 47,83,000 ; out of that Rs. 32,50,000 is provided for the Back Bay Reclamation. Even assuming that all the works to which the Honourable the General Member has committed himself have to be continued, still there are other items from which he can certainly save Rs. 1,79,000. I will now point out other things apart from this amount of Rs. 7,04,000 for establishment and contingencies. In the separate note given to this House, honourable members will see

" Item No. 2 under " Works and Acquisition, Part I "—The provision of Rs. 92,500 for sea wall on rubble mound is made for providing a parapet wall as early as possible on the sea wall in front of block No. 1 to protect the filling behind the wall from being scoured to any appreciable extent by waves breaking over the wall. "

I refer to this because I want to show to the House that this is the sort of recurring unproductive expenditure that they will have to provide by preparing block 1 and block 2, chances for the sale of which are very remote. Although Government promised that block 1 would be ready by this time this year, they now tell us that it will take one year more. The House will understand what that one year means. It means extra expenditure in the way of establishment, contingencies and repairs, etc. Now, I come to another item in the same note, No. 18. The sum of Rs. 3,25,000 provided under this item includes Rs. 54,000 for pitching the bund along the storm-water drain between blocks Nos. 2 and 3, and this expenditure is incurred on the assumption that after filling blocks 1, 2, 7 and 8 other blocks may be taken up. Otherwise the strong water

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drains for Block No. 6 and No. 3 would not have been necessary.

Now, in the suburban scheme Government are providing one item of Rs. 61,070 for another white elephant which is known as Salsette Railway. This House will remember that only we have spent Rs. 75 lakhs on this Railway but over and above that we have to spend this further amount. We are not going to get anything from the Salsette Railway. It is run by the G. I. P. at our cost, whether there is any profit or loss....

MOULVI RAFIUDDIN AHMAD: Is it run at a loss?

Mr. LALJI NARANJI: I do not think there is any profit derived from that Railway. So, you will find it is run at our cost without affording any profits. From the report that is available we find on page 3 that we have to spend Rs. 61,000 to make it workable on the assets which has cost us roughly Rs. 75 lakhs with no hope of making it productive. That is the way in which, in spite of warnings and appeals of this House, Government is carrying. They have not succeeded to dispose of all unnecessary items and thus stop further recurring expenditure. We have made appeals to the Honourable the General Member, but no heed is being paid to that, because the Honourable the General Member holds a very strong position for commanding such departments as he possesses.

As regards the water supply, I may mention that it was not quite clear, when honourable member, Mr. Bell, said "There is not profit but loss." The very fact that they take at the rate of annas 5 charge annas 16, shows that there is a profit of annas 11. If that is the case, how can we say that there is a loss? I think they have taken the loss that has incurred on the Ambernath water supply scheme. How can one believe that in a small place like Khar, Santa Cruz and Andheri, water supply will cost so much that it will take away or eat up all annas 11 profit? If there is any loss, then I must say that the reason must be owing to the heavy cost of pipes that have been laid there. This point was not clear and that is the reason why I interrupted Mr. Bell, as I wanted to know from him what the reason was for the loss Rs. 2,92,000 to which he has referred.

On the same note that I was discussing, you will find the percentage of establishment of works being given. It is stated there the percentage of 32½ which was in 1926-27 on the Establishment of Works, has been brought down to 15½ per cent. So, the percentage at present is 15½. And this is for what? It is for doing nothing. This work relates to reclamation and all the activities in this connection are stopped. That is the unnecessary item, which the Honourable the General Member can allow to continue, but he cannot accept the cut to Rs. 41,79,000 for which a demand has been made by my honourable friend, Mr. Nariman.

On the last item it will be seen that Government have made a comparison of superior staff and subordinate staff of both the Reclamation Scheme and the Housing and Suburban schemes. They have shown there the percentage of reduction in 1928-29 as compared with actuals of 1926-27. Though all the major portions of the activities are stopped,

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we find that there is only a reduction of 39 per cent. in the superior staff and 21 per cent. in the subordinate staff. I think this reduction is not quite sufficient, and if genuine efforts are made by the Honourable the General Member, I am sure he will be able to make further reduction. I, therefore, support the cut moved by Mr. Nariman.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I am tempted to rise to speak because of the observations just now made by the last speaker (Mr. Lalji Naranji) who said that "the position of the Honourable the General Member in this House is very strong and the honourable members support him blindly and therefore he carries his vote." Sir, this is a very strong remark to make, and I am sure all the honourable members will try first to understand the question fully, though some cannot and others will not do so.

The honourable member is an expert. Unfortunately there are other experts and they differ so hopelessly that it is very difficult to give preference to one or to the other, and therefore sometimes we laymen commit mistakes. The honourable member also pointed out the errors committed by the Honourable the General Member. He demands the total abolition of the Development Department. But may I ask whether the whole presidency will gain by the total abolition of the activities of the Development Department? A given course may be the best course, but people do not seem to understand that it may not always be possible or simple. I know the Department. It is doing its best, though its best is bad. There is no doubt that the Honourable the General Member is sincere and we know he would not deliberately commit a mistake. If he commits an error, it may be that he is misled into an error by an expert....

Mr. LALJI NARANJI: He relies on the wrong information supplied by other officers in the Department.

MOULVI RAFIUDDIN AHMAD: The information supplied to him may be wrong. But I do not think that he would deliberately commit a mistake. It is for the honourable member, Mr. Nariman, to convince the House that it is a question of "a blind leading a blind." I do believe, as an eminent citizen of this city, as an experienced member and minister he would give us the right lead in this matter. Sir I support the motion.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support the cut moved by my honourable friend, Mr. Nariman.

I personally think that the activities of the Development Department should be entrusted to the Public Works Department. The Development Department was created originally because the magnitude of the task was so very great that it was probably thought that the Public Works Department would not properly and easily carry out the work. But, now, Sir, having had such bad experience of this whole development bungle, this Back Bay scandal, which has been the ruin of this presidency, it is high time that this Council should turn a screw upon the expenditure which is being lavishly made in the maintenance of what is called the Development Department. Sir, if you will analyse the strength of this

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department, you will find that, apart from the full-time Secretary in Mr. Bell, you have got a chief engineer, you have got two executive engineers, you have got assistant engineers and such a battalion of officers that I think it will be hard lines on them to really find out the work to justify their own existence. Sir, therefore, just as Government, in spite of the repeated requests made by the Bombay municipality to transfer the Bombay Improvement Trust to the municipality, did not listen to them for many years and ultimately realised that the Bombay municipality was in the right and that they were in the wrong,—Lord Willingdon ultimately handed over the department to the municipality, and that municipal department is going on very well indeed. Now, here again, you come to the same question. You are having department within the departments themselves. Now, I am personally quite satisfied that if the whole of this amount and the whole of the activities of the Development Department are transferred on to the Minister who is responsible to this House for the P. W. D. work, things would be much better. As a matter of fact, we are robbed of the opportunities by making so many items non-votable in this matter and it is a travesty of the intentions of the whole of the Government of India Act and the reforms by making this department unvotable and putting it on the reserved half. That was a complaint that has been made from year to year, with no result. But now, Sir, since the Development Department's activities have been curtailed with the exception of the small filling up of the reclamation, I think this House should insist that the big and lavish establishment in order merely to maintain the number of officers be done away with and they should hand over the whole of the department to the Honourable Minister in charge of the P. W. D. work. Sir, every officer like the executive engineer in the P. W. D. is able to manage work to the extent of Rs. 30 lakhs, and I ask you, Sir, whether all these officers who are now engaged under the Development Department have really got the requisite work according to the P. W. D. Code. I can prove, Sir, by facts and figures that it is not so. Still all these officers are maintained! We have one officer, an executive engineer, to merely look after the repairs of the chawls which have been built at Worli and elsewhere. Now, I ask whether you require a big officer like that to look after the chawls which have been only so recently built. It either follows that the chawls are so badly built that you do require such an officer to look after them, or you are merely maintaining an office in order that somebody may continue to have a job. Now, that is not the way in which the House should allow the Government to carry on the Development Department and, therefore, I trust, as has been said by the representative of the Indian Chamber of Commerce, that this will not be made a party question or that members will not be swayed in their feelings of support to the honourable member who may be in charge of that department, and that they would try to put their foot down upon this extraordinary expenditure that the Council is asked to sanction from year to year. Sir, I listened very closely to the remarks made by the Honourable the Leader of the Opposition, who, as I said

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last year, hardly opposed the Government, and if you analyse his speech from beginning to end, to my mind it came to nothing. All the observations made were non-committal, of a general character, and in the end he ended up by saying that the Honourable the General Member will kindly justify the demands made. Sir, I fail to see whether there is anything in this world which a man proposes which he cannot somehow or other try to justify, and if you only want to go on by the reasoning and the premises then the Honourable the General Member should justify expenditure, I can tell my honourable friend in advance that the expenditure will be justified in a minute or two. But, is that the position which he, as the representative of the people, who are to pay the taxes ultimately, is prepared to take ? We know from year to year, and the proceedings of the House show to us, that there has been great leakage, there is a lot of expenditure that is unnecessarily incurred, and that as a result of it this presidency has lost crores and crores, which the posterity will have to pay for, and if we do not try to remedy matters by taking time by the forelock, I am sure this presidency will be incurring expenditure which is paralysing to all the nation-building departments. Whenever we ask for any work even Rs. 5,000 or Rs. 2,000, or even Rs. 500 we do not get it, and for the sake of even Rs. 200 a school for the depressed classes is closed, for which classes the Government has developed suddenly a certain solicitude, and yet we are asked to sanction expenditure which is absolutely useless and worthless. I therefore hope that this House will make up its mind to give some kind of indication of its strong desire that we do not want to carry on this expenditure in the manner in which it is being incurred.

Mr. D. R. H. BROWNE : Sir, I should like to say a few words to correct an impression which seems to be in the mind of my honourable friend from Karachi that the officers employed on development work now are doing nothing ; that they have nothing to do, nothing to fill in their time. He mentioned that there was an Executive Engineer in charge of chawls and he thought that looking after the chawls was his sole work. I may tell the honourable member that that executive engineer is employed in looking after all the suburban schemes of the Development Department,—those schemes which two or three years ago constituted a very full charge for a Superintending Engineer. That Executive Engineer has his hands absolutely full. Amongst other things he is looking after the chawls, and there can be no charge whatsoever brought that any officer is not doing a full day's work, as far as I know. The particular officer in question is under the P. W. D. There are other misconceptions which I think I read into the speech of the honourable member, but I do not think I should try to deal with them in detail. I notice a tendency to consider it a qualification to make long speeches on the Development Department not to know details of the subject. I know a great many details about it myself, but I feel I should not trouble the House at any length at the moment.

Rao Saheb D. P. DESAI (Kaira District) : Sir, let us see whether this expenditure could not be saved. If the Honourable the General

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Member refers to the special memorandum, he will find that the capital expenditure incurred on these water works up to now is about 14 lakhs of rupees. The interest on 14 lakhs comes to about 81 thousand rupees and the receipts from the sale of water come to about Rs. 2,86,000. Out of the other expenditure incurred on the establishment in the secretariat and on the works and for other sundry expenses, Rs. 1,78,000 is spent on the works alone. Cannot the Honourable the General Member just see his way to reduce this expenditure ?

Mr. R. D. BELL : I might clear up a misapprehension at once, Sir. That charge includes the payment to the Bombay Municipality for the water they supply at the rate of five annas per thousand gallons.

Rao Saheb D. P. DESAI : Even so, very little establishment would be necessary for this water works scheme. By charging five annas the Bombay Municipality meets the interest on the capital and working charges while the Development Department cannot run their small establishment in the Salsette even by charging five annas. It would therefore be far better to curtail this expenditure in the suburban area. Even if it is not possible to do so, I think it would be advisable to do so because the financial success of the whole suburban area depends upon the rates we charged to the inhabitants and so if you were to charge indirectly water and other cesses at such high rates, how would it be possible for people to take up developed plots in those areas ?

Mr. P. J. MARZBAN : (Bombay City, South) : Sir, I am afraid the honourable members who have spoken have not clearly defined as to how retrenchment and savings are to be effected. What I understood....

Rao Saheb D. P. DESAI : The secretariat charges and other charges debited to this particular scheme could be saved.

Mr. P. J. MARZBAN : My honourable friend Mr. Nariman spoke rather vaguely when he said that this expenditure could somehow be reduced. I think it would have been a better plan for this honourable House to give a sort of a mandate to the Honourable the General Member that this House is anxious to get the establishment charges of the Development Department reduced by 10 per cent. in view of the lesser activities of that department.

After this, I just refer to one remark from my honourable friend from Karachi, Mr. Bechar, that it would be better for the interests of all concerned if the Development Department were to be transferred to the Bombay municipality. I may inform the honourable member that the Bombay municipality is absolutely fed up with this sort of thing now. They have already their hands full up with the Improvement Trust and I should think that if the Government of Bombay or the Government of India were to transfer to the municipality the Development Department, the first thing the Bombay municipality would do would be to close down the Development Department, all at once, the moment the department was transferred to them. However, I do hope that the Honourable the General Member will concede that with the somewhat slackened activities of the Development Department

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now, a very substantial reduction can be made in the establishment charges, and if this cut suggested by my honourable friend Mr. Nariman is passed, I hope the Honourable the General Member will apply that cut only to the establishment charges and to nothing else.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I have to take part in this debate to once more clamour for retrenchment in the expenditure incurred by Government year after year, especially in the Development Department which is a veritable white elephant eating into the vitals of this presidency. There is no doubt that every section of this department is a failure and has become a heavy burden on the whole presidency for the launching of the development schemes has handicapped the nation-building departments. If you look to the expenditure proposed this year by the Honourable the General Member, you will find that nearly Rs. 3,81,700 has been put down for the maintenance and repair charges. I do not understand for a moment why so large an amount is required for the purposes mentioned. Is the land in the Back Bay scheme in need of repair and maintenance? The same remark applies to the suburban district. Except the building of chawls, what has been done? Do the chawls require such a large amount for maintenance and repairs? Are not the chawls lying vacant because the people for whom they were built cannot pay the high rent that is charged? Last year also I pointed out in this House that if the rents for the development chawls and other properties were reduced to normal.....

The Honourable Sir COWASJI JEHANGIR: I rise to a point of order. The chawls are not in this budget. There is a separate budget this year for the chawls. Therefore, if any cut was made in this budget, it would not come out of the provision for the chawls.

Mr. R. S. ASAVALE: I merely want to show how that cut can be accepted without the slightest difficulty if necessary action be taken.

As for the reclamation of the Back Bay, we found in the September session at the time of the supplementary grant for extension and repairs that the (shrinkage) shown was horrible. Such (shrinkage) is never allowed on any contract work. I had told so to the Council on that occasion. And yet I was not given any reply either by the Engineer in charge or by the Honourable the General Member. Sir, the shrinkage was then shown as about 20 per cent., and the amount was already sanctioned. I would request the members of the Advisory Committee for that department to take care to see how these things happen. I am quite sure that a very large amount has been spent after filling in the area. At first money was spent for wet filling by dredgers. After that dry filling was commenced, and yet there is not a single inch of land which is ready to be handed over either to the Government of India or to the public for their use. I am sorry that we have been spending a lot on the suburban schemes; and may I ask what benefit the public have derived from these schemes? There also is another great failure. The land is lying idle and unwanted. We know that even in the heart of

[Mr. R. S. Asavale]

the city of Bombay where the municipality has launched its improvement schemes, the lands have been lying vacant for lack of buyers; there is not a single buyer, even though the rates have been reduced for land in the heart of the city. That being so, I do not understand how it would be possible to find people to buy land in the suburbs. I say, therefore, Sir, that it is not possible. I would bring to the notice of the House that they have to suffer a great loss on account of the launching of these schemes all at once. This ought not to have been done. Now look at the Ambernath scheme. What benefit has been derived from it, and who is going to purchase lands there? At present, only the match factorywallas and other factorywallas have taken up some land there; I do not think the public of the presidency would go and purchase land there. Sir, this department has been a white elephant to this presidency, and the House should be alert to see that these grants, which are increasing every year are not sanctioned. With these few remarks, I support the motion.

Mr. S. A. SARDESAI (Bijapur District): Sir, I am inclined to support the motion for the reduction of this demand, after hearing so many speeches of the Bombay experts. Referring to page 228, there are nearly 19 items covering the total demand, and the motion is for a modest cut of Rs. 1,79,000. I doubt neither the sincerity nor the ability of the Honourable the General Member. I think he is fully capable. What I think is that he has been deluded into the belief that these expenses are quite necessary for the purpose of carrying out the items mentioned on page 218. I think, Sir, the biggest item in this total demand is the Back Bay Reclamation, and there are also some five or six other items for which big sums have been provided. But to my total disappointment I do not find any details for several items. For instance, repairs and establishment charges are mentioned, which is very vague, and a full explanation is necessary from the Honourable the General Member on this account. Sir, there is also the opinion of several expert members from Bombay that a good deal can be cut out from the Back Bay Reclamation. I therefore think that this modest sum of Rs. 1,79,000 can be cut from the total demand, if the Back Bay Reclamation is judiciously reconsidered by the capable General Member. With these remarks, I support the cut.

Mr. L. M. DESHPANDE (Satara District): Sir, it has been admitted that a large amount is being spent on the Bombay Development Scheme. I wish to point out how far the burden of this expenditure lies on the provincial revenue. On page 278 we are told that only Rs. 48 lakhs are required for the Bombay Development Scheme, but on reference to page 227 of the Blue Book we find that a sum of Rs. 1,79,16,000 is required for this purpose. I might further point out that these Blue Books are not available for the previous years, but only for the current year. The Civil Estimates are the only books that are available for reference in the library. But in the Blue Book before us we find that the total amount that is to be spent on the Bombay Development Scheme

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is Rs. 1,79,46,000. And what are the items of expenditure ? I might point out that Rs. 1,09,00,000 represents the interest on the scheme.

The Honourable Sir COWASJI JEHANGIR : No, no.

Mr. L. M. DESHPANDE : We find it on page 227.

The Honourable Sir COWASJI JEHANGIR : This includes loans to local bodies.

Mr. L. M. DESHPANDE : It is interest ; it is so stated there. I will state all the facts as stated there. Under expenditure, interest is shown as Rs. 1,09,00,000 and odd ; sinking fund investment account Rs. 13,25,000 ; appropriation for reduction or avoidance of debt Rs. 12,000 ; reduction or avoidance of debt Rs. 7,90,000. The total of this is Rs. 1,30,63,000. Apart from this, under head 42, we have Rs. 21,30,000 as interest to be paid on this account, and sinking fund of Rs. 1,15,000. If we add all this together, it comes to Rs. 1,53,08,000 ; that is the amount of interest and sinking fund.

The Honourable Sir COWASJI JEHANGIR : May I rise to a point of correction. Some of this interest is not paid by the department, but is paid by the Port Trust, the Improvement Trust and the Bombay Municipality. The honourable member is calculating everything together.

Mr. L. M. DESHPANDE : I am coming to that. Out of this, it is stated here, Rs. 48,04,000 are credited as interest under head 16, and this is the interest that is recovered from the Bombay Municipality, the Port Trust and the Improvement Trust ; there is no other sum that is to be recovered. Another sum of Rs. 7 lakhs is the amount that is to be recovered as rent from the chawls. Deducting these amounts, which come to Rs. 55 lakhs, the remainder is nearly a crore, which we have to spend. The total borrowings for this year, as mentioned on page 227 are Rs. 74,08,000, and the actual works for the current year are Rs. 48,83,000. That means, out of the total borrowings Rs. 48 lakhs are to be spent on actual works, and Rs. 25 lakhs are to go for the payment of interest.

That is, we have to pay a sum of Rs. 74 lakhs as interest on the Development Scheme from our balances. That is not an imaginary figure. Referring to page 278 of the Civil Estimates you will see that ; " deduct interest advances from ordinary revenue Rs. 79,26,410." In the year preceding also the figure is shown as 76 or 74 lakhs. So, I say that such a large amount of nearly three-fourths of a crore is being spent from the ordinary revenue towards the cost of the Development Scheme every year. Whenever any demand for a small expenditure of some thousands is made and the assurance of Government given in various Government Resolutions that such and such an amount should be spent on particular heads we are told that they have no funds ; and that they cannot spend it. I hope therefore the honourable member will give his kind consideration to this matter and give up all further activities as soon as possible.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, in reply I have nothing further to say except that there was not a single dissentient voice with regard to this small cut with the exception of the honourable member Mr. Marzban on this side of this House.

Mr. P. J. MARZBAN : A personal explanation, Sir. I am not against it.

Mr. K. F. NARIMAN : I am glad then that the opposition is unanimous in demanding this cut. But I want to point out the mentality of Government. This is a very moderate demand on the part of the opposition, a cut of Rs. 1,79,000 out of a total demand of Rs. 41,79,000. The leader of the opposition, if I may be permitted to call him so, who always sides with Government, has supported the cut, if I understand him rightly at the end of his speech. When the opposition has made a moderate demand unanimously there is not even a gesture from the Government side to concede this demand. My honourable friend Mr. Marzban wanted me to point out the place where this cut can be effected. I wish him again to realise that where we point out a cut there it cannot be carried out. Half of the expenditure is reserved and we cannot touch it. Whatever we would like to touch we have no power to do so. What best we can do is to leave it to the department as to where the cut should be applied, as they are the best judges as to where this cut should apply. I may suggest that for repairs and maintenance a provision has been made for the Bombay Reclamation. I fail to understand that so far as Back Bay is concerned there is hardly any land which is ready developed. We are still in the process of reclamation and I fail to see where there is need for maintenance and repair for which a sum of Rs. 74,000 is required. (The Honourable Sir Cowasji Jehangir : The details are given there.) I can understand this provision if the land has been reclaimed and money is required for development. The reclamation is still going on and yet Rs. 74,000 is provided for maintenance and repairs. Rs. 64,000 is provided for maintenance and repairs for the suburban development. We were given to understand that the housing and industrial schemes were going to be given up. We do not know which are going to be denotified. If the schemes are to be given up, we can take out a small amount from the amount set apart for general acquisition. We can in this way point out generally but we cannot point out definitely. Though the opposition is unanimous on this small cut there is not even a gesture on the part of the Government to accept this cut.

The Honourable Sir COWASJI JEHANGIR : Mr. President, in replying to this debate may I be permitted to congratulate my honourable friend who has moved the cut. If ever he has made a speech in this honourable House, which can be said to be constructive, or one to which he can be said to have devoted reasonable attention, it is the one that he has made to-day. Now, Sir, this is a very good sign for the future and we may in the future be exchanging places. (Mr. K. F. Nariman : Oh, no. You are welcome here, but I will never go there.) Don't be too certain. More extraordinary things than that have happened in this world. Now, Sir, the first point that my honourable friend took

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up was the control of the Public Works Department with regard to the suburban establishment. He could not understand why the Development Department is still connected with Suburban activities. The point of technical control has been explained by my honourable friend the Secretary of the Department; all the staff which is looking after the suburbs has been handed over to the Public Works Department. But the secretarial work is being done in the Development Department. When the Development Department was brought into existance it did two kinds of work. It did the work of the Secretariat: and it did the work of the administration. The abolition of the Development Department involves a separation of these two duties.

In the case of the Suburban Development, the separation has taken place. It is the Public Works Department that actually does the work; but the Secretariat part of the work is still being done in the Secretariat of the Development Department. That is exactly what has taken place up till now. My honourable friend (Mr. Nariman) and also my honourable friend the representative of the Indian Merchants' Chamber have more than once impressed upon Government the necessity of the abolition of the Department, and I can assure my honourable friends that their advice has not fallen on deaf ears, that the abolition of the department has had the very careful consideration of Government. But it is not such a simple matter as my honourable friends seem to believe, because it is not going to effect retrenchment. Up to now, as I have informed the honourable House, the Development Department has been doing the secretarial work as well as the administrative work. My honourable friend who sits behind me to-day (Mr. R. D. Bell) is Secretary to Government in the Development Department; he is the Commissioner of the Suburban Division; he is Land Manager to Government in the Suburban Division. Now, Sir, if this Development Department was abolished, the work, which is now being done by him as Commissioner of the Suburban Division, would have to be done by somebody else; his work as Land Manager would have to be done by somebody else. Therefore, it is not such an easy matter as my honourable friends think to abolish the department with one stroke of the pen. They may find their budget going up instead of coming down. If the abolition of the department could be effected with retrenchment, Government would not have hesitated to do so. It is because it is difficult to effect retrenchment at the same time, that Government are still further considering the matter. It is not a question of handing over the whole department bodily to the Public Works Department. Other departments are concerned. Certain parts of the work would have to go to the Revenue Department, and the Revenue Department in the Secretariat might require strengthening up if they were to do all that extra work. The Collector of Bombay would have to do some part of the work; and the administrative officer may require his staff to be strengthened. And then the Department in the Secretariat which will take over the work now being done in the Secretariat of the Development Department might ask for extra assistance. We may have not only to transfer the whole establishment bodily

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to the different departments, but in addition we may be asked to provide additional staff in the Secretariat itself. It is possible that if the Development Department is really abolished, we may have to add another Secretary to Government. Therefore, we will abolish the Secretary to Government in the Development Department and add a Secretary to Government in some other Department. If there is work to do, somebody must do it. By abolishing the Development Department you do not abolish the work.

Mr. LALJI NARANJI: If you will study the Retrenchment Committee's report you will find enough reasons for abolishing several posts of Secretaries in the Secretariat.

The Honourable Sir COWASJI JEHANGIR: I am not concerned just now with retrenchment in other departments in the Secretariat: I am now discussing the question of the abolition of the Development Department. For the last few months—I may say for the last one year—Government have been considering this question, and they are still considering it. My only object in giving you these details and these explanations is to show that it is not such an easy matter as my honourable friends seem to imagine. I take it that one of the main objects of this honourable House is retrenchment, but if the abolition of the department cannot be effected with retrenchment, what will the honourable House have to say?

Mr. N. A. BECHAR: Better leave it to us.

The Honourable Sir COWASJI JEHANGIR: I hear an interruption "Leave it to us" and that comes from my honourable friend Mr. Bechar who delivered a most interesting speech from which we learned a good deal.

Now, Sir, my honourable friend Mr. Lalji Naranji has alluded to pride on the part of Government. I do not know what exactly he means. But believe me, there is no question of pride on the part of Government. The Development Department is not maintained on account of prestige if he means that. If we could have abolished the Development Department with economy we would have done so, and Government would have been only too pleased. Therefore, my honourable friends will dismiss from their minds the bogey of prestige. If it is not possible to abolish the department *plus* retrenchment, it is not a question of prestige.

Now, Sir, my honourable friend Mr. Lalji Naranji pointed out two items in the explanatory note that has been circulated to all honourable members, where retrenchment could be effected. One was item No. 2 about the parapet. I do not see what has alarmed my honourable friend. In block No. 1 a parapet has to be constructed and the reason for constructing it next year is explained in the note. It is to protect the filling behind the wall from being scoured to any appreciable extent by waves breaking over the wall. I do not see how that can be dropped out. Then my honourable friend referred to item No. 18 in the descriptive note which has been circulated to all honourable members. There is a provision of Rs. 3,25,000. Now, my honourable friends are aware of

[Sir Cowasji Jehangir]

the fact that we must finish block 1, block 2 and block 7. In order to finish off blocks 7 and 2 the bunds between blocks 7 and 6 and between blocks 2 and 3 must be provided with pitching. Then, Sir, the rest of that item is for the extension of Church Gate Street up to the sea. Unless that is done Government will not be able to sell a square yard of land. Therefore, I think honourable members would be well advised to urge Government to finish this road and ought to thank Government for proposing to finish this road quickly.

Now, Sir, we have heard a great deal about establishment. This note also gives a few facts about retrenchment in establishment. Compare the actuals of 1926-27 with the budget of 1928-29. In the superior staff of the Reclamation there is a reduction of 39 per cent.; in the superior staff of the Housing and Suburban Circle there is a reduction of 64 per cent. In the subordinate staff of the Reclamation there is a reduction of 21 per cent. and in the Housing and Suburban Circle there is a reduction of 61 per cent.

Now, my honourable friend, Mr. Marzban, says that this proposed cut should be utilised in getting further reduction in the establishment. Let my honourable friend glance at page 244 of the Blue Book. He will find there that the voted grant for 1927-28 was Rs. 8,79,298, whereas for this year we are only asking for Rs. 6,04,712. It means that there is a reduction of about Rs. 2,75,000, which comes to more than 25 per cent.

Mr. N. A. BECHAR: Is it a fact that you pay more to your engineers than the P. W. D. engineer?

The Honourable Sir COWASJI JEHANGIR: No, it is not a fact. As a matter of fact both the Engineers we have got are from the P. W. D. Sir, I may tell this House that as regards the establishment, during the last five years there has been nothing but retrenchment from year to year. Every year we have been able to put up an explanatory note showing the reduction in establishment. This year also you will find the reduction effected from page 244 of the Blue Book.....

MOULVI RAFIUDDIN AHMAD: What is the total amount of retrenchment?

The Honourable Sir COWASJI JEHANGIR: We have reduced from Rs. 8,79,298 to Rs. 6,04,712.

Mr. B. G. PAHALAJANI: For doing no work at all.

The Honourable Sir COWASJI JEHANGIR: My honourable friend, Mr. Pahalajani, says that this expenditure on establishment is incurred for doing no work at all. I may tell him that we are going on with the Reclamation; the housing scheme and also suburban schemes have to be maintained. You will find the whole list given in the Blue Book as to the maintenance charges.....

Mr. J. C. SWAMINARAYAN: Sir, from page 244 we observe that there is a decrease in expenditure on voted items whereas there is an increase in the non-voted items. May I know the reasons?

The Honourable Sir COWASJI JEHANGIR : That is due to the fact that one officer has gone on leave and his leave salary has to be provided for. There is no other item in the Development Department which is non-votable, except the salaries of the two officers. The salary of my honourable friend here (pointing to Mr. Bell) and that of one more officer is non-votable ; the other items are votable....

Mr. P. J. MARZBAN : On a point of information, Sir. Will the honourable the General Member kindly inform us whether the amount of Rs. 6,04,712 is an irreducible minimum ?

The Honourable Sir COWASJI JEHANGIR : At present it is an irreducible minimum. We will, however, try to reduce it every year. As far as the suburban schemes are concerned, we cannot reduce any further. My honourable friend will realise that for the suburbs there were four Superintending Engineers ; but we have cut this down and now we have got only one Executive Engineer.

Now, Sir, I shall turn to the remarks of my honourable friend, Mr. Nariman, regarding acquisition. Mr. Nariman pointed out that certain amount of money was provided for acquisition of land. Yes, it is provided for. That amount is provided for making payments for land that was acquired, perhaps, some years ago, which the Development Department took possession of and which has not yet been paid for. I may tell him that some part of this amount is also meant for denotification, if any claims are made. I will remind this honourable House that Government during the last three to four years have denotified something like 3,000 acres of land.

Mr. Nariman said that the whole House is in favour of the cut moved by him. I submit, Sir, that it is not difficult for the Government to accept it. But I may inform this House that if Government fall short of money, they will have again to come before this House for a supplementary demand. Last year we accepted a cut in the Budget session and what was the result ? The result was that we had to come before this House with a bigger supplementary demand in the October session.

Mr. President, we have not the slightest intention of displeasing this honourable House. I will accept this cut, provided that this honourable House will give my successor a supplementary grant, if he comes forward and asks for it between now and next budget.....

Honourable MEMBERS : If we found it proper.

The Honourable Sir COWASJI JEHANGIR : I accept this cut on the understanding that all honourable members opposite will give my successor a sympathetic hearing and that they will consider his supplementary demand.

Honourable MEMBERS : Certainly.

The Honourable Sir COWASJI JEHANGIR : On that understanding I will allow this cut to be made. (Hear, hear). We will try and see what we can do in respect of retrenchment. But allow me to tell you once again that I might be taking a risk. I trust nobody will accuse me of taking the risk, because there is no chance of my being here next year to explain the situation.....

Mr. L. M. DESHPANDE: On a point of information, Sir. May I know from the Honourable the General Member whether I was right in quoting the figure of Rs. 74 lakhs charged to Revenue ?

The Honourable Sir COWASJI JEHANGIR: No. I could not follow the honourable member. But I can say that nothing is charged to Revenue except what is mentioned in the Honourable the Finance Member's speech.

Question put and carried.

The Honourable the PRESIDENT: I want to know from the honourable member, Mr. Nariman, whether he wants to move the next item.

Mr. K. F. NARIMAN: No, Sir. I do not want to move it. I shall move item No. 9.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I move:

"That the Total Voted Rs. 47,84,000 be reduced to Rs. 45,00,000."

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, the last cut which the Honourable the General Member accepted was with reference to the figures shown on page 228 of the Blue Book. The Honourable the General Member, if he reads it, will see that that motion was to reduce to Rs. 40 lakhs total demand of Rs. 41,79,000 shown on page 228. This relates to works, repairs, and maintenance and land, Rs. 41,79,000 does not include any charge for establishment. This is included in the Civil Estimates on page 230 of the Blue Book which represents the total votable expenditure upon the Development Department, *i.e.*, Rs. 47,83,700. It is the votable expenditure on the whole of the Development, reclamation, the suburban works, suburban acquisitions, suburban development, excepting the industrial housing scheme, which is transferred to head 42 of this budget. Therefore, the total expenditure for which a demand is asked is indicated on page 230 of the Blue Book. The expenditure shown on page 228 of the Blue Book is not the total expenditure on the Bombay Development, but it represents only the amount payable for works, repairs and maintenance and land, excluding establishment. Therefore, Sir, while the Honourable the General Member has accepted a cut of Rs. 1,79,000, that cut he can only make in the works, not on the establishment. This cut of Rs. 3 lakhs or rather Rs. 2,83,000 relates, therefore, to the administration of the whole of the Bombay Development including the back bay reclamation, the suburban development, all the works, repairs and maintenance, and everything, Sir, that is connected with it. If you turn to page 230, there are different heads given under which the totals are made. Works in progress,—that is, the Bombay reclamation,—is the very first. These reclamation works in progress are given in detail on pages 234 and 235 of the Blue Book. That is to say, reclamation works Rs. 36 lakhs and odd, are given on pages 234-35 of the Blue Book, and you find, Sir, on page 237 in the right side column, total Rs. 36,01,291, works of the Back bay reclamation. Then, Sir, the Bombay city schemes are also given on page 236 and onwards, except, the repairs and maintenance, which you find under

[Mr. B. G. Pahalajani]

each head which are given in appendix E on page 240. So, Sir, the Rs. 47 lakhs expenditure includes the works, which is Rs. 36 lakhs or so, the repairs and maintenance charges Rs. 4,12,000 and includes establishment which is 704 lakhs. Now, by this motion is intended to ask that the Honourable the General Member should allow a lump cut of 6 per cent. or 6¼ per cent. on the whole expenditure upon this budget in addition to Rs. 1,79,000. As the establishment has not been touched by the last motion, let us examine the provision for establishment. Turning to page 241 of the Blue Book, you will find that for reclamation alone you have got a chief engineer, a deputy chief engineer, you have another deputy chief engineer, you have got two assistant engineers, you have got a dredging master, a deputy dredging master, six superior engineering staff for dredging, and one marine surveyor....

Mr. R. D. BELL: Deputy Dredging Master is abolished.

Mr. B. G. PAHALAJANI: Now, all these seven officers that are mentioned there are required for what? There are two dredgers, the Sir George Lloyd, which since last year has been literally resting on its oars, and the other is Kalu, together with its booster Jinga. Only one is working. For Sir George Lloyd Rs. 1,93,000 are required for the purpose of putting it in order that is overhauling. It is not working. Last year from the honourable member's speech it would be seen that for 1927-28 an amount of Rs. 4 lakhs and odd was required for dredging and for putting the Sir George Lloyd in order. This time again Rs. 1,93,000 is required for putting the same Sir George Lloyd in order. The same budget, Sir, contains on page 234—provision for dredging plant last year Rs. 4,62,700; which this year is Rs. 1,93,431, page 235. If all these officers, the chief engineer, the two executive engineers, two assistant engineers, six superior engineering staff, and marine surveyor, are all required for the working of the Kalu, only to empty the earth on the different parts of the back bay, we have a separate establishment from the P. W. D., for which there is a separate provision. I will put it to the Honourable the General Member: Is this the irreducible minimum for reclamation? Is this number of officers, the chief engineer, two deputy chief engineers, two assistant engineers, six superior engineering staff, and one marine surveyor, is this the irreducible minimum with which he wants to carry on?

The Honourable Sir COWASJI JEHANGIR: Will the honourable member explain what he thinks this Rs. 1,93,000 is for?

Mr. B. G. PAHALAJANI: I know it is for reconditioning the dredger "Sir George Lloyd." This dredger is not working. Only "Kalu" is working. For these two dredgers is provided the whole establishment of one chief engineer, two deputy chief engineers, two executive engineers, two assistant engineers and six superior officers necessary for the purposes of the reclamation, for pumping wet earth into plots 1, 2, 6 and 8? Is this the irreducible minimum? Is the Honourable the General Member prepared to say it is? Is he prepared to say that nearly two lakhs is needed for dredging work establishment? Could not he reduce it?

[Mr. B. G. Pahalajani]

Could not he look into this matter himself and take the House into confidence and say that he will try and reduce this expenditure and accept the cut ?

On page 242 there appears an item of Rs. 1,06,256 for reclamation establishment, there is another item of Rs. 56,200 for Housing and Suburban Circle establishment, Rs. 20,973 for Land Manager's office establishment, Rs. 39,444 for the office of the Land Acquisition Officer for the city of Bombay and other items. On page 241 we find one assistant land manager, one executve electrical engineer, executive engineer, two assistants, one station engineer, one personal assistant to Land Manager, one land acquisition officer and other officers as mentioned there. I ask, Sir, if this is the irreducible minimum ? This includes again the works given on page 234, this includes Rs. 1,93,431 for overhauling the "Sir George Lloyd." Is it necessary to waste about two lakhs on reconditioning the "Sir George Lloyd" which was in equally bad order during the last budget session when the Honourable the General Member asked for the budget grant. I would refer the House to page 678 which contains the debate on this item. I ask again, is it necessary to spend Rs. 1,93,431 ?

Now turn to page 240, maintenance charges, Rs. 4,12,137. I ask, the maintenance and repair charges of what ? The Back Bay Reclamation totals Rs. 73,917. The suburban schemes total about 3½ lakhs for maintenance charges which are actually a drag on the finances of this presidency and which are actually costing Government heavily. Why spend nearly four lakhs of rupees on maintenance and repair charges ? The revised estimates for 1927-28 are Rs. 3,95,625. The budget estimates for 1928-29 are Rs. 4,12,137.....

The Honourable Sir COWASJI JEHANGIR : Has the honourable member read the explanatory note ?

Mr. B. G. PAHALAJANI : I have, but that does not show what amount is recoverable from other authorities.

Turning again to page 242, we find the following items :—

	Rs.
Travelling and fixed conveyance allowance ..	29,060
Duty allowance	12,240
House rent allowance	14,468
Compensatory allowance	9,240

I will only put to the Honourable the General Member that going through the figures for establishment that he has placed before this House, can he not reduce these expenses and also the work which extends to 36 lakhs so far as the reclamation loan is concerned ? Can he not reduce out of the total of 35 lakhs a sum of three lakhs of rupees, namely, only six per cent. of the whole not on establishment only, not on repairs and maintenance but upon the reconditioning of the "Sir George Lloyd" ? I ask the Honourable the General Member to say solemnly that the establishment and other works mentioned on page 234 are the irreducible minimum beyond which he cannot go.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, for the last one year I have been observing that expenditure is being incurred in a chaotic manner, in an absolutely blind manner, with no proper check at all. I may tell the House that the Reclamation Scheme has two black elephants, *viz.*, the dredgers "Kalu" and "Jinga" eating into the heart of the citizens of Bombay. The moment I think of this blood rushes into my eyes. The officers claim that what these dredgers pump into the plots contains 80 per cent. water and 20 per cent. earth. I have seen some of the stuff pumped by these dredgers and can say that not more than five per cent. of earth comes along with about the 95 per cent. of water. In fact there would be no exaggeration if I said that these dredgers do nothing beyond pumping sea-water from one part of the bay into another. Since eighteen months, they have been lying idle and expenses of chowkidars and others are being incurred. I sometimes feel that it would have been better if these dredgers had been shipped to Egypt, following the footsteps of their designer and planner. Although the dredgers "Sir George Lloyd" and "Colaba" are not capable of doing any work now, still money has to be spent over establishment for them, as chowkidars have to be provided to keep watch over them. As regards the "Kalu" and the "Jinga" we have not been told what is the cost of 100 cubic feet of material dredged by them. Sir, I have seen dredgers at work in connection with the Sukkur Barrage, and I am quite sure that even though the "Kalu" and the "Jinga" were to work to their fullest capacity, they cannot equal the performance of the Sukkur Barrage dredgers. For, look at what they have been able to do. Only 17,50,000 cubic feet of material was dredged in four years, and if you take the cost at Rs. 10 per 100 cubic feet, it will come to Rs. 170,000 or an average of Rs. 42,000 a year; and for dredging material worth Rs. 42,000, the establishment charges come to more than Rs. 42,000. I will read out the establishment charges. One Dredging Master Rs. 11,000. Last year it was Rs. 15,000, but this year it has been reduced to Rs. 11,000, probably on account of the agitation of honourable members on this side of the House. Then there is the superior engineering staff for the dredging section, namely, two Chief Engineers for dredgers, two second engineers and two assistant dredging masters; the expenditure on this account is Rs. 7,800, including the charge for one marine surveyor. Then there are of course the house rent and other allowances. The total expenditure in this way comes to a lakh. So, it really comes to this, that for dredging material worth Rs. 42,000, the establishment charge is Rs. 1,00,000. Sir, these facts are very well known to the Honourable the General Member; they are known to the Secretary of the Department also. If you add to this, the interest charges, the expenditure will still further increase. My suggestion to the Honourable the General Member is that this staff should be dispensed with; the dredgers also may be scraped. He should not care for the sentiments of those either above or below him, and all his energy should be directed to saving this drain on the revenues of this presidency.

[Mr. Haji Mir Mahomed Baloch]

The next point is the officers kept on this work. For next year, the charge on this account is a little less than it was during the current year, but the charges during the current year were greater than those in 1924.

The Honourable Sir COWASJI JEHANGIR: Will the honourable member scrutinise the figures?

Mr. HAJI MIR MAHOMED BALOCH: I have gone through them. Last year the establishment charges were more and the work done was less.

Mr. President, let us now consider the extent of the work that is going on with regard to reclamation. I think the area covered may be taken to be 2 miles long and half a mile wide, and for this the staff engaged is 1 Chief Engineer, 2 Deputy Chief Engineers, Reclamation Branch, and 2 Assistant Engineers. I know how the work of the Public Works Department is going on in Sind. In Sind, which covers such a vast area, there is only 1 Superintending Engineer, with 5 to 6 Executive Engineers under him, and each Executive Engineer has 4 to 5 Assistant Engineers under him. And yet for work on such a small area Government are required to engage the services of 1 Chief Engineer, 2 Deputy Chief Engineers and 2 Assistant Engineers. Expenditure is being increased in this way. In accepting the cut of Rs. 1,79,000 the Honourable the General Member stated that it may be necessary for him to come to the House for a supplementary grant as a result of that reduction, and he asked for the indulgence of the House when the time came. Another point is the secretariat establishment. There is provision for the Secretary to Government of Rs. 36,000; deputy secretary to Government and assistant commissioner Rs. 18,000 and assistant secretary to Government, Rs. 11,400. Besides this there is provision for the establishment separately made. Over and above this there is provision made for travelling allowance, house-rent allowance, compensatory allowance and so many other allowances. I hope the Honourable the General Member if only he determines to effect retrenchment there is ample room for it. He must not show his liberality and must be very strict in effecting these retrenchments. Unless he does that, the Council will not vote a single pie.

Rao Bahadur R. R. KALE (Satara District): Sir, the House has agreed to proceed with the reclamation of blocks 1, 2, 7 and 8. What has tempted me to take part in this debate is that when increased demands are made by way of subventions from our ordinary revenue at a time when our finances are in straitened circumstances, I wish to know if it will be possible to suspend further reclamation of these blocks without detriment to the work already there, so that we may resume it when our general finances improve. This is one way of doing justice to the complaint that has been made. I simply wish to know whether it is not possible without detriment to the work already there to suspend further operations for a few years, because a demand is made by way of subsidy from the general revenues.

Mr. R. S. ASAVALE (Bombay City, North): Sir, the cut has been proposed with reference to the establishment of the Development Department. As the proposer of the cut has pointed out it is a cut proposed from the whole amount. I would like to suggest one thing whether it is necessary to have so many highly paid officers to look after such a small work in a small area. Even an ordinary man with any commonsense would say that it is not necessary. There are seven officers carrying a salary of Rs. 14,000. The official staff of the secretariat in the same branch is costing about Rs. 6,000. I do not see any reason why such a big staff should be retained, when as the Honourable the General Member has stated, half the work has been stopped.....

The Honourable the PRESIDENT: This is repeating arguments. I must bring it to the notice of the House that when there is a discussion on cuts, the speeches must be within the scope of the cut proposed. If in the discussion even arguments are repeated, it will impede the progress of the House in the voting of demands for grants. I do not see why I should not check hereafter speeches more strictly than I have done hitherto. I would request the honourable member to argue fresh points.

Mr. R. S. ASAVALE: I bow to your ruling, Sir. I have not repeated any of the arguments that have already been advanced. I wish to point out how retrenchment in this case can be effected. I have listened to all the speeches that have been made on this subject and no honourable member has referred to this. I want to point out that these seven officers are not necessary and they might be reduced to a smaller number. If this had been acceptable to the Honourable the General Member it would satisfy the House. With this suggestion I support the motion for cut and resume my seat.

Mr. R. D. BELL: Sir, there are one or two main points on which I would like to give a little information to the House. The honourable member from Sukkur made special reference to the establishment charges and asked for some kind of assurance that these have been reduced to the minimum. Now, it may be admitted that when retrenchment is going on there is often, just before an officer's services are finally dispensed with, a short interval of a few weeks or it may be a month or two, in which he is not so busy as when the work was in full swing; as for instance, when dredging finally stops, probably at the end of next season, say, on a Saturday afternoon it is quite impossible to ask the whole staff to go on Monday morning. Things have to be wound up and the work does not stop abruptly but tails off. That state of affairs has practically come to an end, and at the present time, if you take the engineering establishment, it has for all practical purposes been reduced to the bare minimum. In the Reclamation Branch, for instance, there were at one time four deputy chief engineers; now there are two. One of these is a specialist in dregding, and while dredging continues, his services must be retained. If the honourable member will turn to the budget relating to the establishment of the Reclamation Branch, he will see that two executive engineers have been retrenched last year. One of these was in the dredging section and he was retrenched when the operations of the "Sir George Lloyd" ceased. I may refer to the staff actually engaged on the dredger "Kalu."

[Mr. R. D. Bell]

It has been several times asked whether it is really necessary to have six superior engineers on the staff. The dredger works all the 24 hours of the day and there are only two assistant dredging masters taking turns. It is perfectly obvious to any layman that this is the bare minimum. There is another point in this connection. The dredgers are insured. If an accident occurs owing to the negligence of a member of the staff, the insurance company is liable; but if an accident occurs due to the negligence of the employer (in this case, Government) the insurance company is not liable. When the "Sir George Lloyd" broke down at the end of 1926, one of the questions raised by the insurance company was whether Government were not liable, because they had been negligent as an employer by over-retrenching. This is one of the points on which Government are bound to meet the insurance company. There is not the slightest chance of the staff on the dredger being reduced, and if the insurance company said they were dissatisfied with the number of the staff they would have to be added to.

Mr. LALJI NARANJI: Is there any agreement with the insurance company that the dredger will be properly manned.

Mr. R. D. BELL: There is no such formal agreement. I think honourable members will be satisfied if I say that Government are in correspondence with the insurance company.

Now, at the head of the staff there is the Chief Engineer. Until the revised project estimate is prepared and sanctioned and this is very necessary from many points of view and it will be an advantage to this House also—until the revised project estimate is sanctioned in accordance with the curtailed programme which has been in operation since last year's budget, it will be necessary to have a Chief Engineer. Not only so, but subsequently it will probably be necessary to give the Chief Engineer some kind of assistance in preparing the revised project estimate. When the dredging finishes, the dredging staff will be retrenched, but these will then come along to the work of development, and in place of the dredging staff we will probably require an executive engineer for making roads, laying water mains, sewerage pipes, etc.

These are the main facts, which I think, will convince any layman that at the present time the Reclamation Staff has been reduced to the bare minimum.

As regards the Housing and Suburban Circle, which has been transferred to the Public Works Department, Mr. Browne, who is in charge of the technical operations of that staff, has assured the House that it is fully worked at the present time.

Another point which arose was as regards the re-conditioning of the "Lloyd" for which a sum of Rs. 1,93,000 has been provided. I would invite the attention of honourable members to the five-page note which has been circulated. From the note on item No. 14, it will be seen that this expenditure is ultimately recoverable from the insurance company. If the "Sir George Lloyd" is not re-conditioned, it can only be sold as scrap metal.

Mr. B. G. PAHALAJANI: What was done last year ?

Mr. R. D. BELL: The reconditioning of the "Sir George Lloyd" was delayed pending the settlement of the question of the liability of the insurance company. That has now been settled and the reconditioning has begun.

Mr. B. V. JADHAV: Did the insurance company accept the liability ?

Mr. R. D. BELL: The insurance company have admitted their liability.

There was also a reference made to the cost of repairs and maintenance, the figures relating to which are given at page 240 of the Blue Book. I would like honourable members to look carefully at the way in which the amount of Rs. 4,12,000 is made up. There is a sum of Rs. 73,900 for Back Bay Reclamation Scheme. Details of that scheme are given in the five-page note which has been circulated. By far the greater amount—more than half—is for Salsette Water Supply. And honourable members will realise that as that supply increases, amongst other items, more money has to be paid to the Bombay Municipality for the water which is received from them. That expenditure is taken under repairs and maintenance.

Mr. B. V. JADHAV: Has the reconditioning commenced, or will it commence next year ?

Mr. R. D. BELL: The reconditioning will partly begin this year, but it is not expected that any bills will be received this year.

These are the main facts.

Mr. K. F. NARIMAN (Bombay City, South): Sir, only on a point of information. I expected in the course of this debate a point to be cleared up. The Honourable the General Member stated that last year or the year before there was a serious accident to one of the dredgers the "Sir George Lloyd," costing some 30 or 40 lakhs—it may be 20 lakhs, I do not know exactly. The question then raised was how the accident was caused, whether it was due to the employment of incompetent dredging masters or engineers, and there was a dispute between the insurance company and Government. The insurance company refused to pay the losses because they alleged that it was due to the employment of incompetent dredging masters who were unfit to take charge of the dredger. Is that dispute involving several lakhs still pending between the insurance company and Government ? I expected in the course of the debate that important point to be cleared up. We would like to know from the Honourable the General Member whether that dispute is settled and whether the insurance company has accepted liability or whether that loss of 20 lakhs is to come on the rate-payers of Bombay. I would like to know whether the allegation that the accident was due to the employment of incompetent staff is correct. There must have been enormous losses also owing to the staff remaining idle while the dredger was lying useless. That point might be cleared up before the debate on this motion is closed.

The Honourable Sir COWASJI JEHANGIR : Sir, it will not take two minutes for me to explain it. I am sorry I cannot accept the cut. This is rather amusing, because for the last three or four minutes the honourable member the Secretary of the Development Department has been explaining the point raised by the honourable member. Probably, the honourable member did not hear him. But practically the last three or four minutes were devoted by the honourable member the Secretary to explain that point.

Mr. K. F. NARIMAN : Have they accepted the liability ?

The Honourable Sir COWASJI JEHANGIR : They have accepted the liability. The estimate of damage comes to Rs. 2,63,000 and the insurance company have accepted liability. It is also stated in the note in the Blue Book that the money will be returned to us.

I do not think there is any other point. The honourable member the Secretary has explained the question of staff on the dredger. It is impossible to reduce the dredging staff any further. If we do so, we will be running great risks.

Mr. B. G. PAHALAJANI : What about the staff for the Suburban Scheme ?

The Honourable Sir COWASJI JEHANGIR : The honourable member the Secretary of the Development Department has assured the honourable member that they are working right up to the collar. They cannot be retrenched further.

Mr. J. C. SWAMINARAYAN : When will the staff put the dredger Sir George Lloyd in working order ?

The Honourable Sir COWASJI JEHANGIR : That has been discussed. I think it will be wasting the time of the House to explain that further.

Dr. M. K. DIXIT : When will the dredger be in working order ?

The Honourable the PRESIDENT : Order, order.

Question put and lost.

The Honourable the PRESIDENT : Order, order. The next item is No. 10 which stands in the name of Mr. Nariman. That is, I understand, in connection with a minus item. I want to know how the honourable member considers it to be in order at all.

Mr. K. F. NARIMAN : I quite appreciate it, Sir. In view of the fact that other members have also given notice of small cuts, I do not want to move it.

The Honourable the PRESIDENT : No, that cannot be the reason for not moving the cut. The cut proposed is not in order.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move :

" Reduce by Re. 1 Total Demand on the Bombay Development Scheme. "

Sir, the Bombay Development Scheme is a scheme which ruins this presidency. In the year before the last the subsidy was twenty lakhs. Last year, you will find, that the subsidy came to Rs. 27,50,000 and this year the subsidy has gone up to Rs. 32,05,000. In this way, the whole presidency has been practically ruined by this scheme. Even Government

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may be forming expectation of earning some benefit in the course of time from this scheme, but I venture to say that they are mistaken in their expectation. Sir, last year a negative entry was shown in the budget in order to mention that what has to be recovered from the Government of India would be duly recovered from them. But during the whole of the last year, that is, during the whole of the current year the land has not been ready for being handed over to the Government of India and hence that amount could not be recovered from them.

The Honourable the General Member pointed out the reasons as to why Government were not able to make that land ready. The reasons given by them was that there had been greater shrinkage than was expected and further layers of muram had to be put. Even now we are told that the land will not be ready for another month. So, you will find that all the calculations of the Department have been upset. In not a single instance they have succeeded in showing advantage in the scheme. The dredgers that were bought have not given satisfactory service as was expected. There have been accidents and thereby heavy losses have been caused on account of heavy damages, due to those accidents. In fact, it is like the Bombay Government making a pile of rupees and allowing it to be squandered and plundered away by others. If such a thing had happened in any Western country, I am sure the people who were responsible for this loss would have found it very difficult to protect themselves from the wrath of the infuriated people. But unfortunately here, the officers who ought to be responsible to the public, have been irresponsible to them. They have squandered crores and crores of rupees and just now they are asking for lakhs and lakhs of rupees in the form of subsidies from the provincial revenues.

This year, we require an additional grant of more than Rs. 34 lakhs for the primary education. There the Government cannot make provision while the Development Department devours more than 32 lakhs as a subsidy for 60 years. We were told by an honourable member from Bombay that the land which the Improvement Trust had at its disposal was not being sold. The prices have fallen down, and therefore, every year we have to see in this budget nothing but heavier and heavier subsidy to be paid from the general revenues of this presidency.

Sir, I have to point out one more fact, namely, that in order to make this budget appear palatable, they do not put down interest together with the expenditure they are going to incur during the next year side by side. If they put down both the things, then they would have to demand a much heavier amount than they are actually demanding. They are demanding Rs. 48,83,000 for the prosecution of the development scheme. But if they put down the interest that they are to pay, then the House would be in a position to see how much money is being taken away from them. These interest charges are a regular charge on the expenses that have to be incurred in connection with the scheme. But in order to make an appearance which will mislead the House they are not putting down the interest that they have been paying on the same page. So, they demand this amount of Rs. 48,83,000. The way in which these

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figures are arrived at is, that they put down Rs. 2,08,76,000 as probable payments which are to be made by the Government of India for the land which we are to supply to them for military. Now, what they do is this ; that Rs. 48,83,000 will be spent, while Rs. 2,08,76,000 will be received. Now, therefore, they say they will have a negative amount as expenditure in this budget. That is to say, Rs. 1,59,93,000 will be utilised for reducing the debt. But in putting down that item, *minus* Rs. 1,59,93,000, they do not put down the interest that will have to be paid. Also on page 217, in Bombay Development Scheme, they put down the negative entry *minus* Rs. 98,30,000. Really speaking, the difference between these two negative entries represents the interest charges which this Development Department has to pay and these interest charges work out to be Rs. 61,63,000. Now, if they had put down the figures side by side on the same page, the House would have been in a position to see what enormous losses this presidency is suffering. But, unfortunately, the Government go on with this venture, and do not stop it and still put more and more money on it. The dredger Sir George Lloyd, which was bought at the greatest expense, is not working for the last year and a half, and, Sir, we know the paltry amount we are to receive for the damage to that dredger from the insurance company. We are to get Rs. 2,63,000 only. Perhaps in repairs Government may have spent a much more amount than what they are going to get from the insurance company. I should like to know the amount for which it was insured and why the damages were ascertained to be so small. Just now it was told by the Honourable the General Member that he received from the insurance company Rs. 2,63,000 for the damage caused by the accident.....

The Honourable Sir COWASJI JEHANGIR : I did not say we received. I had better contradict that statement at once. I did not say Government had received. I said the damage done to the dredger was Rs. 2,63,000 and that the insurance company had accepted the liability. That is to say, they would pay the whole amount.

Mr. J. C. SWAMINARAYAN : I should like to know now what Government has spent in repairing and reconditioning the dredger.

The Honourable Sir COWASJI JEHANGIR : I have given the figure of the estimate. The estimate of the damage is Rs. 2,63,000.

Mr. J. C. SWAMINARAYAN : Has the whole amount been accepted by the insurance company ?

The Honourable Sir COWASJI JEHANGIR : The insurance company is liable to pay the cost of the repairs.

Mr J. C. SWAMINARAYAN : Sir, it is necessary to make a searching enquiry into the activities of this department and to put a stop to all the mismanagements that have taken place so far. Government allowed Mr. Harvey to prosecute Mr. Nariman, a member of this House, for the evidence that he gave before a committee of the Government of India. They went out of their way and made a decision in which Government

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would bear the cost of the expenditure of prosecution themselves before the case would be won. Generally speaking, they ought to have allowed Mr. Harvey to go to the court at his own expense. Instead of that, they said Government would bear the cost, and if the case was lost, they would be recovering the amount from Mr. Harvey. Now, the case has been lost. Of course, the matter is going to come before the House at a later stage, and I do not want to dilate upon it just now. But I may be allowed to say that there are disclosures during the prosecution of that case and those disclosures have damned the department, and I think nothing can save the reputation of that department. In spite of those disclosures, Government have taken no action on the disclosures that were made during the prosecution of the case. Have they brought to book the contractors and also various other officers who were responsible for negligence of duty? When there was no necessity of paying anything, still even heavier payments were made by even adding ciphers at the end of figures. That is, Sir, if you add two ciphers, the payment becomes hundredfold. And it has been brought to the notice of the court during the prosecution of this case that even hundredfold payments were made in certain cases. Have the officers who were responsible for such action been brought to book? Have Government taken any action for improving the conduct of the whole department? They are doing nothing; they are sitting silent; and they are allowing the same things to go on. And it is necessary that this rupee cut should be carried by this House in order that Government may be compelled to set their House in order and to save this presidency from complete ruin by bringing the offenders to book.

Question proposed.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I rise to support this motion. Every year the Development Department budget is being discussed in this honourable House and every year I have moved a cut of a similar description as a vote of censure against the department. In the discussion of those budgets my position was not the same as to-day. I moved that cut as a vote of censure merely on hearsay information and merely on such materials as were in my possession, but to-day, Sir, when I rise to support this motion, I am in a better position than I was before in asking this honourable House to support this motion which certainly is to be construed as a vote of censure not only against the Development Department but against Government. I am able to say that if ever there was any department of Government, if ever there was any Government in any part of the world that so richly deserved a vote of censure, it is the Development Department of the Government of Bombay and it is the Government of Bombay that very well deserves such a vote of censure. I will go further and say that this vote of censure is indeed a very very mild action on the part of non-official members of this House because, as the powers of the House are very limited, the only thing that we can do under the circumstances is to propose a vote of censure. Supposing similar circumstances had been brought to light not in this country but in any other civilized country of the

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world, I ask the honourable members of Government who come from a country which they call free, namely, Great Britain, supposing one-tenth part of these disclosures had been brought to light, would that Government have survived that disclosure ? It would have ceased to function at once as a result of the disclosures of such irregularities, the heads of departments would have had to resign, public indictments would have taken place for much lesser irregularities, much lesser jobberies than those that came to light in this particular instance. Still, in this country we cannot unseat the Government, we cannot even ask the honourable members responsible for this state of affairs even to resign, but we can only move a vote of censure and even in the case of such a mild action, I know that we cannot be at all certain that it will be carried. But whatever the result, I do not mind. This is the first occasion which has presented itself when we, as representatives of the taxpayers and ratepayers, have a right to call upon the Government benches, the honourable members on the other side, for an explanation of the state of affairs that has existed in the Development Department for several years past. We ask the honourable members of Government, standing face to face with them, not behind their backs, to render explanations of the state of affairs that has been existing and has been permitted to exist in this Development Department for years past.

I ask honourable members to realise what was the state of affairs that has been existing and has been permitted to exist for years past. What has been the state of affairs ? I do hope that the honourable members have realised to what extent public moneys have been wasted so far as the Development Department is concerned. Every time that I spoke on this Department I made it very clear—I am prepared to be called an extreme critic, to be described as an unreasonable agitator, as an extremist agitator—that I am prepared to prove that all this wastage is due not merely to errors of judgment, wrong calculation, incompetence or to any other honest errors. We are prepared to concede and to forgive that knowing that human beings, however clever, are liable to err. But what we wanted to know was whether it was really honest error or something more than honest error. We are in a position to say now that a great percentage of this huge wastage of public funds was not merely due, as they tried to make out hitherto, to mistakes in the calculations or to honest errors of judgment but that this wastage of public moneys is due to corruption, fraud, deliberate corruption and fraud, that has been going on in the Development Department for years past. I am prepared to be indulgent to a reasonable degree, but in spite of my readiness to be so, I must say that it has been proved that this wastage of public moneys has been due to deliberate fraud on the part of the " trustees " of public moneys who had committed criminal misappropriation of those public moneys, and that therefore so far as the honourable members on the other side of the House are concerned, they deserve no indulgence and no consideration. I want the honourable House to realise to what extent public funds have been wasted. Honourable members must have seen that in a prosecution

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of this description we cannot bring out all the facts and materials at our disposal—not even one-tenth of the materials in our possession can be brought out—owing to technical objections and on account of the necessity to conform to the requirements of law and restrictions of court procedure. But I ask honourable members "what next"? Are we going to sit quietly here and allow things to go on in the same way as they have gone on in the past? The officers concerned have departed, other officers are likely to depart, it may be said that nothing more can or need be done and that therefore let us stop and do nothing more. Is that going to be the position? I ask honourable members to consider that it has not been a case of, as it were, a fraud here and a fraud there, or a jobbery here and a jobbery there, but it has been one systematic fraud going on on a very large scale resulting in an enormous wastage (at least 30 to 40 per cent. of it) of public funds due not to mere errors of judgment or wrong estimates but to deliberate fraud in the department. I have said it before and I will say it again that the honourable member, the self-appointed leader of the opposition (Laughter)—he seems to think that because he is occupying a seat which should be occupied by a leader of the opposition, that he automatically becomes the leader of the opposition—does not seem to know his own mind when he says that other honourable members may not be knowing their own minds and that they appear to be in need of his advice and guidance. He got up to support the vote of censure but we found him resuming his seat after a couple of minutes after supporting the Government. That is the position in which the honourable self-appointed leader of the opposition finds himself. In a speech lasting 5 or 10 minutes we will find him performing mental somersaults. I would ask the House not to support this motion without facts or figures as the honourable member, the self-appointed leader of the opposition tried to do, nor without knowing my own mind (because I know my responsibility) but I can point out a few instances which will illustrate to you the real state of affairs as they existed and were allowed to exist in the Development Department for a number of years.

I say with all the responsibility at my command that no honest man either inside or outside commercial circles could have any dealings with any section of this department who was not prepared to have such dealings on the terms and conditions as laid down by the departmental officers themselves. Numbers of merchants I can produce for the satisfaction of the Honourable the General Member even to-day. Honest merchants will come and tell him that in spite of offering low and reasonable rates they could not secure contracts from departmental officers except on terms and conditions laid down by those officers and unless they were prepared to grease the palms of those departmental officers. Numerous merchants, respectable and honest merchants, will come and tell the Honourable the General Member that they could not deal with the Development Department because they could not be prepared to grease the palms of the departmental officers. That was the position, no man who was not prepared to deal with the department on the terms laid down

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by the departmental officers, could have any dealings with that department. In every part of the activities of the department, I can point out, whether a small or a big activity, a small contract or a purchase order, no transaction could be put through unless there was some private and secret arrangement between the officer and the person dealing with him. What was the result of that state of affairs. I will cite the instance of coal supply. Honourable members no doubt know that the Government of India have an officer called the Mining Engineer whose business it is to supply coal to the Railway Board and to all Government departments at fixed rates from the collieries and other parts. A similar arrangement was made with the Development Department and the Mining Engineer was to have supplied coal to the department at a fixed rate to any extent the department required. But because the private and secret arrangement could not be made with the Mining Engineer (who was an official of the Government of India), the coal supplied by him was rejected by the officers of the Development Department as not coming up to the required standard and the departmental officers placed orders with private firms for the supply of their requirements of coal at much higher rates. There were instances brought to light in the course of the proceedings in the court.

The Honourable Sir COWASJI JEHANGIR: Will the honourable member give me the date of that mining engineer's arrangement with the Development Department? When did the specific instance that he quotes occur?

Mr. K. F. NARIMAN: I am giving specific instances. Coal which was offered to be supplied by a particular firm at a much lower rate was rejected by the officer. But this gentleman, Balkisondas, took possession of the very coal which was rejected by the officer, he offered that very coal in his own name to the very same officer at a higher rate, and though it was rejected by the officer and when offered at a lower rate by another person, it was accepted by him at a higher rate. It was the very coal, the very same lorry, the very same quality, the very same stuff, but only a change of name of the person who offered it. The position was this, that whoever wanted to deal with this Reclamation branch could not do it, unless they could do it through this Balkisondas.

The Honourable Sir COWASJI JEHANGIR: On what date was this particular instance?

Mr. K. F. NARIMAN: In 1922-23-24. I will supply the particulars and details if the Honourable the General Member wants them. But this is a fact that it was not possible to have any dealings with the department except through Balkisondas. These gentlemen who wanted to supply materials to the Development Department entered into partnership, so that Balkisondas started two firms, one as working contractor in the name of Balkisonseth & Son, and another as supplier in the name of B. Balfour & Co. Balfour & Co. became the sole suppliers, and anybody who wanted to be a supplier had to go through Balkisondas, if they wanted to approach the precincts of the Development Department.

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Instances after instances of this description can be given where this gentleman Balkisondass became the boss of the whole show, and no honest trader outside the firm of Balfour and Company could have any dealings with the Department.

Now, Sir, we know what were the relations existing between the gentleman Balkisondass and the officers of the department. It has been brought out in evidence, and it has not been challenged, that this gentleman was making all sorts of presents to the officers of the department—firs, carpets, motor cars, bazar supplies, and all sorts of things. That was done openly by this gentleman. Was it without consideration ? Was it ? Balkinsondass, a shrewd merchant spending so lavishly after the different officers, without any return ! It is impossible to believe that. In return for that Balkisondass got the contract for all the works in the Reclamation branch as well as for almost all the supplies. Instances were brought out in court where even orders were given to Balkisondass blank, without fixing any quantity, without fixing any rates. He was to fix the quantity, he was to fix the rate, and demand from the Department whatever he wanted ; and it was paid. That was the state of affairs. At least 50 per cent. less supplies were given, but payment was made in full. Now, Sir, it was also brought out in the course of questions and answers in this House that the rate of Rs. 10-8-0 for dry filling which was being paid to Balkinsondass without tenders was ultimately reduced to Rs. 2-8-0, for the very same kind of filling work. That was the enormous wastage of public funds when the work was entrusted to this gentleman at the rate of Rs. 10-8-0. That is the sort of thing that was going on so far as the Reclamation branch is concerned. I could detain the House for 12 hours in giving instances of this sort, if the Chair permits it ; but I do not wish to take up the time of the House, there are other departments of Government that have to be dealt with.

One peculiar kind of fraud that went on was that after the work started, one of the lower staff of the department resigned. After resigning from his post, he converted himself into a contractor. After he converted himself into a contractor, all the work of the branch from which he had resigned was transferred to him at much higher rates, without tenders. One specific instance of that kind I will point out. One Mr. Drake, who was a foreman in the Kandivli quarries resigned his post, and immediately became a sub-contractor for preparing cement blocks ; and the contract for preparing cement blocks was given to him at the rate of Rs. 25 per block, whereas the actual cost came to not more than Rs. 8 to Rs. 10. That gentleman knew nothing about cement block making, because he was only a foreman, but he transferred the work to another contractor, one Taj Mahomed whom he paid at the rate of Rs. 12 per block, and he pocketed the difference of Rs. 13-8-0 per block for thousands of blocks that were prepared at the Kandivli works. That was the position. Much larger quantities were prepared than were actually necessary for the works. You will find in the evidence of the engineer before the Meaṛs Committee it has been admitted that blocks of the value of £ 21,000 were lying unused, prepared for works which were not required. One could

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not understand why it was done. In the evidence before the Mears Committee, the engineer says "There are at present £ 21,000 worth of blocks lying at Kandivli, and, as Sir Frederick has pointed out, some of them have been there since 1923." This is only one item of £ 21,000 worth of cement blocks lying at Kandivli since 1923. It comes to about Rs. 3 lakhs, and these blocks are still lyirg there. The members of the Mears Committee could not understand, and the officer could not explain as to why so many blocks were prepared. There was an actual programme of the amount of work to be done in a year; that programme was chalked out at the beginning of the year, and only that number of blocks was to be prepared which was required for that year. Still two or three years in advance they began preparing the cement blocks, and they are lying there now. Why? Because of this arrangement between the officers of the department and the man who was made contractor, in order that profiteering may be allowed; more blocks, more profits. These are small instances here and there; I could multiply them, but I do not want to take more time than is absolutely necessary.

Sir, it has been brought out that the high officers of the Reclamation branch used to be supplied with all sorts of materials belonging to the Government. They used to be supplied with domestic servants from out of the servants who were entered on the muster rolls and who were paid by the Development Department. Their hamals, their cleaners, their drivers,—all sorts of domestic servants for them were maintained on the muster rolls and they were doing domestic work for the officers. The Honourable the General Member may be thinking of particularly one person who was a member of the staff. But I may tell the Honourable the General Member that I do not rely upon the oral statements of any member of the staff. I would ask him to look at the records in the hands of the officers themselves. I know he will say that Mr. Brooks is responsible for bringing out these facts, and he is not worthy of credit. But let me tell the House that I do not rely upon the oral testimony, but upon the muster rolls, which were admitted to be falsified, I rely upon slips written in the handwriting of the officers themselves asking for supplies from the Government Stores for their own consumption. Sir, as I said I do not wish now to touch the housing and industrial schemes. I shall touch upon that at the proper time, when I move the cut on that department. That was the state of affairs. I have pointed out only a few instances that had been going on, and still the Development Department goes on as merrily as ever, as if nothing had happened. Nobody refers to what has happened in the past; the Honourable the General Member very complacently asks for his demand once again never telling us what he proposes to do with regard to the disclosures that have been brought out and with regard to the other facts which could not be brought out in the course of the proceedings, but which will be brought out at the proper time. What does he propose to do? What is going to be his next step? The public have a right to enquire as to what he proposes to do. It is no good saying that these are all matters of the past, that the officers have left the department, and the

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department itself is almost closed. It is no good saying that it is not possible to recover the funds that have been wasted, and therefore the best course is to sit quiet and lament over the lossess that have occurred, and to give an assurance that such a thing will not happen in the future. This sort of statement will not satisfy the ratepayers of Bombay who have certainly got a legitimate grievance against the Development Department and against the Government of Bombay. I repeat again as the honourable member Moulvi has stated nobody attributes motives to the Honourable the General Member, who occupies the seat to-day. But so far as the public of Bombay is concerned they have a right to expect, the Honourable the General Member, a gentleman in his position, to look after the interest of the ratepayers of Bombay. We did expect that he would exercise his powers and take into consideration and enquire into any complaint that would be brought before him, as he has so often said that he would do so. He knew that a number of petitions complaining against the officers of the department were made to him. Those complaints were placed for inquiry in the hands of the heads of departments against whom the complaints were made, and they were asked to report. The Honourable the General Member relied on those reports and told the critics that the complaints were unfounded. I will give him one instance if he wants. The honourable member stated that he would make enquiries if any specific instances were brought to his notice. It was brought to his notice that after all the tenders to the department had been made, Balkisan Das was asked to put in a blank tender which was accepted as the lowest tender. The honourable member made enquiries and Balkisan Das was put on the black list. Why did he put him in the black list unless there was something in it ? He is no more on the list of contractors. If the Honourable the General Member merely relying on the report of his subordinates says that there is no truth in the allegation made by the public, that is not the mentality which would satisfy the public. He has got a responsibility to discharge towards the public. I may tell him that he is put in a position of trust and the public of Bombay has reposed trust in him that he will not allow things to go as they were actually going on. Relying on him the public have remained for so many years without taking any active steps, as they relied upon him as one coming from a high commercial community. We regret to find to-day that the trust was misplaced. The Honourable the General Member placed his trust on his subordinates which too was misplaced. He owes an explanation to the public of Bombay. I hope he will clear his position before he leaves his seat and join us as one of the agitators against the Development Department after he has vacated his seat.

Mr. K. M. MUNSHI (Bombay University): Sir, I only want to offer a few remarks on this question with as much dispassion as one can possibly command on a subject which is more or less an open sore with this presidency. I am not concerned at the present moment as to what things might have been in the past ; I am also not concerned at the present moment with the conduct which the Government in its loftiness

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has adopted towards my honourable friend Mr. Nariman. I am only concerned at the present moment with the purity of public administration of this presidency. I ask the honourable member opposite what has been done with the Development Department to restore confidence in the administration of this presidency? Whatever has been done by him in the past is more or less an academic interest question. But during the trial of the honourable member Mr. Nariman—which in the interests of everybody, I wish, had not been launched—many things were disclosed, and I want to know what steps have been taken by this department after the judgment was delivered. I want also to know what attempts have been made by the department to hound and persecute the persons who were guilty of dereliction of duty as my honourable friend was hounded and persecuted for the best part of last two years. It is the right and privilege of this House to be told of all this. It is the duty of Government in justice to themselves to stand before this House and say: "We have done this much to ensure that the administration of the Development Department is carried on purely and that in future it will be carried on in a proper manner."

We also want to know as regards the present administration as to what precautions are being taken to see that the same things which happened in the past have no chance of being repeated. There is one attitude which Government may take, has taken and can take. They can say: "If you deliver a speech in the Council you are protected by privilege. You dare not utter it outside, because there is the law of defamation. Unless you prove a crime to the hilt we refuse to suspect our underlings." One can understand that attitude but no one can justify it. We want the Honourable the General Member to come down from his lofty pedastal and take the House into his confidence as to what steps have been taken to ensure that things are not going in the same way as before, as to the shame which has been reflected not only on one particular department but the whole administration of the presidency. Though there is a department which everybody has been clamouring against, no attempt, no frank attempt, has been made to meet the grievances of the people. The Government have not the frankness to say: "Let any one who has got evidence come forward. We are willing to exonerate him from any civil or criminal liability. Let every one tell us as to what is exactly the charge against the officers of the department." They have got the C. I. D. to do anything for them and sometimes even more than they are entitled to do. Why has not the honourable member ordered this C. I. D. to enquire into the misdeeds of the Development Department? I repeat Sir, that this is not a question of the prestige of the Government; but it is a question of the honour of the whole administration of the presidency. "In all the ills we ever bore, we grieved, we sighed we wept; we never blushed before." But when we saw the disclosures in the Harvey Nariman case we did blush. In this flight it is the duty of Government to let go official prestige; and to take the whole presidency into confidence; to adopt rigorous measures to restore the honour of this presidency. It is a grave reflection that a department which is presided

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over by an Indian in whom this presidency reposed confidence should be in this unfortunate state and sooner this state of things is removed the better for all parties concerned. I appeal to the honourable member opposite not to adopt the reticent mood in which officials generally entrench themselves; and to let us know what measures are taken to see that nothing of what has happened in the past will ever happen in future.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I rise to support the motion. I am sorry, Sir, for what has happened to this department which has been under the control of my honourable friend the General Member for whom I have great regard for the last five years. Although the citizens of Bombay were saying for a long time that grave irregularities were going on in his department, Government turned a deaf ear to their voice. Nobody could ever have dreamt that the irregularities which were disclosed in the Harvey-Nariman case would have occurred in a Government Department, especially when Government's attention was being drawn to such of the irregularities as were suspected by the public. When I appeared before the Mears Committee, I placed before them the opinions that were prevalent in the city. More than once the Chairman of the Committee asked me to tell him whether as a businessman I could believe all the tales prevalent in the city. As I had no inside knowledge of the Department as an officer or as a contractor I could not tell them definitely, but I said that there must be some truth in so many stories about the irregularities and something in the nasty rumours, and that officers who seem to have paid 200 to 300 per cent. must either be fools or rogues. When I spoke to the Honourable the General Member about two years ago about that worthy Balkisan Sheth and told him that he had been tried before a court of law and convicted of fraud and that he was carrying on large contracts of various kind in the Development Department, and was not a well-known contractor or a firm of any repute or financial standing, the Honourable the General Member seems to me to be surprised. When I saw that such a gentleman was a contractor carrying out all sorts of contracts in the Development Department for three years, I thought that something must be radically wrong with the Department. I have experience as a businessman, and I know that in other Government Departments they keep a list of approved contractors, or at least a list of contractors about whom they have made some enquiry. Any businessman or even a landlord, let alone the Government who has to deal with another person, is sure to make some enquiries about the person with whom he deals with. But I find, Sir, that no enquiry was made about their contractors by the Development Department, although large contracts were given to them. If enquiries were made, or if any attempt had been made by responsible Heads, would they not have found that this Balkisan Sheth was a man of straw, a man in the Railway Service, a man who came from the Punjab and was tried in Court of law and found guilty of fraud. He was running three firms here for Development contracts under the names of D. K. Sheth, Balkissan

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Sheth and B. Balfour and Co. Sir, I cannot agree that all this was due to an innocent mistake. I believe that, as has been stated in the court, there was a ring who managed affairs as they liked.

If we go into the details of this case, I do not know what we ought to say about this Department. It is quite clear that there was nothing like an enquiry into the antecedents of contractors, or capability of contractors employed in this Department. This fact is sufficient for me to believe that the department was carried on in such a manner that no public well-known contractor could enter into their business. The result is that we have lost lakhs of rupees. I only say lakhs of rupees, but if the figures were gone into carefully it might be a crore and more.

Then, Sir, we were told, during the case that was going on, one story which I cannot digest. It was stated that many of the contractors had lost their books. Even a well-known bank was stated to have lost its ledger book, and to our surprise further we were told that files from Government Records were also missing, not only that but that the fact that important files were missing came to the knowledge of Government when this case was taken up. Is this the state of Government records in Government Departments or is this the case with this Department alone. Sir, if all these contractors had lost their books and even Government files have been missing, it cannot be all through natural causes. It may be stated therefore that some one must have destroyed them. If so, why was he or they not prosecuted ?

Then, in another instance, it was stated that the officers of the Development Department had indented for stores in anticipation of sanction for certain schemes and one of those schemes was the Dharavi Scheme. When I heard that, I must tell you that I was really taken aback, because the Dharavi Scheme was never a scheme that Government ever thought of seriously. That scheme depended on the Improvement Trust requiring those lands. All sorts of endeavours were made to get the Improvement Trust and the Corporation to accept that scheme. Although the dispute between the Improvement Trust and the landlords is still pending and has not been settled, yet we are told that Government wanted to push on with that scheme then, that is couple of years ago and therefore orders were sent out for materials to complete that scheme. I do not know whether Government had sent out orders for goods for a contemplated scheme for a road to Delhi which some day they may do. It is absurd to suggest that orders were sent out for material to complete a scheme which depended on the co-operation of the Municipality and the Improvement Trust. When such things are placed before us, we cannot come to any other decision but that it was wilfully done.

Then, Sir, I come to the question which relates to this Council. Sir, we have been told that the answers that we get from honourable members of Government can be relied upon. But certain questions that were put from this side of the House successively for three years were not answered by Government benches correctly ; not only that, but it has been found out that the replies provided to this honourable House were false in some cases. Well, I ask the honourable members on the

[Mr. Hooseinbhoy Abdullabhoy Lalljee]

opposite side, what sort of consideration do they expect us to give to the replies that we may receive from Government hereafter. Have they yet issued a press communique clearing up the incident about the orders for mild steel bars and government replies to questions in this honourable House. If these officers were capable of giving replies to be placed before the honourable House which are not correct, replies to be placed in all seriousness before this House, then what else could they not have done ?

Sir, I do not think that I should go on any further discussing these unfortunate things. But I will certainly make one observation and it is this. We were often told that we were led away by wrong notions, Now, I think, my honourable friend, Mr. Nariman has proved sufficiently to show that we are often right. With these words I support the motion.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, before I come to the motion before this House, I should like to say a few words with regard to the personal criticism levelled against me by the honourable member Mr. Nariman. I do not know why he should have made this attack on me. I am sure I have never obliged him. As a matter of fact I supported his cut and gave him every possible help with regard to his motion. He was pleased to say " I was a self-made Leader of the Opposition. " This is untrue. I ask, Sir, " Is there any institution rightly called the ' opposition ' in this House ? Is there any party or group of parties recognised as the ' opposition ? ' " I am sure there is none. There is however, an organised obstruction, of which the honourable member is the leader. I, therefore, do not think it is right for him to talk of the leader of the opposition. He says I occupy the place reserved for leader of the opposition. My honourable friend knows that there is no place reserved for the leader of the opposition. I always occupied the second seat on this bench when Mr. Jayakar was in this Council and occupied the first seat when he left the House. And no one has disputed my possession of it. So, I really do not know what it was that made him rush to this attack. I am inclined to think that it is due to the wounded feelings under which he laboured. After appealing to the members of this House, to whatever party they may belong, to come forward and support his motion, Mr. Nariman said : " the elected members on this side of the House will do their duty. But he added they go to the other side and support Government, not because of the merit of the motion but on account of undue pressure brought upon them. That was a most unkind remark for any member of this House to make.

This motion, Sir, has given rise to an unreal debate. As Mr. Nariman, has pointed out, this is a vote of censure. If so, when carried Government ought to resign, and the opposition should take their place. Nor can we compel any honourable member to resign his seat, if the vote of censure is passed against him. I presume that the motion is a vote of censure against the Honourable the General Member, because when a cut of Re. 1 is proposed and carried it is tantamount to a vote of censure against the Member in charge. In this case I really do not know whether it is a vote of censure against the department or the Member in charge of the department.

[Mr. Moulvi Rafiuddin Ahmad]

With regard to the motion I believe, Sir, that there are no two opinions in this House about the mismanagement in the Development Department (Hear, hear). That fact nobody denies. But we have to find out whether it is the fault of any particular man, and whether the Honourable the General Member is responsible for the fault. We know that number of times motions have come before this House with regard to the mismanagement of this department. Mere carrying resolutions is not enough. What is required is to find out ways and means for putting a stop to this mismanagement. What are the measures that this House wants Government to adopt ? Honourable members, both Mr. Nariman and Mr. Munshi said " Government should come forward and suggest some ways." I ask them " What are the measures that the House wants Government to adopt ? " On a former occasion the House said : " This department should be abolished. " I go further and state that " Government should take steps to punish those officers who have proved themselves guilty of mismanagement. " " Is it not necessary for us to know what measures Government are adopting to improve this department about which so many disclosures are made ? " I, therefore, would ask the Honourable the General Member to inform this House as to what steps he has taken himself on this question since the judgment that was delivered in the Police Court and what future steps Government are going to adopt to improve this department. Until we hear this from the Honourable the General Member, it is no use passing a vote of censure against him.

Mr. NOOR MAHOMED : On a point of information, Sir. The honourable member says that this is a motion as a vote of censure against the Honourable the General Member himself, that is, the Honourable Sir Cowasji Jehangir. May I have a ruling from you whether it is a vote of censure against the Member in charge of the Department or Government ?

The Honourable the PRESIDENT : I do not think that a ruling on that point is at all necessary. The position is quite clear. The constitutional position of the reserved department is quite plain to the House. A vote of censure on any member on Government side in charge of a certain department is a vote of censure on Government in respect of the particular department of which he is a member in charge.

MOULVI RAFIUDDIN AHMAD : Is it not also a vote of censure against the member himself ?

The Honourable the PRESIDENT : I do not think that in the reserved department an Executive Councillor exists by himself in his sole capacity and individual capacity.

MOULVI RAFIUDDIN AHMAD : That clears the situation to some extent. The Honourable the General Member should come forward and tell this House what steps he is going to take in that direction. We are all concerned with the improvement of this department, also the finances of this presidency. Therefore, if really any substantial improvement is proposed, I think the House should give due credit to Government

[Moulvi Rafiuddin Ahmad]

if they have any scheme. If the House is not satisfied, I am sure the House will not hesitate to pass this motion.

(Mr. N. A. Bechar rose).

The Honourable the PRESIDENT: I should like to interfere here and say a word. The honourable House knows that we rise at 6. I may extend that period by a few minutes further in order to conclude this debate.

The Honourable Sir COWASJI JEHANGIR: No, Sir. We will all speak to-morrow we cannot conclude to-day. We have got two days for each demand.

Mr. N. A. BECHAR (Karachi City): Sir, I think the House owes a deep debt of gratitude to my honourable friend Mr. Nariman, who made the subject of the working of the Development Department one of his very close study, with the result that the criticisms that have been offered from year to year regarding its working gave to this House a kind of inkling as to how things were going on in that department. Unfortunately, Sir, the official benches thought all the members on the other side are mostly irresponsible people. And even the manner in which my honourable friend the General Member spoke this afternoon almost scoffing at the criticism that I ventured to make that the department should be transferred and the manner in which the work is still being carried on does not redound to the credit of the Government. Sir, that a supposed most scientifically organized system of Government should not know up to now of the rotten character of the department known as the Development Department and of the systematic frauds that were being played upon that department running into lakhs and crores of rupees, comes to this House as a revelation which I think condemns the Government and the rotten character of the Government wholesale. Sir, it has been pointed out by my honourable friend Moulvi Rafiuddin that this token cut of one rupee raises a question of censure on the Honourable the General Member....

The Honourable the PRESIDENT: No. no. There is no such thing. I do not think that need be argued at all. The question as to against whom the censure would be, if passed, is a question which would solve itself; no decision or opinion on that need be expressed. The House need not worry on that account.

Mr. N. A. BECHAR: That is exactly what I was saying, Sir, that you gave aid to this House by saying that, so far as the Executive Council is concerned, they have to shoulder the responsibility of Government as a whole. Sir, I do not contend that the responsibility should fall individually upon the Honourable the General Member, Sir Cowasji Jehangir, who happened to occupy the office of the General Member during this period when a great scandal was perpetrated upon this presidency by people who were dealing with the department and by people who were controlling the destinies of the department. Sir, after all the disclosures that had been made, Government could go to

[Mr. N. A. Bechar]

the extent of prosecuting, rather helping the prosecution of Mr. Nariman; for the information that he gave in answer to a request made by the Mears Committee and upon that request for information the kind of particulars supplied by my honourable friend Mr. Nariman were made the target of attack upon him,—and even when he was criticising this particular department in this House, I remember at that time the officials of Government were walking out of the Council and not listening to Mr. Nariman merely because they complained he would not venture to make the same remarks outside the Council. Now, Sir, that position has been sufficiently cleared. He has been sufficiently vindicated, and what the Government benches wanted to be proved has been actually proved to the hilt, that whatever remarks Mr. Nariman made he did not do so merely to slander the Government and because he knew he would be protected by the rules of the Council, but because of facts which had come to light. Now, Sir, after having got all these facts, it is certainly due to this House that we must know from Government as to what action they propose to take in this matter. Sir, if any individual had behaved in this manner, I am sure he would have been indicted long ago, and Mr. Nariman, for the few remarks that he made in this House, was persecuted to the extent that no Government believing in the *bona fides* of a member of this House would have done. They did their worst. They prosecuted him, with the result that when the question of prosecuting their officers is concerned, when the question of putting their own house in order is concerned, during the two days' discussion we have not heard the slightest word of regret, the slightest word of information as to what the Government intend to do. I believe, Sir, that action was reserved for this cut to be moved by my honourable friend Mr. Swaminarayan, upon which the Government probably wanted to make a reply, and this debate has been only raised only to give that opportunity because I know, even if the rupee cut is carried, none of the gentlemen occupying the Government benches will feel sensitive of their own honour to resign their posts. I am sure they will have a very comfortable time immediately they get out of this House, as if nothing has happened at all. That was the experience in the Legislative Assembly; a number of times Government has been censured and their policies have been censured, but there is not the slightest change. They have remained where they were. It is this wooden character that even Mr. Montagu had to contend against, and this is being perpetrated by the ordering out of the Simon Commission. Sir, I think if the Simon Commission wanted to judge as to how far people have progressed in their capacity to bear the responsibility of Government in their own country, I think they are entirely mistaken. I think they ought to find out rather how the Government has behaved in this country, whether that Government deserves our confidence, and whether that Government ought to be allowed to continue a day longer to rule over us. But, on the contrary, these people, who have not got the slightest power of controlling their own destinies, are going to be judged whether we deserve anything more or not. But, Sir, the cat is out of the bag.....

The Honourable the PRESIDENT : I would not allow a discussion on the Simon Commission here. The honourable member is digressing very seriously from the point under discussion.

Mr. N. A. BECHAR : I bow to your decision, Sir. But what I wanted to say was.....

The Honourable the PRESIDENT : I do not want that repeated. What the honourable member had to say, I have stopped.

Mr. N. A. BECHAR : But, Sir, what I am now trying to impress upon this House is that it is here not a question of the parties. As a matter of fact there are no real parties on the non-official side. Parties have grown up like mushrooms merely in order to get some small crumbs here and there which have really destroyed the true character of parties and which have demoralised public life in this Council.....

The Honourable the PRESIDENT : That again is a digression.

Khan Saheb A. M. MANSURI : That khaddar cap has demoralised my honourable friend Mr. Bechar. (Laughter).

Mr. N. A. BECHAR : Let him come out and I hope to be able to convince my honourable friend from Ahmedabad and to explain to him the truth of what I assert if he will only have patience.

At any rate, what I am saying is this : is this Council going to be satisfied by some amount of quibbling, some amount of haranguing on the part of the Honourable the General Member and then allow the vote of censure not to be passed. I think in view of these heavy losses and more so in view of the disclosures of the corrupt character of the department that have been brought to light, this Government ought to be publicly censured. My friend the Moulvi Saheb said that there is no question of prestige, but I say that in the very name of the prestige of Government they ought to prove their *bona fides* by indicting publicly those officers who have been proved in the court of law to have been implicated in taking bribes from people who were dealing with the department as contractors and suppliers of materials. If Government is not going to do that and if Government is going to shield those officers, it will mean indirectly that the Government themselves were a party to this fraud. Therefore, what I maintain is that Government should take and should have taken immediately some amount of action and some kind of stringent measures to restore confidence in the mind of the public. So far as we Swarajist members of this House are concerned, we have no confidence in the Government and if there is any confidence still lingering in the mind of the Moulvi Saheb and those like him I say, Sir, that to preserve that little confidence which may be lingering in the mind of a few supporters of Government both inside and outside the House, Government, for the sake of their own honour, ought to show that they are willing to take immediate action against the officers concerned. Unless and until that is done, I can assure him that although we have lost crores and crores of rupees on this Development Department, I regard the loss of character and the loss of

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honour is far greater than the loss of crores of rupees. I ask Government, if they have any honour left in them, to show to the House that they are willing and anxious to take every step that is possible and that lies within their power to vindicate their honour.

A reference was made to the C. I. D. As one who has taken part in political activities, I know how we are harassed and persecuted by the police and the C. I. D. who are maintained at the cost of the ratepayers They never take the trouble to find out the real culprits but they only try to find out and penalise patriotic persons. That appears to be the only duty imposed upon them by the Government with the result that the hugest scandal perpetrated in broad daylight in Bombay never came to their notice and was never brought to the notice of Government What are we going to do ? I know if Government had been responsible to us, they would not have survived for one hour after these disclosures but I know we cannot uproot them. By wasting public moneys Government have been penalising posterity and that too at the cost of the nation-building departments.

The Honourable the PRESIDENT : I do not think that we can go on with the discussion at this stage. I have before adjourning, one or two matters to refer to. There is a request signed by various honourable members asking me to adjourn the House on Monday, the 5th of March that being, according to this petition, the Holi holiday. But I suppose the Holi holiday is gazetted for the 6th March, Tuesday, so that the request here is that the House should be adjourned both on Monday and Tuesday. I cannot do that unless I have taken the sense of the House with sufficient majority to guide me in that. I should like the Honourable the Leader of the House to give me his views.

The Honourable Sir CHUNILAL MEHTA : I understand that the proposal which I heard only just now, is that the Council should not sit on Monday at all and that Tuesday also should be a holiday. If the Council do not wish to sit on Monday, I have no objection, but I may inform the House that we cannot extend the time of the Council and they must either take eleven days for the demands for grants or they must take one day for private business.

Mr. W. S. MUKADAM : When in the case of the Ramzan and Nama we extended to our Moslem friends the concession they wanted, I cannot see why we Hindus should not have this concession in the matter of the Holi holiday.

The Honourable Sir CHUNILAL MEHTA : I am afraid my honourable friend is entirely incorrect. Every year the Holi holiday has been gazetted for one day only, we never had two holidays for that occasion and the ordinary holiday has been as usual gazetted for the 6th. This is an additional holiday that the Council asks for, but there is no question of any comparison with the Ramzan or anything else.

Mr. W. S. MUKADAM : The Holi falls on the 5th and not on the 6th.

The Honourable Sir CHUNILAL MEHTA: I am sorry to say that it would be impossible for Government to sit from 12 noon as has been suggested. We find our regular work being greatly interfered with already having to sit at 1 o'clock and I think it will be impossible to accept the proposal that we should sit from 12 noon as suggested.

The Honourable the PRESIDENT: One thing I want to be informed about and that is: Is it, as the honourable member Mr. Mukadam has stated, that although the Holi falls on the 5th the holiday has been gazetted for the 6th.

Mr. W. S. MUKADAM: Dhulwad, the next day, falls on the 6th.

The Honourable Sir CHUNILAL MEHTA: So it is the same this year.

The Honourable the PRESIDENT: The only point I have to determine is whether the majority of honourable members desire a holiday on the 5th in addition to the holiday on the 6th. They must understand however that the Honourable the Leader of the House, on behalf of Government, does not make any concession because of that. After knowing that it is for honourable members to decide for themselves whether they would like this holiday on the 5th or not.

Mr. V. N. JOG: An alternative proposal would be, Sir, that the holiday should be observed on the 5th instead of the 6th.

The Honourable Sir CHUNILAL MEHTA: We cannot really do that. The 6th has been gazetted a holiday. It will be observed by the commercial community and everybody and it really will be impossible to alter the holiday because certain honourable members forsooth want to have a continuous holiday.

The Honourable the PRESIDENT: The position is that the Honourable the Leader of the House states that because of this concession there would be no additional day given either for Government business or private business. It is left to the honourable members either to take eleven days for Government work or one day for private business. If they are not agreeable to accept that, it is now my question to the House that that being the fact, are there any honourable members still who would like to have the 5th as an additional holiday? Those who desire it should please stand up in their places.

(No one stood up).

There is none. The 5th of March will not be a holiday.

The second point is that there is a Government House party on the 1st of March. That is fixed at 5 p.m. It has been usually the custom to adjourn the House a little earlier to afford facility to honourable members who wish to attend the party. An invitation to a Government House party is taken as an invitation from the highest quarters which honourable members in this House have, in the past, respected. The House has, therefore, to decide that on the 1st of March they will adjourn at 4 o'clock. I shall decide that matter to-morrow. I have only brought

[The President]

it to the notice of the House, and as usual I would feel inclined to adjourn the House at 4 o'clock on the 1st of March.

Mr. J. C. SWAMINARAYAN : There is loss of time on the days for demands for grants.

The Honourable the PRESIDENT : We will decide that matter to-morrow. The two hours the House would lose may be made up in other ways. There is time enough to go into that question to-morrow.

The House is now adjourned till 1 p.m. to-morrow, Wednesday, the 29th February 1928.

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Wednesday, the 29th February 1928

The Council re-assembled at the Town Hall, Bombay, on Wednesday, the 29th February 1928, at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
Bell, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD Mr. N. B.
CHIKODI, Mr. P. R.
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOSSACK, Mr. W. B.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE

repairs were carried out. In the next part of the reply he says : " The land has not been taken in possession. " The fact that repairs were carried out has been admitted by the Honourable the General Member, and in the face of that he cannot say that he is not aware of it.

The Honourable Sir COWASJI JEHANGIR : I do not think the honourable member is quite correct in his interpretation of the reply. The reply says that the tank was repaired. The land on which the tank is dug did not belong to the man named by my honourable friend (Mr. Bandacharya Annacharya). The land which is to be acquired under the Land Acquisition Act is land which will be submerged and not land which is connected at present with the tank. The repairs were carried out on the tank. That is what I understand. From the papers that I have seen the answer is correct.

Mr. P. R. CHIKODI : Then, why was compensation paid to him ?

The Honourable Sir COWASJI JEHANGIR : Because his land was submerged. The very fact that compensation was paid shows that it was not taken possession of.

Mr. P. R. CHIKODI : If the repairs or any other construction had been done on the land, and if these are now removed by the owner, because the land does not belong to Government, then who is liable for the loss ?

The Honourable Sir COWASJI JEHANGIR : I cannot admit that any repairs were undertaken on the land. If the honourable member says definitely that they were, then I will make further enquiries.

Mr. P. R. CHIKODI : When was compensation paid for the submergence ?

The Honourable Sir COWASJI JEHANGIR : It was for submergence during the rains of 1926. It must have been paid on some date after that.

Mr. P. R. CHIKODI : Was it during the last month ?

The Honourable Sir COWASJI JEHANGIR : I do not know. The reply is : " Compensation has already been paid to the owner separately for damage done to his paddy crop by submergence during the rains of 1926. " So, Compensation must have been paid after the rains of 1926.

Mr. P. R. CHIKODI : I want to know when the amount was paid ? Was it this year or last year ; six months ago or two months ago ?

The Honourable Sir COWASJI JEHANGIR : I will ask for notice of that.

PRIMARY EDUCATION : SALARIES OF TEACHERS

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) whether it is a fact that the Sathe-Paranjpye scheme, which was adopted by the Legislative Council in 1926, has now been abandoned by Government as unworkable ;

(*b*) whether they intend to substitute any other scheme for the Sathe Paranjpye scheme ;

(*c*) whether they are aware that dissensions among the teaching staff are created by the allowance system;

(*d*) whether it is a fact that Government teachers whose services were lent to local boards had to suffer in point of pay even though they were better qualified ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) The whole question is at present under consideration.

(*c*) Yes.

(*d*) Government are not aware of any such cases. They are not likely to happen in view of the provisions in section 8 (1) and 8 (2) (*b*) of the Bombay Primary Education Act, 1923.

Mr. L. M. DESHPANDE : The matter was under consideration for the whole of last year. A similar answer was given in the last session. May I know what has been done during the interval as regards (*a*) and (*b*) ?

The Honourable Dewan Bahadur HARILAL D. DESAI : During the last year figures were examined on the basis of the scheme which Government has sanctioned with reference to the Ahmedabad city municipality, and it was found that it would cost a very large amount which Government in their present financial condition could not find. Consequently the figures are being again examined to see whether a scale could be laid down which would be accommodated in the amount spent for headmasters allowances.

Mr. L. M. DESHPANDE : I want to know when the consideration will be completed.

The Honourable Dewan Bahadur HARILAL D. DESAI : The data have to be collected from every local authority in order to find out how many teachers of how many years' standing there are of the third-year trained, second-year trained and first-year trained classes separately. Consequently that would take some time. The Director of Public Instruction has been specially expedited to hurry up this matter.

Mr. W. S. MUKADAM : May I know if the Honourable Minister for Education will take at least one year more for its consideration ?

The Honourable Dewan Bahadur HARILAL D. DESAI : About three or four months more, I believe ?

Mr. W. S. MUKADAM : Will it be over before the next session ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I should think so.

Mr. L. M. DESHPANDE : If there are dissensions among the teaching staff, are Government going to continue the dissension ?

The Honourable the PRESIDENT : Government say they are not aware of any dissensions.

Mr. L. M. DESHPANDE : They say " Yes " to my question (*c*) " whether they are aware that dissensions among the teaching staff are created by the allowance system ? "

The Honourable Dewan Bahadur HARILAL D. DESAI: Of course, there is dissatisfaction among the teachers, but that is due mostly to the way in which transfers happen at the hands of schoolboards in some of the local authorities.

Mr. L. M. DESHPANDE: Have Government enquired as regards (*d*) whether some teachers whose services were lent to local authorities had to suffer in point of pay?

The Honourable Dewan Bahadur HARILAL D. DESAI: We are not aware of any such cases.

Mr. L. M. DESHPANDE: Have you enquired?

The Honourable Dewan Bahadur HARILAL D. DESAI: No: we have not enquired.

Mr. L. M. DESHPANDE: Will you?

Mr. B. V. JADHAV: Were any complaints made by teachers?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

Dr. B. R. AMBEDKAR: Is the Honourable Minister aware that not a single teacher of the depressed classes has got the benefit of these allowances?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not aware of that. The rules are there; everybody is subject to the rules.

Dr. B. R. AMBEDKAR: Does he know that not a single depressed class teacher has got the benefit?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am not aware.

Dr. B. R. AMBEDKAR: Will he make redress if cases are brought to his notice?

The Honourable Dewan Bahadur HARILAL D. DESAI: I will try to do so if I can consistently with the rules.

CIVIL COURTS, SATARA DISTRICT: SHORTHAND TYPISTS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether shorthand and typist clerks are employed in any of the civil courts in the Satara District;

(*b*) whether such clerks do the work of shorthand and typing in addition to their ordinary work;

(*c*) whether such persons are given any extra pay.

The Honourable Mr. J. E. B. HOTSON: (*a*) Yes. One.

(*b*) Yes.

(*c*) Yes. Rs. 15 per mensem.

DIRECTOR OF PUBLIC INSTRUCTION'S DECISIONS ON FINANCIAL STATUS OF KONKANI MARATHAS

Mr. B. V. JADHAV (Satara District): Will the Honourable Minister for Education be pleased to place on the Council Table a copy

of the rules made for the guidance of the Director of Public Instruction in deciding whether a Konkani Maratha family is poor or well-to-do ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The following rules made by Government on the subject are placed on the Council Table :—

(*i*) All families in receipt of an annual income from any source not exceeding Rs. 720 should be treated as poor ;

(*ii*) All families paying an assessment not exceeding Rs. 50 per annum should be treated as poor.

LINKED COURTS, KARAD AND PATAN

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) whether it is a fact that Government intend to abolish the system of linked courts in the Bombay Presidency ;

(*b*) whether it is a fact that the linked courts of Karad and Patan in the Satara district are to be abolished and replaced by a single court at Karad ;

(*c*) whether they are aware that the civil work of the Patan court has gradually been increasing so much so that a separate court for that taluka is necessary ?

The Honourable Mr. J. E. B. HOTSON : (*a*) There is no proposal to this effect before Government at present.

(*b*) A suggestion that this should be done is under consideration.

(*c*) It is not sufficient to justify the creation of a separate court at Patan.

CASH ALLOWANCES : DEDUCTION OF INCOME TAX

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) if their attention is drawn to the practice said to be based upon a circular of the Commissioner, Central Division, prevalent in the mofussil of deducting income tax at the source when making payment of cash allowances to the holders thereof when the amount of such allowances is less than Rs. 2,000 ;

(*b*) if the Government is aware that such practice is contrary to the provisions of section 18 of the Indian Income Tax Act XI of 1922, as subsequently amended ;

(*c*) what steps they intend to take to cancel the said circular to avoid their being involved in civil litigation ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) Yes. The circular was issued before the Income Tax Act of 1922 became law, and is not in conformity with it. It has since been cancelled, and a fresh circular in conformity with the law has been issued.

(*c*) Does not arise.

Rao Bahadur R. R. KALE (Satara District) : May I know when the circular was cancelled ?

The Honourable Mr. J. L. RIEU : I do not remember the date.

Rao Bahadur R. R. KALE : Will Government give the approximate date when the circular was cancelled ? Was it cancelled after this question was put ?

The Honourable Mr. J. L. RIEU : I cannot say.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to place on the Council table a copy of the said recent circular that has been issued ?

The Honourable Mr. J. L. RIEU : Yes, I have no objection if the honourable member will put a definite question.

EDUCATIONAL DEPARTMENT, SIND : CLERK

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state (*a*) the number of clerks in the Educational Department in Sind in the following or similar form :—

Name of Office	Grade	Mussalmans	Non-Mussalmans	Percentage of Mussalmans	Remarks, if any

(*b*) what action Government have taken to increase the number of Mussalmans in this Department ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The accompanying statement gives the information required.

(*b*) Preference is always given to Muhammadans but they either do not join or leave after a short time as they find better prospects elsewhere.

Statement

No.	Name of office	Grade	Total number of posts in the grade	Mussalmans	Non-Mussalmans	Percentage of Mussalmans	Remarks
		Rs.					
1	Educational Inspectors in Sind.	150—5—200	2	..	12	7	
		105—5—140	4	..			
		85—5/2—100	4	1			
		30—5/2—80	3	..			
			13				
2	Inspectress of Girls' Schools in Sind.	85—5/2—100	1	..	2	..	
		30—5/2—80	1	..			
			2				

No.	Name of office	Grade	Total number of posts in the grade	Mussalmans	Non-Mussalmans	Percentage of Mussalmans	Remarks
		Rs.					
3	Deputy Educational Inspector, Karachi.	105—5—140 85—5/2—100 30—5/2—80	1 1 2 4	 1	3	25	
4	Deputy Educational Inspector, Hyderabad.	105—5—140 30—5/2—80	1 2 3	.. ..	2	..	
5	Deputy Educational Inspector, Thar and Parkar.	105—5—140 30—5/2—80	1 2 3	.. ..	3	..	
6	Deputy Educational Inspector, Nawabshah.	105—5—140 30—5/2—80	1 2 3	.. ..	3	..	
7	Deputy Educational Inspector, Sukkur.	105—5—140 85—5/2—100 30—5/2—80	1 1 2 4	.. 1 ..	3	25	
8	Deputy Educational Inspector, Upper Sind Frontier.	105—5—140 30—5/2—80	1 2 3	.. ..	3	..	
9	Deputy Educational Inspector, Larkana.	105—5—140 85—5/2—100 30—5/2—80	1 1 2 4	.. ..	4	..	
10	Deputy Educational Inspector, for Mulla Schools, Hyderabad.	85—5/2—100 30—5/2—80	1 1 2	.. ..	1	..	One vacant.
11	Deputy Educational Inspector for Mulla Schools, Sukkur.	85—5/2—100 30—5/2—80	1 1 2	.. ..	2	..	
12	Deputy Educational Inspector, Larkana.	85—5/2—100 30—5/2—80	1 1 2	.. ..	2	..	
13	Training College for Men, Hyderabad.	85—5/2—100	1	..	1	..	
14	Training College for Women, Hyderabad.	30—5/2—80	1	..	1	..	
15	N. J. High School, Karachi.	85—5/2—100	1	..	1	..	
16	Government High School, Hyderabad.	30—5/2—80	1	..	1	..	
17	Government High School, Shikarpur.	30—5/2—80	1	1	..	100	
18	Government High School, Larkana	30—5/2—80	1	..	1	..	
19	Naushahro Madressah and High School.	30—5/2—80	1	..	1	..	
20	Mirpurkhas Madressah and High School.	30—5/2—80	1	..	1	..	

Mr. HAJI MIR MAHOMED BALOCH : Will Government be pleased to give instances of the action they have taken in this direction ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Honourable member is referred to my reply to his question (*b*). It is stated " Preference is always given to Muhammadans but they either do not join or leave after a short time as they find better prospects elsewhere. "

Mr. HAJI MIR MAHOMED BALOCH : You say that Muhammadans do not join the service or leave after joining. Will you give some instances ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the honourable member will put a question for such information, Government will be pleased to reply to his question.

ASSAULTS AND HARASSMENT BY GHANCHIS, GODHRA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state-

(*a*) whether they are aware that on the 16th September 1927 Mr. Chhaganlal Mansukh Jetha, Jain merchant, was assaulted and injured by Lathis by Ghanchis when he was closing his shop in the evening ;

(*b*) if so, whether the Godhra City Police have been able to find out the Ghanchis who had committed this offence ;

(*c*) whether they are aware that on the 17th September 1927 a silver anklet of Mahasukh Prabhudas Suthar's daughter was taken away at about 8 p.m. just near Hindu Girls' School in Soniwad in the heart of the Godhra City ;

(*d*) whether the Godhra City Police have been able to find out the thief in this case ;

(*e*) whether they are aware that on the 18th of September 1927 one Mr. Ochhavlal Mohanlal Shah, B.A., a clerk in the Mamlatdar's court, was assaulted and struck with a lathi by Ghanchis when he was simply standing on the road talking to somebody ;

(*f*) whether the Godhra Police have been able to find out the offenders in this case ;

(*g*) whether they are aware that on the 18th September on the same day immediately after Mr. Ochhavlal was beaten, Mr. Bhurabhai Amichand, a Jain Merchant, was assaulted and beaten by Ghanchis ;

(*h*) whether an inquiry was made into the matter and if so the result thereof ;

(*i*) whether they are aware that on the 18th September 1927 a Ghanchi boy entered the shop of one Sankalchand Amritlal, a cloth merchant, and demanded from him a piece of cloth and that when the price was asked for by the merchant he was threatened with fire to his shop and was abused ;

(*j*) whether they are aware that this cloth merchant was threatened by the Ghanchi to such an extent in broad daylight in the bazar that he had to part with the piece of cloth the Ghanchi boy had selected free of charge ?

The Honourable Mr. J. E. B. HOTSON : (*a*) to (*d*) and (*g*) to (*j*) No such complaint has been made either to the Police or to any Magistrate.

(*e*) Yes.

(*f*) Mr. Ochhavlal's statement was taken by the Police. He did not lodge any formal complaint.

THEFT AT GODHRA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware that in the month of September 1927 a theft of nearly Rs. 1,000 cash was committed by house-breaking at about 8 p.m. in the shop of Modi Punamchand Harilal at Godhra ;

(*b*) whether Punamchand Modi has lodged a complaint to the Police about this theft ; if not, whether they are aware of the reasons for his not doing so ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Yes.

(*b*) A complaint was lodged with the Police.

THEFTS AT GODHRA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware that in the Samvat 1974 or so the shop of Messrs. Mulji Damodardas of Godhra was broken open and tins of Ghee stolen ;

(*b*) whether it is a fact that the said shop is situated just opposite the Police Chowky No. 1 on the Main Road from Civil Station to Railway Station and is at a distance of nearly 20 yards from the Police Chowky No. 1 ;

(*c*) whether Policemen are expected to be on duty for all 24 hours at the Police Chowky No. 1 ;

(*d*) whether the thief was caught ;

(*e*) whether they are aware that in the month of August 1927 a theft was committed from the shop of Mr. Mangaldas Girdhardas of Godhra in Panch Mahals by breaking open the shop at night ;

(*f*) whether the shop is at a distance of nearly 20 yards from Police Chowky No. 2 ;

(*g*) whether the Police have been able to find out the culprit in this case ;

(*h*) whether they are aware that in the year 1921 or 1922 a theft was committed in the shop of a merchant Mr. Mangaldas Amritlal of Godhra in Panch Mahals at night by breaking open the shop ;

(*i*) whether they are aware that the Police on night duty to guard that ward sit near this shop ;

(*j*) whether the thief has been caught by the Police ;

(*k*) whether they are aware that in the month of October or November 1927 the shop of Mr. Keshavlal Chunilal Modi of Godhra, a banker, was broken into at night and the iron safe of the shop broken and nearly Rs. 500 cash and some silver and golden ornaments were taken away ;

(*l*) whether it is a fact that the said shop is situated in the heart of Godhra market and on its two sides there are main roads ;

(*m*) whether the post of the Electric Light is near the shop ;

(*n*) whether the police on night duty always sit for the whole night on the *otla* of this shop ;

(*o*) whether it is a fact that on the very night the policemen on duty took rest on the *otla* of the shop up to 4 o'clock ;

(*p*) whether it is a fact that Police Constables on night duty sit on Makan Kua which is situated just opposite the said shop at a distance of nearly 50 yards ;

(*q*) whether it is a fact that many Police Constables on night duty after their rounds come and sit on the shop of Mr. Ambalal Motilal, a Sugar Merchant, opposite Mr. Keshavlal Modi's shop at a distance of 8 yards ;

(*r*) whether the culprit has been found out by the Police ;

(*s*) whether it is a fact that in the month of December 1927 a Ghanchi took away from the shop of one Mr. Dahyabhai Tulsibhai, a cloth merchant of Godhra in Satharia Bazar, a Taka of vayal ;

(*t*) whether the culprit has been found out by the Police ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Yes. This happened ten years ago.

(*b*) Yes.

(*c*) Yes.

(*d*) Yes.

(*e*) Yes.

(*f*) About 30 paces.

(*g*) No.

(*h*) No.

(*i*) Sometimes. Obviously they do not sit all night at the same place.

(*j*) Does not arise.

(*k*) Yes. The stolen property consisted mostly of cash.

(*l*) Yes.

(*m*) Yes.

(*n*) No.

(*o*) Yes. The Police Constable was discharged for negligence.

(*p*) Sometimes. Makankuva Naka is situated in a by-lane about 50 yards from Keshavlal's shop.

(*q*) No.

(*r*) The Police are still enquiring into the case.

(*s*) Mr. Dahyabhai Tulsibhai made a complaint to the Police that two Ghanchi boys took away a piece of cloth on the pretext of showing it to a tailor and did not return it.

(*t*) No. The complainant could not identify the offenders.

HOUSE-BREAKING : SHOP OF SONI AMBALAL DAMODAR, GODHRA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether it is a fact that in the month of January 1922 the shop of Soni Ambalal Damodar of Godhra in Panch Mahals was broken

open at night and cloth and other articles worth nearly Rs. 300 were stolen ;

(*b*) whether it is a fact that the Police on night duty to guard that ward were in the habit of sitting just near this shop ;

(*c*) whether the thief has been found out ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Yes. The property stolen was worth Rs. 189-10-0 and consisted of cloth only.

(*b*) The Police do not habitually sit near the shop.

(*c*) No.

ROBBERIES OF KANTHIS, GODHRA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether it is a fact that in the month of November 1927, a Ghanchi of Godhra in Panch Mahals took away forcibly from the neck of a girl of 8 years named Champa, a relative of Keshavlal C. Modi, a Banker of Godhra, a golden ornament (Kanthi) of nearly 8 tolas while the girl was playing at about 5 p.m. at the house of Mr. Keshavlal Modi in the Hindu locality at Godhra ;

(*b*) whether this crime has been detected by the Police ;

(*c*) whether it is a fact that on the evening of the 13th December 1927, a Ghanchi of Godhra forcibly took away a golden ornament (Kanthi) from the neck of a girl of nearly 6 years, the daughter of Mr. Somabhai Dalsukh Odhavjivala ;

(*d*) whether the crime has been detected by the Police ?

The Honourable Mr. J. E. B. HOTSON : (*a*) and (*b*) The necklace was stolen, but it was not forcibly removed. It was removed furtively from the girl's neck while she was playing in the street. The Police are making enquiries.

(*c*) The facts are as stated, except that in this case also no force was used.

(*d*) The Police are making enquiries. These two cases illustrate the danger, which has often been remarked upon in many different places, of allowing small children to wear valuable ornaments while playing unattended in the streets. Cupidity has often led, in similar cases, even to murder, and there seems to be no good reason to attribute these particular crimes and others like to them to communal hostility rather than to the motives which ordinarily prompt such thefts. The remedy is in the parents own hands.

MISCHIEF TO INJURE RELIGIOUS FEELINGS, GODHRA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware that for the last six or eight months organised efforts are being made by some Muhammadan agitators of Godhra to send batches of young school going Muhammadan boys with galols in the Hindu localities of Godhra to kill birds like sparrows, etc., from the verandahs and balconies of Hindu houses in order to injure the religious feelings of the Hindus ;

(*b*) whether they are aware that an old Jain lady named Parsan was hit on the eye by one of the stones thrown by Ghanchi boys with galol on the 11th December 1927 ;

(*c*) if they are not aware of this, whether they intend to make enquiries into the matter ;

(*d*) if they are aware of this, what efforts have been made and what steps have been taken by the District Superintendent of Police, Panch Mahals, to put a stop to this sort of mischief ?

The Honourable Mr. J. E. B. HOTSON : (*a*) There is no evidence to show that organised efforts were made by the Muhammadans to send boys to kill birds in Hindu localities with catapults.

(*b*), (*c*) and (*d*) Yes. The unfortunate occurrence appears to have been an accident. As the injury was only slight, the Police warned the inhabitants of the locality against the careless use of catapults. There have been no further incidents of this kind reported to the Police.

DEVELOPMENT DEPARTMENT STORES

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(*a*) whether certain stores were deliberately over-ordered for the Bombay Development Department, from 1922 to 1927. If not to state any cases that may have been lately traced to have been of that nature ;

(*b*) whether any cases of illegal gratification or secret commissions have been so far traced or suspected by them affecting the staff or officers of the Development Department both past and present. If so, to place full details on the table.

The Honourable Sir COWASJI JEHANGIR : (*a*) In his judgment in the Harvey-Nariman case the Magistrate has observed that mild steel bars required for foundation piles for reinforced cement concrete chawls were ordered of a wrong size and in excessive quantities. The Magistrate has, however, held that on the evidence recorded there was no justification for the allegation that the stores were deliberately over-ordered with a view to obtain secret commission from the manufacturers.

(*b*) Instances of illegal gratifications or secret commissions alleged to have been received by certain officers and members of the staff under the Development Department have been cited by the Magistrate in his judgment in the Harvey-Nariman case. A copy of the judgment* has been laid on the Council table.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will the copy of the judgment in the Harvey-Nariman case be supplied to every individual member of this House ?

The Honourable Sir COWASJI JEHANGIR : No. It is a very lengthy judgment and therefore it cannot be supplied.

* Kept in the Secretary's Office.

Mr. P. R. CHIKODI (Belgaum District): May I know if the copy of the judgment that has been laid on the Council table will be included in the proceedings of the Council session ?

The Honourable the PRESIDENT: I find that documents which are sent by honourable members on the Government side are in the possession of the Secretary of the Council, that is, in the possession of the House. Those documents which are short are printed and if they are lengthy, they are not printed and they remain with the Secretary.

Mr. P. R. CHIKODI: If such important documents do not appear in the proceedings of the Council, then it is very difficult to find out a reference in future.

The Honourable the PRESIDENT: We shall look into this matter.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Do the Government not think that in view of the important conclusions arrived at by the Judicial Court, the copy of the judgment should be given to the members of this House ?

The Honourable Sir COWASJI JEHANGIR: We will certainly consider the wish expressed by the honourable member.

Mr. LALJI NARANJI: Do Government agree to give the copy of judgment to honourable members ?

The Honourable Sir COWASJI JEHANGIR: We must consider the request made by the honourable member for getting the copy of the judgment printed.

Mr. H. B. SHIVDASANI (Surat District): Did the magistrate hold that the mild steel bars were deliberately ordered ?

The Honourable Sir COWASJI JEHANGIR: The answer to that question is included in my reply to (*a*). I have said "The magistrate has however, held that on the evidence recorded there was no justification for the allegation that the stores were deliberately over-ordered."

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government tell us as to what has been done with the mild steel bars that were over-ordered ?

The Honourable Sir COWASJI JEHANGIR: They were sold.

Mr. W. S. MUKADAM (Panch Mahals District): What is the loss to Government in selling these mild steel bars ?

The Honourable Sir COWASJI JEHANGIR: I shall ask for notice.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Were the mild steel bars ordered wrongly ?

The Honourable Sir COWASJI JEHANGIR: The indent was made out by a mistake.

Mr. LALJI NARANJI: May I know if Government agree that it was a mistake ?

(No reply.)

The Honourable the PRESIDENT: Order, order. When honourable members are told that the judgment is kept on the Council Table they should refer to it, read it, make sure of the question and then ask the Government Benches to reply to questions put by them.

Dr. M. D. GILDER (Bombay City North): Do Government propose to make any enquiries or have they already instituted enquiries into the question of illegal gratification, etc. ?

The Honourable Sir COWASJI JEHANGIR: If my honourable friend will have a little patience, he will get an answer to his question. It is very difficult to answer that question in a short space of time. I will have to explain the whole situation.

Mr. D. A. JANVEKAR (Southern Division): What steps do Government intend to take against officers who received illegal gratifications ?

The Honourable Sir COWASJI JEHANGIR: You have repeated the question put by the honourable member Dr. Gilder. I would ask you to have a little patience to get a reply to that.

PRIMARY EDUCATION: LOCAL AUTHORITIES

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the Council table a statement showing—

(1) the names of the local authorities that have *actually* introduced compulsory elementary education both for boys and girls ;

(2) the names of the local authorities that have *actually* introduced compulsory elementary education for boys only ;

(3) the date of introduction in each case ;

(4) the names of the local authorities that have submitted to Government schemes for the introduction of compulsory elementary education both for boys and girls ;

(5) the names of the local authorities that have submitted to Government schemes for the introduction of compulsory elementary education for boys only ;

(6) the date when the scheme was submitted in each case ;

(7) the precise stage at which each such scheme remains, awaiting the final sanction of Government ;

(8) the steps, if any, taken by Government to persuade, ask or compel those local authorities which have not hitherto submitted any schemes for the introduction of compulsory elementary education, to submit such schemes.

The Honourable Dewan Bahadur HARILAL D. DESAI: (1) to (3) The subjoined statement gives the requisite information :—

Name of Municipality	Year of introduction of compulsion	For boys or girls or both
(1) Surat	1919	Boys and girls.
(2) Bandra	1920	Do.
(3) Satara	1921	Boys only.
(4) Dhulia	1923	Boys and girls.
(5) Ahmednagar	1927	Boys only.
(6) Broach	1927	Do.
(7) Sholapur	1927	Do.

(4) to (7) Please see the accompanying statement A.

(8) No steps have been taken as none are considered necessary.

Statement " A " referred to in the reply to parts (4) to (7) of the question

Serial No.	Names of Local Authorities that have submitted their schemes of compulsory primary education	For boys or girls or for both	Date of receipt of the scheme in Director of Public Instruction's office for the first time	Date of submission of the scheme to Government	Remarks regarding the stage at which each case is remaining
1	2	3	4	5	6
1	Nasik Municipality.	Boys only ..	....	....	This scheme has been sanctioned by Government but the municipality has not yet brought it into operation.
2	Ahmedabad Municipality.	Boys and girls.	2nd November 1925.	23rd July 1926.	In the circumstances fully explained in Press Note No. 624, dated the 4th October 1927, Government have refrained from examining some of these schemes or issuing any orders with regard to others until the question of the provision for the expansion of primary education in next year's budget is finally settled by Government with the approval of the Legislative Council.
3	Poona City Municipality.	Do. ..	7th February 1927.	19th May 1927.	
4	Jalgaon Municipality.	Boys only ..	6th September 1926.	17th August 1927.	
5	District Local Board, West Khandesh.	Do. ..	1st April 1926 .	3rd September 1927.	
6	District Local Board, Ahmednagar.	Do. ..	31st March 1926.	8th November 1927.	
7	District Local Board, Poona.	Do. ..	25th June 1927.	30th November 1927.	
8	Gadag Betgeri Municipality.	Do. ..	10th April 1926	....	Further particulars required for the scrutiny of the schemes have been called for by the Director of Public Instruction.
9	District Local Board, Satara.	Do. ..	25th January 1927.	....	
10	Karachi Municipality.	Do. ..	3rd March 1927	....	The schemes are under scrutiny in the office of the Director of Public Instruction. The former scheme was resubmitted through the Educational Inspector in Sind whose recommendations were received in the office of the Director of Public Instruction on 28th October 1927.
11	District Local Board, Dharwar.	Do. ..	28th October 1927.	....	

REFORMS COMMISSION : COMMITTEE OF THE LEGISLATIVE COUNCIL

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(*a*) whether they have received from the Secretary of State for India or from the Government of India any despatch or communique stating the exact functions, powers, duties and status of the Committee of the Legislative Council to be elected in accordance with the scheme and procedure outlined by Lord Birkenhead in the House of Lords in connection with the Statutory Commission ;

(*b*) if so, whether it will be placed on the Council table ;

(*c*) if the answer to (*a*) is in the negative, what steps they have taken to get those functions, powers, duties and status clearly defined by the proper authorities ?

The Honourable Sir C. V. MEHTA : (*a*) No. The status and powers of the Committees to be elected by the Local Legislative Councils are explained in the announcement made on the 7th February by the Chairman of the Indian Statutory Commission which was published in the papers.

(*b*) and (*c*) Do not arise.

VERNACULAR FINAL EXAMINATION : LEVY OF FEES FROM GIRLS

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that they have decided to levy an admission fee of Rs. 3 from girls appearing for the Vernacular Final Examination from the year 1928 ;

(*b*) if so, why ;

(*c*) the amount which is estimated to be realised from the fees ;

(*d*) what the number of girls who appeared for the examination last year was ;

(*e*) whether they are aware that generally poor girls appear for this examination, and that the levy of the fee will cause great hardship to them ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) In view of the increasing number of girls appearing for the examination, Government considered it necessary to levy an admission fee.

(*c*) Rs. 5,700 in 1928.

(*d*) The number of girls who appeared for the examination held in April 1927 was 1,277.

(*e*) No.

PENSIONS : DATES OF PAYMENTS

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that since the issue of Government Resolution, Financial Department, No. 676, dated 21st February 1884, many improvements have taken place in the presentation of pension bills, the system of accounts and the general working of treasuries ;

(*b*) if so, whether they have considered the advisability of modifying the abovementioned resolution, so that at least in places where the rush of pensioners is not great, the payment of all pensions may be made much earlier than at present ?

The Honourable Sir CHUNILAL MEHTA : (*a*) and (*b*) The honourable member is referred to the answer to his previous question asked on 27th February 1927. The terms of Government Resolution, Financial Department, No. 676, dated 21st February 1884, are not such as to cause undue delay in the payment of pensions, and Government have satisfied themselves by enquiry that Collectors are alive to the necessity of seeing that payments are made as early as is consistent with the efficient working of their treasuries.

TRANSFERS OF PROPERTY : TAX ON STAMPS

Mr. Syed Munawar on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state for the year (*a*) 1925-26 and (*b*)1926-27—

(1) the number of properties sold in the city of Bombay ;

(2) the total amount of sale price ;

(3) the amount of tax realised by way of stamp ;

(4) the number of properties that were sold by forced sales by mortgagees, the Official Assignee and by order of the Court ;

(5) the total amount of the sale price of such properties ;

(6) whether the increase of stamp duty on transfer of property from 1½ per cent. to 3½ per cent. has had any effect on the sales of properties ;

(7) if so, what ?

The Honourable Mr. J. L. RIEU : (1), (2) and (4) to (7) The attention of the honourable member is invited to the replies given to these clauses at the last session : they are printed at page 893 of Part XIII of Volume XXI of the Legislative Council Debates.

(3) It is understood that the honourable member desires to know the amount of tax realised under the Bombay Transfer of Property Tax Act which came into force on 1st April 1926. The amount realised from this date from the sale of special adhesive stamps affixed to deeds of transfer of lands was as under :—

	Rs.
For nine months from 1st April 1926	3,42,982
For the calendar year 1927	5,91,562

Besides special adhesive stamps, stamped papers are also sometimes used for deeds of transfer of lands, but it is not possible to give the amount of receipts from the sale of these papers as the purpose for which they are purchased by the public is not stated in the sale register. The receipts from this source are probably very small.

Mr. SYED MUNAWAR : In answer to part (3) it is stated that the receipts from this source are probably very small. Are the receipts so infinitely small as not to be mentioned in this answer ?

The Honourable Mr. J. L. RIEU : I have stated definitely that it is not possible to give the amount of receipts from the sale of these papers as the purpose for which they are purchased by the public is not stated in the sale register. I do not know what the honourable member wants.

Mr. SYED MUNAWAR : The last sentence here runs : " The receipts from this source are probably very small. " Are they so infinitely small as not to find a place in this answer ?

(No reply.)

ENGLISH TEACHING SCHOOL, AHMEDABAD

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state---

(*a*) the total number of Government and private boys and girls Anglo-Vernacular schools in Ahmedabad;

(*b*) the number of English Teaching Schools in Ahmedabad;

(*c*) the number of pupils for each of the past three years in this English teaching school caste by caste whose mother-tongue is not Gujarati;

(*d*) the number of pupils for each of the past three years in this English teaching school caste by caste whose mother-tongue is Gujarati;

(*e*) whether there is a proposal to convert this English teaching school into an Anglo-Vernacular school;

(*f*) whether this is the only English teaching school in the whole of the Ahmedabad District;

(*g*) whether this school caters successfully for a large and mixed population;

(*h*) whether Gujarati is taught in this school as a voluntary subject;

(*i*) what would happen to the pupils referred to in (*c*) if this school were converted into an Anglo-Vernacular school;

(*j*) which is the present nearest school to which they could go?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Thirteen.

(*b*) One.

(*c*)

Caste	Number of pupils			
	1924	1925	1926	1st November 1927
Europeans	..	2	5	4
Anglo-Indians	10	10	12	7
Goans	22	22	21	28
Madrasis	4	3	2	2
Jews	3	4	4	3
Muhammadans	..	..	1	4
Sind Hindus	..	2	..	3
Madras Brahmins	3	..	..	2
Marathi Hindus	..	..	1	3
Bengali Hindus	3	1	2	3
Malabar Hindus	..	..	..	1
Total ..	45	44	48	60

(*d*)

Caste	Number of pupils			
	1924	1925	1926	1st November 1927
Parsis	20	58	64	48
Gujarati Hindus	2	3	6	4
Total ..	22	61	70	52

(*e*) There was.

(*f*) Yes.

(*g*) The school is attended by over 100 children of various castes.

(*h*) Yes. There is a Gujarati teacher who does five hours' work per week according to the last Inspection Report.

(*i*) and (*j*) Do not arise.

Mr. H. B. SHIVDASANI: With regard to (*e*), does the answer given mean that Government have decided not to convert this English teaching school into an Anglo-Vernacular school ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The school is going to continue as an English teaching school.

Mr. H. B. SHIVDASANI: Has a permanent decision been arrived at ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes; I think so.

Mr. H. B. SHIVDASANI: My information is that it is decided for one year only.

The Honourable Dewan Bahadur HARILAL D. DESAI: The decision is to continue it as an English teaching school. I cannot state the time just now.

MANEKPORE VILLAGE TANK

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to give the following information about the tank in the village of Manekpore in the taluka of Bardoli in the Surat District :—

(*a*) the area of the tank;

(*b*) the area of the land assessed to it for himayat;

(*c*) the himayat assessment on the tank;

(*d*) whether the embankment of the tank is in good condition;

(*e*) the number of pipes on the tank and the condition in which each is at present;

(*f*) whether the tank is at present deep enough;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs;

(*h*) what is the condition of the tank at present;

(*i*) whether complaints have been received from the people about this tank;

(*j*) whether Government have decided to put this tank in a good state of repair;

(*k*) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR: (*a*) 26 acres and 31 gunthas.

(*b*) 33 acres and 7 gunthas.

(*c*) Rs. 73-14-10.

(*d*) Yes, except at the places where breaches have been made by the villagers in the monsoon to remove surplus water from the tank, as the existing open ground waste weir does not discharge the water properly.

(*e*) There are four pipe outlets to the tank and all of them are in working order.

(*f*) Yes.

(*g*) The tank was last repaired in 1925-26 at a cost of Rs. 122. The repairs consisted of strengthening the bund.

(*h*) The tank is generally in good condition.

(*i*) Yes.

(*j*) and (*k*) Yes. In order to remedy the defect mentioned in the reply to clause (*d*) above it is proposed to construct a clear overfall masonry waste weir at a cost of about Rs. 351. The work will be taken in hand in 1928-1929 after the plan and estimate which have already been prepared are sanctioned.

TODDY SHOP, MANDVI

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) how many times the toddy shop at Mandvi (Surat) for the year 1926-27 was put to auction;

(*b*) when each auction was held;

(*c*) what the last bid in each of these auctions was or if no bids were received, why no such bids were received;

(*d*) why no bid was accepted at each of these auctions;

(*e*) whether the shop has been given to anyone during the current year;

(*f*) if the answer to (*e*) is in the negative how much loss has been caused to Government Revenue;

(*g*) the reason why this shop could not be given out;

(*h*) whether it was due to the Collector wanting too much for this shop ?

The Honourable Mr. G. B. PRADHAN: (*a*) Three times.

(*b*) On 28th June 1926.
8th July 1926.
26th July 1926.

(*c*) The last bid at each auction was below the upset price fixed for the shop. The actual sum offered cannot be ascertained.

(*d*) Because the price offered was below the upset price.

(*e*) The shop was not taken up during the year (1926-27), which was the current year when the honourable member sent in his question.

(*f*) Rs. 3,900, being the upset price fixed for the shop.
(*g*) Because no adequate price was offered for it.
(*h*) No.

Mr. H. B. SHIVDASANI: With regard to answer (*c*), why cannot the actual sum offered be ascertained ?

The Honourable Mr. G. B. PRADHAN: Because there is no record. As all the bids were below the upset price fixed, the details were not required.

Mr. H. B. SHIVDASANI: What do Government propose to do to the Collector for causing loss of revenue ? Government admit that a sum of Rs. 3,900 has been lost as the shop was not taken up ?

The Honourable Mr. G. B. PRADHAN: Is it the Collector's fault that there were no bidders ?

Mr. H. B. SHIVDASANI: If the Collector fixes an unduly high upset price and therefore the shop is not taken up owing to that, does it not mean that the Collector is responsible for that loss ?

The Honourable Mr. G. B. PRADHAN: The Collector did not fix an unduly high upset price, because it was Rs. 5,000 previously and he reduced it to Rs. 3,900.

Mr. H. B. SHIVDASANI: When the last bid at each auction was below the upset price, does it not show that the upset price fixed was unduly high ?

The Honourable Mr. G. B. PRADHAN: I can tell the honourable member that there is a combination in this case, and out of the ten shops only two shops were sold and the other shops were not sold. Bids up to a certain figure were made, but no one would raise it up to the upset price. Then, the auctions were withheld. Then, they came to terms and took seven more shops.

Dr. M. D. GILDER: I want to ask the honourable member, in view of the policy, accepted by this House, of prohibition, whether the amount of the loss due to failure of selling shops is the chief thing or the stopping of liquor consumption is the chief thing.

Mr. H. B. SHIVDASANI: Not to give out a toddy shop at auction does not reduce consumption of toddy ; it only causes loss to Government.

CHOWKIDARI TAX, UTELIA ESTATE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether it is a fact that Mr. Nagbhai Meghabhai, the *karbhari* of Utelia talukadari estate, served notices dated 28th June 1927 on Sipai Amji Dosa, Sipai Nura Sera, Pagi Bhala Vaja, Pagi Pana Hari, Pagi Gaga Nathu and Pagi Visa Natha, threatening them to pay *Rakhopa* (chowkidari) tax on pain of the said tax being recovered from them by force ;

(*b*) if the answer to (*a*) is in the affirmative, who invested the said *karbhari* with the power of recovering taxes by force and under what

section of the Land Revenue Code that power was granted to the said *karbhari* ;

(*c*) the year in which the power of recovering taxes by force was granted to the *karbhari* of the said estate ;

(*d*) whether Government have taken any steps or intend to take any steps to withdraw the powers from the said *karbhari* ?

The Honourable Mr. J. L. RIEU : (*a*) Yes, the notices were issued under the misapprehension that the chowkiat tax was recoverable as an item of land revenue or rent.

(*b*) A commission under clauses (*a*) and (*b*) of section 88 of the Land Revenue Code was granted by the Commissioner, Northern Division, in December 1921 to the karbhari in respect of the villages held by the Thakor of Utelia in the Ahmedabad and Kaira Districts. This does not empower the karbhari to recover the land revenue or rent by force.

(*c*) No such power has been granted.

(*d*) The Karbhari has been informed that the above commission does not entitle him to recover the chowkiat tax. Government do not intend to withdraw the commission.

Mr. J. C. SWAMINARAYAN : In answer to (*a*) it is stated that the notices were issued under a misapprehension about the rights under the commission. How is it that Government do not intend to withdraw the commission ?

The Honourable Mr. J. L. RIEU : Because, as is explained in the answer, it was purely a misapprehension, and that was not a sufficient reason for withdrawing the commission.

Mr. J. C. SWAMINARAYAN : Will he not, then, make the same mistake again ?

The Honourable Mr. J. L. RIEU : Presumably, now that he knows that the commission does not entitle him to recover the chowkidari tax, no mistake will be made again.

Mr. J. C. SWAMINARAYAN : What further action does Government intend to take ?

The Honourable Mr. J. L. RIEU : No further action is necessary at all.

Mr. J. C. SWAMINARAYAN : Why ? Has Government brought to his notice that he would be liable to the forfeiture of his rights if he does a similar mistake again ?

The Honourable Mr. J. L. RIEU : Certainly, the local officers have informed him of the reasons, and presumably he will have the sense to infer from that that he must not repeat the mistake.

REFRESHMENT BAR LICENSE, AHMEDABAD : LICENSE FEES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether Mr. P. F. Khambatta of Sugar Lane, Ahmedabad, who is a Refreshment Bar Licensee paid Rs. 4,000 as license fees during each of the years 1925-26 and 1926-27 for his refreshment bar license

in which he sold about 1,000 gallons of foreign liquor during each of the years 1925 and 1926;

(*b*) whether Messrs. E. R. Fanibanda and Sons of Kapasia Bazar, and lately of "Fanibanda Building" near Saher Kotda Police Chowky, Ahmedabad, who are Refreshment Bar Licensees paid Rs. 4,000 as license fees during each of the years 1925-26 and 1926-27 for their refreshment bar license in which they sold about 3,700 gallons of foreign liquor during each of the years 1925 and 1926;

(*c*) if the answers to (*a*) and (*b*) are in the affirmative, why the licensee referred to in (*b*) who sells 3½ times as much as the quantity of liquor sold by the licensee referred to in (*a*) pays the same license fee of Rs. 4,000 for his refreshment bar license;

(*d*) whether Government intend to control the sales of foreign liquor in refreshment bars or to charge a license fee in proportion to the sales, in order to safeguard the interest of the licensees whose sales are comparatively much lower and who are consequently handicapped and also to safeguard the interests of Government?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) Yes.

(*c*) In accordance with the existing classification for the licensing of foreign liquor shops, the highest class for refreshment rooms in the mofussil is "A" class on which a license fee of Rs. 4,000 is levied. Both these licenses are in class "A" and therefore pay this fee.

(*d*) Yes. Under the new scheme which will be introduced from 1st April 1928 foreign liquor licensees will be required to pay fees mainly on the basis of actual sales.

FOREIGN LIQUOR "ON" LICENSE: GOVERNMENT POLICY

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether in view of the policy of the Excise Department which has always been not to allow foreign liquor drinking shops or taverns in the mofussil in accordance with Government Resolution, Revenue Department, No. 292 of 12th January 1909, they do not issue a new "On" license in the mofussil;

(*b*) if the answer to (*a*) is in the affirmative, the reasons why they allow the issue of refreshment bar licenses which are in practice "foreign liquor drinking shops" and are refreshment bars only in name?

The Honourable Mr. G. B. PRADHAN: (*a*) No "On" licenses are issued in the mofussil.

(*b*) Government are not aware that refreshment rooms are in practice foreign liquor drinking shops.

Dr. M. D. GILDER: Will the Honourable Minister kindly state what is the difference between a refreshment room and a refreshment bar?

The Honourable Mr. G. B. PRADHAN : In a refreshment room some other eatables are also supplied, not merely foreign liquor.

REFRESHMENT BARS : USE AS " ON " LICENSED PREMISES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether in view of the words " Refreshment Room " denoting that it must provide food over and above foreign liquor and that foreign liquor should be served only to those who take refreshments, any undertaking is taken from or obligation is imposed upon the licensees of refreshment bars that they may not convert their refreshment rooms into a mere foreign liquor drinking shop which, it is the policy of the Excise Department not to allow in the mofussil in accordance with Government Resolution, Revenue Department, No. 292 of 12th January 1909 ;

(*b*) if the answer to (*a*) is in the negative the reasons why no such undertaking is taken from, or obligation is imposed upon the licensees of refreshment bars in order to prevent them from converting their licenses into mere " foreign liquor drinking shops " in practice ?

The Honourable Mr. G. B. PRADHAN : (*a*) and (*b*) No undertaking of the nature referred to in clause (*a*) is taken from, and no similar obligation is imposed upon the licensees of refreshment rooms. Government have however issued orders directing the discontinuance of the grant of a license to a refreshment room, if it is nothing more than a liquor shop, and to the restriction of licenses to places which *bona fide* supply other refreshments besides liquor.

Dr. M. D. GILDER : The Honourable Minister just said, in reply to a supplementary question, that some other eatables are supplied in addition to the liquor. But here he says : " No undertaking of the nature referred to is taken from, and no similar obligation is imposed upon, the licensees of refreshment rooms. " Why ?

The Honourable Mr. G. B. PRADHAN : If the honourable member will read the whole reply, it is clear that he will find that orders have been issued directing the discontinuance of the grant of a license to a refreshment room if it constitutes nothing more than a liquor shop.

Dr. M. D. GILDER : Will the Honourable Minister say what constitutes or what is considered sufficient to distinguish a refreshment room from a liquor shop ? What eatables should be supplied in the shop ?

The Honourable Mr. G. B. PRADHAN : I cannot give details as to what eatables should be provided ?

Mr. J. C. SWAMINARAYAN : Then, what steps are you going to take to prevent this ?

The Honourable Mr. G. B. PRADHAN : When the practice of selling only liquor, in open day light, is brought to notice, steps are taken.

REFRESHMENT BAR LICENSE : REASONS FOR GRANT

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether Government are issuing Refreshment Bar Licenses which are in practice foreign liquor drinking shops in the mofussil as in the case of the refreshment bar license of Messrs. E. R. Fanibanda near Saher Kotda Police Chowky, Ahmedabad, in order to escape from the obligation imposed upon them by Government Resolution, Revenue Department, No. 292 of 12th January 1909 ;

(*b*) if the answer to (*a*) is in the negative the reasons why a refreshment bar license was granted to Messrs. E. R. Fanibanda and Sons of Saher Kotda Police Chowky, Ahmedabad, which has been since its grant a foreign liquor drinking shop in practice and which has frustrated the object of the government policy laid down in Government Resolution, Revenue Department, No. 292 of 12th January 1909 ?

The Honourable Mr. G. B. PRADHAN : (*a*) and (*b*) The Honourable Member is referred to the reply to the previous question which explains the policy adopted in issuing Refreshment Room licenses.

PASTURAGE, VIRSAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether it is a fact that the total area of Narva land in the village of Virsad in the Kaira District is 3,226 acres and 16 gunthas ;

(*b*) whether it is a fact that there are only 68 acres of Government pasture in the said village ;

(*c*) whether the people of the said village are entitled to at least 160 acres of Government pasture according to the Land Records and Registration Law ;

(*d*) if the answer to (*c*) is in the affirmative, what steps Government have taken or intend to take for the purpose of providing the people of Virsad with Government pasture in accordance with the requirements of the Law ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) Land measuring 65 acres and 32 gunthas has been assigned for grazing and cattle stand.

(*c*) No.

(*d*) Does not arise.

PROHIBITION IN SATARA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether they have decided to formulate a scheme for the purpose of bringing about complete prohibition in the district of Satara as an experimental measure ;

(*b*) if so, what progress they have made in the formulation and execution of the said scheme,

(*c*) from what date they intend to put the said scheme into force ?

The Honourable Mr. G. B. PRADHAN: (*a*), (*b*) and (*c*) The Honourable Member is referred to the reply to the question asked by Mr. Jairamdas Doulatram in the current session.*

Mr. J. C. SWAMINARAYAN: Mr. Jairamdas Doulatram did not ask his question and you did not reply to him.

The Honourable Mr. G. B. PRADHAN: The answer is that Government found that it was not possible to adopt the experiment.

Dr. M. D. GILDER: The Honourable Minister says it was not possible to adopt the prohibition policy in this district. Will he be pleased to give reasons?

The Honourable Mr. G. B. PRADHAN: There are innumerable reasons. One is, it is on the border of the Kolhapur State, the excise rights of which we have not taken. Then, in those cases where excise rights are taken, only the liquor rights are taken; as regards other intoxicating drugs, there is no such right. There are several other reasons, and it is impossible to give them all now.

Rao Bahadur R. R. KALE: Will the Honourable Minister be pleased to place the papers relating to this subject on the table of the House?

The Honourable Mr. G. B. PRADHAN: If the honourable member gives notice; I have to collect the reports; I have received several reports.

Mr. J. C. SWAMINARAYAN: Will the Honourable Minister state whether he will not treat them as confidential and will place them on the Council table?

The Honourable Mr. G. B. PRADHAN: They are not confidential. They will be placed on the Council table but I have got to collect them.

PROHIBITION IN SATARA AND AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) the reasons for selecting the district of Satara for bringing about a complete prohibition as an experimental measure;

(*b*) the reasons why the district of Ahmedabad was not selected for the purpose mentioned in (*a*) though prohibition in Ahmedabad city would do immense good to the families of mill labourers who are mostly addicted to the evil habit of drinking?

The Honourable Mr. G. B. PRADHAN: (*a*) Satara was selected as a district in which the possibility of making this experiment could well be investigated as its excise revenue and *per capita* consumption of liquor are small.

* The following question and answer were printed in the seventh list of Questions and Answers:—

PROHIBITION IN SATARA DISTRICT

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state what decision they have arrived at in regard to the contemplated prohibition experiment in the Satara District?

The Honourable Mr. G. B. PRADHAN: Government have decided that an experiment of the kind proposed is entirely impracticable.

(*b*) The reasons mentioned in the reply to clause (*a*) do not hold good as regards the Ahmedabad District.

MEHLOL ESTATE : MANAGEMENT

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the heir-apparent of Maha Raolji Shri Raysinghji Narsinghji, Thakor of Mehlol Estate in Godhra Taluka of the Panch Mahals District, received his education under the guidance of the Collector of the Panch Mahals District ;

(*b*) whether he has attained majority ;

(*c*) whether he was placed in the Forest Department under the Sub-divisional Officer for gaining practical experience of forest administration ;

(*d*) whether he was placed for some time in the Taluka Kacheri of Godhra for gaining experience of office work ;

(*e*) whether there is anything against him as regards his fitness to administer his estate ;

(*f*) the reasons why the administration of his estate is not yet handed over to him though he has attained his majority ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Yes.

(*e*) Yes.

(*f*) As his father is alive, the estate cannot be handed over to the Kumar.

Mr. W. S. MUKADAM : Will Government be pleased to state if the estate will be handed over to the Kumar if the father so desires ?

The Honourable Mr. J. L. RIEU : I do not think so.

MAHALUXMI TRAINING COLLEGE, AHMEDABAD : STOPPAGE OF ADMISSIONS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether it is a fact that any orders have been issued directing the stoppage of any future admissions to the Mahaluxmi Female Training College of Ahmedabad ;

(*b*) if so, who issued those orders ;

(*c*) whether those orders were issued after due consultation with the Honourable the Minister of Education and after receiving his orders ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) Provisional instructions to hold up admissions to certain classes in the college, pending Government orders on a reference made to them, were issued by the Director of Public Instruction.

(*c*) No.

Mr. J. C. SWAMINARAYAN : Has the Director of Public Instruction power to issue orders of such a far-reaching policy without consulting the Minister ?

The Honourable Dewan Bahadur HARILAL D. DESAI: They are not orders of a far-reaching policy but they are purely orders which he is authorised to issue pending receipt of confirmation from Government.

Mr. J. C. SWAMINARAYAN: Can he issue such orders of refusing admission in Mahalaxmi Female Training College without informing the Honourable Minister?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes, he can, as the head of the department in a matter like this and then obtain final orders of the Minister.

GUJARAT COLLEGE: PROPOSED PRIZE DISTRIBUTION

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether a function of prize distribution was arranged to take place on the 9th December 1927 in Gujarat College of Ahmedabad;

(*b*) whether the said function was abandoned a few days before the appointed date;

(*c*) if the answer to (*b*) is in the affirmative, the reasons why the said function was abandoned?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) to (*c*) The Principal was informed by the Commissioner, Northern Division, that His Excellency the Viceroy would visit the college on the evening of 9th December 1927 on his way back from Sarkhej. It was, however, not possible for His Excellency to pay this visit as there was no time at his disposal.

NASIK DISTILLERY: FOREIGN WINES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether they have explored the possibilities of manufacturing foreign wines in the Central Distillery at Nasik;

(*b*) whether they are aware that such wines are successfully manufactured in Professor Gajjar's Alembic Chemical Works;

(*c*) if the answer to (*a*) is in the affirmative, what steps Government have taken in that direction?

The Honourable Mr. G. B. PRADHAN: (*a*) The possibilities of manufacturing Brandy, Rum and Rectified spirit at the Nasik Distillery have been explored.

(*b*) Government are aware that foreign spirit is manufactured by the Alembic Chemical Works Company, Limited, at Baroda.

(*c*) Orders for the manufacture of Brandy, Rum and Rectified spirit at the Nasik Distillery and for their sale to the public are expected to be issued shortly.

PRIMARY EDUCATION: PROGRESS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to lay on the Council Table a statement showing what progress has been made up to date by each local authority in the matter of introducing compulsory primary education under the Primary Education Act, 1923?

The Honourable Dewan Bahadur HARILAL D. DESAI: The accompanying statements give the information asked for.

STATEMENT A

Serial no.	Names of Municipality, Local Authorities that have introduced compulsory primary education under the Bombay Primary Education Act, 1923	Year of introduction of compulsion	For boys or girls or both
1	Ahmednagar ..	1927	Boys only.
2	Broach ..	1927	Boys only.
3	Sholapur ..	1927	Boys only.

STATEMENT B

Serial No.	Names of Local Authorities who have submitted their schemes of compulsory primary education	For boys or girls or both	Remarks
1	Nasik Municipality ..	Boys only . ..	The scheme has been sanctioned by Government but the Municipality has not yet brought it into operation.
2	Ahmedabad Municipality ..	Boys and Girls ..	In the circumstances fully explained in Press Note no. 624, dated the 4th October 1927, Government have refrained from examining some of these schemes or issuing any order with regard to others until the question of the provision for the expansion of primary education in the next year's budget is finally settled by Government with the approval of the Legislative Council.
3	Poona City Municipality ..	Do.	
4	Jalgaon Municipality ..	Boys only	
5	District Local Board, West Khandesh.	Do.	
6	District Local Board, Ahmednagar.	Do.	
7	District Local Board, Poona ..	Do.	
8	Gadag-Betgeri Municipality ..	Boys only ..	Further particulars required for the scrutiny of the schemes have been called for by the Director of Public Instruction.
9	District Local Board, Satara ..	Do.	
10	Karachi Municipality ..	Boys only ..	These schemes are under scrutiny in the office of the Director of Public Instruction.
11	District Local Board, Dharwar..	Do.	

FOREST DEPARTMENT : FUEL AND GRASS

Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state—

(*a*) the amount of income derived from the auction sale of fuel and grass separately by the Forest Department in the Bombay Presidency ;

(*b*) how many guards are maintained on the establishment of the Forest Department for the above purposes ;

(*c*) what is the expenditure incurred for their pay ?

The Honourable Mr. G. B. PRADHAN : (*a*) The revenue realized from the sale of fuel and grass during the year 1926-27 was Rs. 8,51,214 and Rs. 2,44,902, respectively.

(*b*) No forest guards are employed exclusively on the sale of forest produce.

(*c*) There are in all 2,907 Forest Guards and their monthly pay comes to Rs. 55,911.

Question again proposed :

Reduce by Re. 1, total demand on the Bombay Development Scheme.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, this is a department whose inception and termination both seem to be very unfortunate. The department was started in 1920 by the last Governor in a special meeting of this Council with high hopes of its success and with high hopes of its turning out to be of financial benefit to the exchequer of this province. Sir Chimanlal Setalvad in the first meeting of this Council repeated the assurance given by His Excellency in 1920, but after that first assurance in 1921 there has been a continual failure of undertakings given by the Government. The department was handed over to Sir Lawless Hepper as its Director and committees were appointed to inquire into this matter in one of which Mr. Baptista was also a member. Finally the Mears Committee was appointed to report upon the activities of this department and the desirability of its continuance. The Mears Committee report has been before the public and one fortunate—the Government may call it "unfortunate"—incident of the appointment of the Mears Committee was the evidence given by my honourable friend Mr. Nariman and still more fortunate even for the country was the sanction of the prosecution of Mr. Nariman given by the Government without sufficient care being taken as to the rottenness that prevailed within the department. The result of that prosecution is now before the public and the masses Government has no reason to be dissatisfied with the judicial findings of the Presidency Magistrate after a trial extending over eight months in which evidence of all sorts was produced by both the prosecution and the defence. The whole House and the whole public are aware that in the court of the magistrate evidence was taken under a special protection given by the Evidence Act but that protection could not be extended by the magistrate to people who still were beyond the circle of witnesses in his court, and therefore, Sir, the disclosures that were made under protection from the court in the Harvey-Nariman case were not many But there is enough ground for the Government to conclude—enough ground for the masses and the public at large (to whose opinion this

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Government usually pretends to be very sensitive) for a full and complete enquiry into the administration of that department. I have no intention of blaming the present General Member. His position is as good as the position of his predecessor, his predecessor's position was as good as the position of Sir George Lloyd when he initiated this scheme, but so far as the administration of the department is concerned and so far as the working of the department by its officers, high and low, is concerned, there cannot be, there shall not be, any difference in the mind of Government or the public or the non-official side of this House that there has been a disgraceful and scandalous maladministration in that department. Government cannot get over the findings of its own court. Government does not challenge the findings of its own court and its own court has judicially ruled that even from the evidence before it there were reasons to suppose and to hold that there has been considerable corruption in that department. If so, I do not think anything that the Honourable the General Member now may bring forward for the defence of the good administration of his department can avail Government much. Government cannot challenge the judicial findings of its own court and if, Sir, both the public and the Government agree that there has been considerable corruption and maladministration in the management of the department, does not that Government owe a duty to the public whose moneys have been so ruthlessly squandered ? Is it not the duty of Government as a representative and a democratic, not an autocratic, Government to attempt to remove the blot that has been thrown upon its administration by a regular judicial finding of its own criminal court ? Does not this Government therefore owe a duty to the public to clear itself or to clear up the allegations and the aspersions that are made against the dishonesty and the corruption that were prevailing in that department ? If, Sir, the Government and the people at large agree that the management of the department in any of its activities was scandalous, if they both agree that there are other reasons to believe that there was still more corruption and mismanagement than what has been disclosed in the court of law, then, Sir, the public is entitled to know, the non-official side of this House is entitled to know what are the Government's intentions as regards the future working of the department, the Government itself, for the sake of its own fair name, ought to lay all its cards on the table, not only to show that the Honourable the General Member has, during his administration, taken all steps to make private and even confidential enquiries into the honesty or dishonesty of the departmental officers, but it is the duty of Government now to come forward and tell the Council and the public at large that it will hold an open and non-official enquiry into the corruptions that have been rampant in that department. It is the duty of Government to clear its own character, I would say it is the duty of Government to clear itself of the charges of maladministration and the only way that that can be done is by volunteering (this ought to have been done by the Honourable the General Member himself long before this) at least now, in response to the demands of this Council, to appoint an independent committee with full powers

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to go into the question of corruption and maladministration and with full powers to condemn the administration and the Government itself from the highest to the lowest. It should be a fully independent committee with full powers to protect and give full protection to the witnesses and the public at large to come forward with all the evidence in their possession. If need be, the fullest possible protection should be given by means of a special Government Resolution by virtue of which no persons should be afraid to come before this committee, so that the Government may know and the Honourable the General Member himself may be in a position to know that the public of Bombay is prepared to support him in his laudable object of clearing the bad name of Government. I submit this is a proposal that in any democratic government would find favour. And fortunately, this morning we find in every newspaper the result of the findings of the committee appointed by the Prime Minister of the United Kingdom whose position corresponds to that of the Honourable the General Member as head of a department, to inquire into the allegations made against three servants of Government collusively carrying on speculative transactions in foreign currency. The result of the enquiry of the committee appointed by the Prime Minister has been that one of the persons has been dismissed, another has been compelled to resign, and the third has been reprimanded and reduced in rank for three years. That is the action which the Government of England have taken for the sake of its good name and to clear itself of the charge that its officers have been allowed to carry on speculative transactions merely against departmental rules. Therefore, if this Government does care at all for public opinion—and I must warn Government that the public of Bombay will assert itself, whatever this Council might do, after all the disclosures in the criminal trial, which Government cannot now defend because it had ample opportunity of defending itself in the criminal court which it has failed to do—if Government in any way regards public opinion as having any effect on its conduct, if Government is now prepared to yield to public opinion, it is but fair that the Honourable the General Member himself and every other Member of Government should voluntarily propose the appointment of an independent committee, giving full protection to every person who comes forward before the committee to give evidence. That is the course that the Government has to take. It is no use for the Honourable the General Member to defend the administration of the department, which has been condemned by a judicial trial. No person in the outside public is prepared to listen to any explanations that he might give; no honourable member in this Council has a right to listen to any explanations that the Honourable Member may give as regards the corruption that has prevailed in this department. The facts are there; the scandals have been exposed; Government cannot whitewash the scandals that have been disclosed. The scandals being there, whitewashing is impossible. The only question is, what is the remedy. What is the remedy that the Honourable the General Member proposes to adopt? Does he simply intend to get

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a vote of confidence from this Council that the administration has not been bad? If this Council, which consists of official and other members, by a majority determines that Re. 1 should not be cut from his demand, will he be satisfied that that is the opinion of the public outside, that the administration of his department has been good? Can he himself say that the administration of his department has been good? He may have taken, with honest motives, all precautions to conduct private enquiries before all these disclosures were made in a court of law, but that does not defend him. Therefore, the only course that can be adopted is for him to volunteer to appoint an independent committee to carry on investigations. An instance of this kind has occurred in the days of the pre-reformed Council, when the elected members were in a minority and the nominated and official members were in a majority in the Council. The late lamented Mr. Bhurgri compelled—I say compelled—the Government of those times to appoint a special committee consisting of members from Sind and elsewhere, headed over by a judge Sir Maurice Hayward, to hold an enquiry into the problem of corruption in Sind with regard to rasai, lappo and cher. It was not corruption in money, it was not corruption in gold and silver; it was corruption with regard to food materials and travelling and other conveniences that had to be given to Government officers from the highest to the lowest, from the Commissioner and Collector to the lowest village officer. When that committee of enquiry was appointed, in response to a resolution passed in the pre-Reforms Council, Government issued a resolution promising protection to every person that came before the committee to give evidence, and we had people serving in Government departments coming forward to lay before the committee books of account showing the materials which were supplied to Government officers. With that promise of immunity, Government secured all the evidence that it was possible to secure, and Government on the strength of that evidence passed a resolution—it may not be entirely satisfactory—which is having a beneficent effect in the province of Sind. Now, Sir, if the Rasai Committee, which was a committee to look into the question of lappo for the lower class of officials and rasai for the higher clasis of officers, served its purpose—and that committee was appointed by Government in response to public opinion,—is it not fair to ask that in regard to the administration of the Development Department, which has cost about Rs. 27 crores, the public should have full evidence before it, and the public should know whether Government is prepared to prosecute or punish the people who have cheated them? Is it not fair that the public should know whether Government is prepared to punish its officers high and low without exception, who have taken bribes. If Government are not prepared to do that, then, Sir, the public must suspect that there is something behind, and that the Honourable the General Member is trying to protect the officers so concerned. Sir, at one time he was a member of the public; the public is clamouring for an enquiry, and if he is true to the people of his presidency, then my request to him is a perfectly fair one, that an independent committee of enquiry should be appointed to enquire

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into these matters, and after that enquiry all the people concerned must be punished, not departmentally, but by criminal prosecutions, wherever sufficient evidence is forthcoming, for the sake of the good name of this presidency, which has rarely been spoiled before. This is the appeal that I am making to the Honourable Member. If the Honourable Member does not wish to hear this appeal, if he does not care to respond to this appeal, if he challenges the House to go to voting and even if he gets a vote of confidence, then that vote will not be the vote of confidence of the public, will not be the voice of the public outside that is clamouring for justice being done. It is in that spirit that I appeal to the Honourable Member in the good name of this presidency to accept the suggestion that I have made.

Mr. R. D. BELL: Sir, the mover of the cut principally referred to matters of administration, but the most serious charges which have been made during the course of the debate are those which were made with his characteristic force by the honourable member Mr. Nariman, and it is to these charges that I propose to confine my remarks. I do not seek, Sir, to minimise in any way the gravity of certain conclusions of the learned magistrate in the case in which Mr. Harvey prosecuted Mr. Nariman for defamation. (An Honourable Member: "The honourable member Mr. Nariman.") The honourable member Mr. Nariman. But I venture to think that the honourable member Mr. Nariman on this occasion would have been better advised if he had not travelled beyond the limits of these conclusions of the learned magistrate. He has gone far beyond these limits to the extent of stating, for instance, that he has not disclosed one-tenth of the information regarding corrupt practices which is at his command. The impression which he may create, and perhaps which he desires to create, is that the Development Department is still thoroughly tainted with corruption and that no officer in it can be trusted. (Mr. B. G. Pahalajani: Not the present officers.) I desire to present to the House the other side of the picture by stating simply and quite directly that nothing is so abhorrent to a permanent servant of Government as to find it proved that his department has been tainted with dishonest practices. There is no evil, Sir, which the permanent servant of Government is more desirous of eradicating than such dishonest practices. And so far from being charged with leniency in this matter, it is a more common accusation against him that in his overzealousness he is occasionally inclined to punish subordinates for alleged offences of this kind without the amount of proof which would be regarded as sufficient in a court of law. It is a fact, and it is a fact that I hope will be regarded with satisfaction by honourable members of this House, that no permanent servant of Government has been implicated by the judgment in the Harvey-Nariman case, and, so far as I know, there is no permanent civil servant of Government against whom any serious accusations have been made which have not been disproved.

Mr. B. G. PAHALAJANI: Is there any permanent servant in the Department at all?

Mr. R. D. BELL: Mr. Browne is a permanent servant of Government. Rao Saheb Adwani who is in charge of the Suburban scheme has been with the department since its inception.

Mr. F. J. GINWALLA: (Made an interruption which was inaudible).

The Honourable the PRESIDENT: Order, order.

Mr. R. D. BELL: Now, Sir, on that point, I wish to quote to the House what the learned magistrate said:

"Though I hold that the complainant ordered excessive number of bars and of a wrong size it does not necessarily follow that he did it out of corrupt or dishonest motive. It may have been due to error of judgment, incompetency, carelessness or negligence or wrong calculation or because he acted on the slip of Hamid. Only if the proposition advanced by the accused that there was a combination or conspiracy on the part of these higher officers, *viz.*, Sykes, Harvey and Hamid, could it be held that it was done out of corrupt or dishonest motives.

"The evidence before me is not sufficient to warrant such a conclusion. There may be suspicious circumstances but they could only be matters of vague suspicion, not entitled to any serious consideration.

"The theory rests practically on the broad fact that certain group of officers who were working together at the Delhi Imperial Works, came to occupy the practically same position here."

I shall omit the next paragraph:

"The second suspicious circumstance pointed out by the accused is that in some cases certain officers were influenced or guided in certain matters by some of the other officers. There is nothing definite about this. But assuming it to be so, it is not matter of any surprise. It is but natural for one officer to trust his colleague or his immediate subordinate and rely on his judgment or recommendation to a certain extent.

"I find nothing adduced before me to show that there was a combination or group of officers who took secret commission from merchants and shared in the secret profits.

"Nariman has proved that some officers of the department were corrupt, and some of the witnesses do state that these officers said that they had to charge a high commission as it had to be shared by higher officers.

"The latter statement, if believed, would be only hearsay evidence against the higher officers. At the same time it is also a matter of common knowledge that a corrupt subordinate often assigns this reason as a motive for extorting a higher commission. Apart from this, not one of the several witnesses called by Nariman make any allegation of corruption against the complainant personally.

"On the contrary, Jal Chichgar, says that when he and his master went to give bribes to Hamid or others, they used to carry a promissory note form. The object in carrying these forms was, in case they were detected giving the money, by a superior officer, to enable them to say that they had gone there to make a loan. 'Our object,' he says, in carrying such a note was to protect ourselves against Burra Sahebs like Harvey or such other person coming down upon us.'

"This would show that Harvey at any rate had nothing to do with Hamid in the matter of bribes in regard to transactions referred to by this witness.

"I hold, therefore, that there is no evidence to prove any such conspiracy or combination or association of higher officers including Harvey."

I read that passage, Sir, because it shows that the higher officers realised their responsibility for checking dishonest practices so far as it was in their power and that their attitude was well-known both to the contractors and to such members of the staff as were weak enough to succumb to temptation. I make these remarks because I think the House will welcome an assurance that the permanent servants of Government are just as desirous as honourable members of the House for maintaining the highest standard of integrity among public servants.

Now, Sir, I come to another matter.....

Mr. B. G. PAHALAJANI: How many Government servants were there in all?

Mr. LALJI NARANJI: On a matter of information, Sir. Was Sir Lawless Hepper a permanent servant ?

The Honourable the PRESIDENT: Order, order.

Mr. R. D. BELL: I have already stated that I do not seek to minimise the gravity of some of the conclusions of the learned magistrate. But we must judge facts fairly and not indulge in exaggerations. And I fear that the honourable member Mr. Nariman's words yesterday did not follow this line. It is my purpose now to explain to what degree the principal allegations made yesterday by the honourable member Mr. Nariman have been investigated and appear to be exaggerated or quite unfounded and therefore prejudicial to the very cause which he professes to have at heart.

The Honourable the PRESIDENT: A little louder, please.

Mr. R. D. BELL: The honourable member Mr. Nariman's charges fall into four groups. The first group of allegations has reference to contracts given to Mr. Drake. His statement was that Mr. Drake had been given orders for an unnecessarily large number of cement blocks and that blocks to the value of £21,000 were thereby lying unused. It is true that there are a large number of unnecessary and unused blocks which are there because the work on the Reclamation was suddenly curtailed at the wishes of this Council. (Mr. K. F. Nariman: There is the annual programme). But the extent of the contracts given to Mr. Drake were given last October in answer to a question in this House. They amounted to Rs. 1,03,000 spread over three years and of this amount only Rs. 49,000 was for cement blocks.

The next charge which Mr. Nariman made was with reference to the supply of coal by a firm called Balfour and Company. Since last night I have made the best enquiries I could in the matter, and I find that no transactions were made with this firm by the Reclamation staff. Up to 1925 all the coal, except perhaps a casual supply, which was required by the Reclamation staff was purchased from the Mining Engineer by the Materials District. The only transaction that we had with the Balfour Company was in September 1922 when we ordered 30 tons of coal and in October 1922 about 20 tons of coal. I can give the name of the officer who effected this transaction with that firm. He is an officer against whom no allegations have been made at all during the proceedings of the court.

The third allegation made by Mr. Nariman is what is mentioned in the evidence of the foreman Mr. Brookes. In making this allegation, Mr. Nariman said "He was aware that the credibility of Mr. Brookes might be questioned." But Mr. Brookes was his chosen instrument for giving sworn testimony in support of his allegations. It has been alleged by him that the officer in charge of the department was in the habit of using departmental coolies for his own private purposes and putting their names on the muster roll, thus making payments to them as wages from the Government funds. I also made enquiries in this matter and so far I was unable to find that this was being done by the officer accused of it.

[Mr. R. D. Bell]

I may inform this House that Mr. Brookes early in the last year was found to have misappropriated a large sum of Government money.

Mr. F. J. GINWALLA : Sir, I rise to a point of order. Honourable member has been repeatedly using the word " coolies " in his speech. I think that word is not parliamentary and is against the Indian sentiments.

Mr. R. D. BELL : It was found that Mr. Brooks had misappropriated a large sum of Government money. His case was very carefully considered by the Chief Engineer and myself and it was decided that his services should be retrenched and he should be allowed to pay up the amount which was misappropriated by him. At the end of his service, his pay was stopped by Government, as he had not paid up the misappropriated amount. He, therefore, came to me and made various threats. Those threats were in the matter of supplying information regarding the Department to Mr. Nariman.....

Mr. F. J. GINWALLA : On a point of order, Sir. I find that the honourable member Mr. Bell, when referring to Mr. Nariman, uses the words " Mr. Nariman. " I think he should refer to him as " honourable member from Bombay. " I want your ruling, Sir, if the honourable member is right in this expression.

The Honourable the PRESIDENT : Yes, I think that is the correct and better form of expression and honourable members should use that form.

Mr. R. D. BELL : I may inform this House that eventually Mr. Brookes had to leave the service on account of his conduct. He subsequently came to me one day in a state of distress and demanded some money from me. I, therefore, gave him some money out of charity. From these facts, you will be able to judge the character of Mr. Brookes, who had sufficient courage of a kind to state in the Court that this amount, which was paid by me out of charity, was paid to him to prevent him from giving information to Mr. Nariman. If you will refer to the cross-examination of Mr. Brookes in the Court, what you will find in one case is this. He admits that the Executive Engineer had asked him to send two labourers to his bungalow for the Executive Engineer's private work, but at the same time he says that the Executive Engineer had given the wages for payment to those labourers.

The other allegation that has been made against the same Executive Engineer is that he was in the habit of taking coal for his personal use from the Government supply without paying for it. But so far as I can make out I find that the Executive Engineer was taking a supply of coal in this way, but at the same time he was paying for it. I saw one of the bills made against that officer and I found that he paid for coal at Rs. 30 per ton. So, there should be no charge of this sort against him.....

Mr. K. F. Nariman : That is an incorrect statement.

The Honourable the PRESIDENT : I think every honourable member has a right to address this House in any way he likes and as the

[The President]

honourable member, Mr. Nariman, was listened to very patiently throughout, he should give a chance to other honourable members to address this House. It may be possible that several statements made by one honourable member may not satisfy another honourable member, but that does not give a privilege to honourable members to get up and interrupt the speaker every now and then.

Mr. K. F. NARIMAN: Is it not the right and duty of an honourable member to correct the statement made by another honourable member, when he knows that that statement is positively incorrect?

The Honourable the PRESIDENT: If that is the case, it can be contradicted by speakers who follow or by the honourable mover in his reply.

Mr. K. F. NARIMAN: On a point of explanation, Sir. As I have already addressed the House, I have no right to speak again and therefore I cannot correct the statement made by the honourable member.

The Honourable the PRESIDENT: That does not give the honourable member a right of getting up every now and then and interrupting the speaker.

Mr. R. D. BELL: My object in keeping all the statements before this House is to enable it to give assistance to Government in their investigations. I have not had time to make enquiries into all the allegations, but I have made enquiries into the principal allegations. I am, therefore, putting before the House all the facts that I was able to gather. I do submit that Mr. Nariman is spoiling a good cause by needless and harmful exaggerations and that he is unnecessarily impeding the work of Government officers, who are anxious to assist the House in eradicating the practices of corruptions.

As regards the allegations made by Mr. Brookes in connection with the receipt of commissions, etc., by Government officers, I may tell this House that one gentleman has written to me from Calcutta, denying the truth of evidence given to the effect that furs, carpets, rugs, and jewels were given as bribes to officers.

Presents were given to his sister and sister-in-law, he said, which were made in cash, and that his brother, who was in the department, paid so far as he knows, by cheque. The matter of this officer has some significance for myself. It so happened that he was an officer with whose work I did not come in contact, and I did not know him personally. But I was asked by Mr. Nariman in court whether I was aware that about the 24th of March 1924 this officer received a cheque for Rs. 2,500 from a contractor named Balkissondas Seth. My answer was no. Sir, that question and that answer were published, I think, in every newspaper in Bombay and travelled the world over. The officer himself wrote to me. Perhaps the House would like to hear what he said. I omit some of the stronger language in it.

"You are perfectly at liberty to call for a detailed paying-in-slip from such and such a bank in Bombay and such and such a bank in England, with whom I had an account in 1924, if you consider it necessary."

[Mr. R. D. Bell]

It happened, however, that I was able to ascertain that that officer did receive a cheque for Rs. 2,500 on that date from Balkissondas Seth and that what he did was this. He wrote to the Audit Officer and said:

"Herewith I enclose a cheque No. so and so dated so and so for Rs. 2,500 on account of the cost of 30,000 cement bags sold to Mr. Balkissondas Seth. Please send official receipt.....Necessary adjustments have been made in this office accounts for the currenet month".

It was some months, I think, after the allegation had been made in the form which I have explained before the official receipt was produced in the court. And no newspaper took notice of that fact. I mention the matter because it illustrates very well that a good deal of the allegations which have been spread about are based on very slender foundations. In the case of the two officers, about whom I have spoken, they appear to have had private enemies. I do not know whether they were dismissed subordinates or disappointed contractors. But information from them directly or indirectly reached Mr. Nariman and was represented in this form. Now, I do say, Sir, that the constant repetition of allegations of this kind does no good.

The last item which I desire to explain has reference to an allegation, so far as I can make out, that this contractor Balkissondas Seth at one time got a rate of Rs. 10 for work which was gradually brought down to Rs. 2-8-0. There is also a connected allegation about irregularity in dealing with tenders. Now, these allegations were made by Mr. Nariman before the Mears Committee. I think I am taking up too much of the time of the House. So, I shall not, as I intended, read the relevant part of the evidence before the Mears Committee. The allegation was that an engineer of the department had secretly given information to Balkissondas Seth about the lowest rate which was contained in the tenders received, and that Balkissondas Seth had then put in a tender at that lowest rate and presumably his tender had been accepted. The Mears Committee was satisfied that that was quite impossible. It may perhaps convince the House sufficiently that the allegation was untrue when I say that Balkissondas Seth's tender was not the lowest one. Now, that allegation has been repeated, and it has been repeated along with the other allegation made before the Mears Committee about the rates for trucks. The whole of the original files giving all the contracts in the Back Bay Reclamation were placed before the Mears Committee, and if any member of the House cares to turn up the evidence before that committee, he will find a complete list of the contracts showing the rates of Balkissondas Seth and other contractors, and they can judge for themselves whether any improper favour was shown to that contractor. I have to mention this matter, Sir, because the allegation was made before the Mears Committee, it was fully investigated and, so far as the department can make out, it rests on no foundation. And it serves no good purpose, it makes the situation more difficult, when such unfounded allegations are repeated. I say this with the object, Sir, of assuring the House that wherever there has been a case for suspicion, the case has been investigated with all seriousness and to the best of their ability by the department. There have been black sheep in it, I do not deny.

[Mr. R. D. Bell]

But, if matters are tackled in a spirit of co-operation rather than in an atmosphere of hostility only, then do I assure the House that the work of investigation can be performed expeditiously in any cases where malpractices are prevalent.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I have listened with great attention and, if it is believed, with a real desire to accept so far as I could what has been said in defence of the Development Department. But as I listened to the speech of the honourable member, Mr. Bell, I was struck with the great contrast between the manner in which things are managed here and the manner in which things are managed in his own country. I do not think that one would expect the Secretary of an important department in England to shirk enquiry by a committee,—not an enquiry by his own department,—if such serious allegations were made as have been made in this case. I do not, like the honourable member Mr. Bell, want to distinguish between the permanent civil servants and the temporary civil servants of government. If it is suggested that Government are not concerned with the conduct or misconduct of their temporary employees, then I must say that we will be laying down a very dangerous principle. I would expect Government to be as keen about the conduct or misconduct of their temporary employees as about the conduct or misconduct of their permanent employees. I am therefore surprised that a point was made that the officers who were concerned in the recent disclosures were only temporary employees.

It has been said that every case which has been brought to the notice of the department has been investigated. Is that the reply which the Secretary of the Foreign Department gave in England when a law court investigated into the facts of a suit and found that certain acts which were held to be objectionable were done by some civil servants? Was he satisfied with a departmental enquiry? Did he not feel that in response to public opinion he ought to appoint an independent committee and was not a special board of enquiry asked to conduct investigations? More than once the honourable member Mr. Bell has said here, "so far as I have been able to investigate into the matter." We do not want the results of an enquiry conditioned by the limitations of time or opportunity, nor is it our intention that the enquiry should be by one superior officer into the actions of his subordinates. Unless there is an independent enquiry, I do not think that public opinion will be satisfied. Sir, as the honourable member Mr. Pahalajani informed the House, serious allegations were made both with regard to lower and higher officials several years ago relating to certain illegal gratifications demanded and received in Sind, and unless there is now a committee of a similar nature to the one appointed on that occasion which is competent to take evidence and cross-examine witnesses, I do not think that we will be able to get at the truth of all that has been publicly alleged. I look upon this matter from a point of view which is different from that of Government. It is probably the belief of some that if this vote of censure is defeated, it will be established that Government have not deserved condemnation. In my opinion, however, if, by their standing majority, Government defeat

[Mr. Jairamdas Doulatram]

this vote of censure, they will probably have risked the judgment that they have really earned censure, and it is with a view to see that Government dissociate themselves from any action of their departmental officers that we have pressed that Government should institute a proper and thorough enquiry through an independent committee.

Mr. J. B. PETIT (Bombay Millowners' Association): Sir, I rise to address the House on this question with very considerable diffidence first, because I had for years been a member of the old Advisory Committee of the Development Department and am now a member of the committee which has taken its place; and secondly, because of the fear that this cut may be construed by the Honourable the Member in charge of the department as a personal reflection upon himself. I therefore wish to assure him not only for myself but also on behalf of a large section of the members of this House, that nothing is further from our mind than to embarass the Government or hurt the feelings of the Honourable the General Member. It is however clear that this debate has been raised in order to enable the House to give very emphatic expression to its feelings of indignation on the affairs of this Department and particularly on the question of the very serious disclosures which have been made in the Harvey-Nariman Case. There was a time when the public, or at least the thoughtful section of it, was very willing and ready to believe that most of the allegations against the Development Department consisted merely of the misfortunes and mishaps of the Department arising mostly out of miscalculations or errors of judgment which, however unfortunate in themselves can always be excused in any department of State. But, Sir, the conclusions arrived at by the learned magistrate in the case I have referred to already in the course of which, very serious allegations of a different character were made and held as proved, have brought to light very ugly facts which have set the public seriously thinking about the affairs of this Department and the complacent attitude of Government on this important question. It is therefore that I feel that the time has come when even those who have always been anxious to co-operate with the Government should sound a note of warning as to the attitude which the Government should now adopt in this matter. I personally feel that the Government would do well to accept the proposal of my honourable friend from Sukkur and dispel all doubts that honourable members of this House may have upon this question and upon the attitude of the Government in this matter. Speaking personally for myself I may say that I myself also always readily and willingly believed that the misfortunes of the Development Department consisted very largely of miscalculations and errors of judgment which, however unfortunate in themselves, could not always be put to the door of the officials directly in charge of the department concerned. It must however be borne in mind at the same time that any one taking any intelligent interest in the affairs of that department, could not possibly escape the conviction that everything was not well with the department. I shall give only one or two instances to show that, in spite of the best of will to co-operate with the Government and the Department at least in my case this

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conclusion was more than justified. As a member of the advisory committee, it happened to be my duty on one occasion to visit a railway that runs through the Sahar village, which had been brought into existence in the early days of the Development Department, I then happened to make an enquiry as to the cost of that railway. When I say that it was a tiny miserable tumble-down thing, a veritable toy-railway, I am not exaggerating, but it took my breath away when I was told on inquiry that the department had spent as much as forty lakhs on it. But I now understand that the total cost up to date is something like 80 lakhs for a railway the length of which hardly exceeds ten miles, which amount works out at over eight lakhs per mile—a figure, far in excess of what experts had to spend in the old days, *viz.*, Rs. 1 lakh per mile on broad-gauge railways like the B. B. & C. I. and the G. I. P. with all their heavy charges, including the erection of bridges, culverts and the value of rolling stock. Possibly the cost has now gone up owing to the rise in the cost of production and the value of materials and for other reasons. But, to tell us that a tumble-down railway of this character, should have cost more than eight lakhs of rupees per mile, is a circumstance which ought to make everybody apprehensive of the management of the Department; and it is all the more deplorable when we realise that this huge expenditure of eighty lakhs of rupees was so light heartedly incurred on a small railway of ten miles by a department, presided over by a railway expert in the person of Sir Lawless Hepper! It is unfortunate in the extreme—I make no reflection upon anybody; but the fact remains that the supervision exercised by the department even in such simple matters was so hopelessly slack that such things were made possible even under the very nose of no less a railway expert than Sir Lawless Hepper.

There is another instance to which I may refer in passing. You, Sir, will remember the time when the Government appointed a small committee at the instance of this honourable House for the purpose of ascertaining whether the scheme was going on along right lines and should be allowed to continue; or whether it was working unsatisfactorily and should be held up. A special committee was appointed for the purpose including the members of the advisory committee and some members of this Council. I also happened to be a member of this committee. The first point that the committee was anxious and took good care to ascertain was whether the output of the dredgers was up to the mark, in order to enable them to see whether the scheme could be completed in time and whether the Department should go on further with that scheme. We were seriously assured by the department presided over by Sir Lawless Hepper that everything was all right, that the output was up to the mark and that we would be perfectly justified in making a recommendation to the House that the department should go on with the scheme and complete it as fast as possible. Two of the members of the committee (I am not ashamed to admit that I was one of them along with Mr. Joseph Baptista), relied on the assurance of the President of that committee and even went to the length of adding separate minutes to the effect that the scheme should not only not be held up but that it should be

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pushed on as quickly as possible, and completed at the earliest possible moment. After the publication of the report, however, we found that the calculations had all gone wrong, that the dredgers were not giving the output that they were expected to give and that therefore the scheme would not come off in time and would cost several times more than was originally estimated. The advice, which we were induced to give in the report, was based on inaccurate data and was therefore altogether wrong. I therefore went to Sir Lawless Hepper and asked for an explanation about the information he had supplied to the committee on the strength of which we had gone out of our way to add separate minutes to the effect that I have already described. The only answer given was that the output was only an estimate, that he was not aware of the actual facts, that he did not consider the output of the dredgers to be unsatisfactory; that the details of the output that were then placed before him, though of an apparently unsatisfactory character, were in his opinion only temporary and therefore unreliable; that he had no reason to think that everything was not going on well, that it was only a temporary set-back or failure on the part of the dredgers and that therefore he did not think it right to place this side of the matter before the committee and thus unnecessarily alarm them. Needless to say that I was not at all satisfied with this explanation. Personally, I felt that it was not quite fair to treat the members of the committee in that way; and told him whatever I had to say to him in the matter. I merely quote these two instances, in passing, to show that the kind of supervision which should have been exercised was not being exercised in the department; and that possibly the scheme would have shown a very different result, had the department been better worked and supervised than it was.

Now, Sir, that we have got the recent authoritative judgment before us, with its amazing disclosures, I think the Government should take the House into their confidence, and appoint a committee of enquiry, as has been suggested by my honourable friend from Sukkur (Mr. Pahalajani). It will help the public and the members of this House to co-operate with the Government still and to devise ways and means of getting out of this unfortunate position. If such a step does not completely reinstate the confidence of the public in the Government, it will at least convince them that the Government are serious and determined to root out all evils that might exist in this department. Sir, it was never expected that the Honourable the General Member or even his superior officers should sit in judgment over the estimates or reports of experts. As a matter of fact, they would not be competent to do so. I am sure this honourable House would have blamed them, if they had taken it upon themselves to over-rule the calculations of experts. They were perfectly right in the attitude taken up by them. I think that was the only correct attitude to adopt. If any blame attaches to the estimates and calculations of experts, they and they alone must bear the responsibility thereof. But when allegations of the character made in the recent Police Court case and the various irregularities brought to light on the occasion, many

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of which have been clearly held to have been proved, are concerned, I would say with all the emphasis that I can command that it is due to the Government themselves that they should come forward and tell us that they are willing to take the House into their confidence and appoint a committee to look into the irregularities. I admit that all the charges made, cannot necessarily be taken as proved. But, it is for the committee to go carefully into all of them, and to make their recommendation only if and when they consider them proved. When that stage is reached and the House is possessed of the report of the committee, the Government should come forward and tell us that they are determined to punish all persons proved to have been guilty of frauds or irregularities; and that no one, however highly placed he may be, will be allowed to go scot-free. If this is done, the Government will set themselves right with the public and do justice to themselves. I accordingly request my honourable friend, the General Member, and the Government to agree to the suggestion made by my honourable friend from Sukkur. In such a case, I think the House would do well to allow this motion to be withdrawn, because the purpose for which the cut has been moved, will have been more than served. The honourable member for Bombay (Mr. Nariman) in supporting this motion, stated that he wanted to raise a debate on the question and to get an authoritative declaration from the Government regarding their future intentions. That is what we also want, a definite declaration of their policy; and, if it is vouchsafed and a committee is appointed, my advice to the honourable mover of the cut is to withdraw his amendment.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, in suporting this motion I want to put two broad facts particularly before this House, and those facts are regarding the explanation given by the honourable member the Secretary of the Development Department (Mr. Bell). He said that the past administration was responsible for not bringing all these misdeeds of the department to light. I will say what the honourable member Mr. Nariman rather hesitated to say, that the present administration is not less responsible for it, and I will just explain to the House why I say so. The present administration, instead of helping members of this House to know the truth, have, up till now, even up to the last session, been withholding the information that really ought to have been within the reach of the members of this House. When I say so, I am referring to the proceedings of the Public Accounts Committee. Since the last session, several meetings of the Public Accounts Committee were held, and those of the non-official members who are members of that committee will bear me out when I say that all attempts were made on the part of the Honourable the General Member and the Government Department not to allow any information to be made available to us, and deliberately they put every obstacle in our way. After the exposures in the Harvey-Nariman case, certain members of the Public Accounts Committee insisted that Mr. Harvey should be called, and he must give personally explanations with regard to certain items. Those items were about some contractors, about which evidence was produced

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in the court, Mr. Kapur and other contractors. I wanted to get explanations with regard to them. Not only that, but I wanted to get information, which was not given to me in the sessions previous; it was given to the members of the Public Accounts Committee long afterwards, that is in the October sessions, and the object of the delay apparently was to prevent Mr. Nariman getting the information earlier. I did express my view in the committee that Government should bring forward Mr. Harvey to explain matters.

The Honourable Sir COWASJI JEHANGIR: Sir, I must deny these facts. I will have an opportunity of speaking again, but I must deny these facts now.

Mr. LALJI NARANJI: Let the Honourable the General Member deny it, but those proceedings are on record, and copies of the report have been given to the members of the committee.

I will quote another instance to enable honourable members to compare the action of Government with regard to the Development Department with their action in reference to other departments. There was one small item in which Dr. Mann was concerned, and we wanted to examine Dr. Mann on the matter. Government did not prevent him from coming before the committee, but Mr. Harvey was not ordered to appear before the committee. In spite of our warnings that Mr. Harvey would go away if the case went against him, and there was no guarantee that he would come back, Government did not agree to allow Mr. Harvey to come before the committee. And our warning at the time has now proved a fact. Against these facts, how can we absolve the present administration from blame when they are trying to prevent all these facts being brought forward and which are necessary to be brought forward in the interest of the public taxpayer, whose moneys are being wasted as is being done to-day? Sir, I challenge the Honourable the General Member when he says that all these facts that I am telling are incorrect. I waited, not for one session but for two sessions, andthis matter was postponed for two sessions, and still that matter is not finished. I only see promises that Government could bring forward before the Public Accounts Committee Mr. Harvey. What wrong would have been done if Mr. Harvey had been brought there and allowed to give information about a matter which came entirely within the purview of the Auditor-General and the Accountant-General whose duty it was to expose it after two years? Honourable members will remember that it is not possible to bring up these matters at once, and not even after the lapse of one year. The Public Accounts Committee have dealt with the details of the report for 1925-26. Since then what has been done we do not know. Sir, I am leaving aside the question of the judicial decision of the magistrate, because the House has heard enough about it. But I am referring to the views of the Accountant General and the Auditor-General who have brought within the purview of the Public Accounts Committee these facts, and yet Government have shielded those officers. That being so, how can any member of this House who is a non-official not support this motion,

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which is a vote of censure, and properly a vote of censure on the department ? I do not want to mince matters. While on this question, Sir, I should expressly say that the Honourable the General Member is strictly and rigidly honest ; so far as his honesty is concerned, there is nothing against him. But from his experience of mercantile affairs, he must know that in the articles of association it is expressly provided that the managing agents are removable in 24 hours if they commit frauds, or if negligence amounting to fraud is proved. What does it mean, Sir, if not negligence on the part of Government ? He has disregarded all the solemn warnings that have been given by the non-official members of this House. And what has he done ? He has behaved in a way in which the Honourable the General Member, who is at the head of this department, ought not to have done. He has helped the prosecution of the honourable member of this House. It has now been proved that in certain matters there was corruption in the department, and he has taken steps to assist an officer of that department, by providing him with funds, to prosecute a member of this House, against the desire of this House that that officer should not be assisted in that way. It was only my honourable friend Mr. Nariman who was able to fight the case successfully. There is no shame in my confessing that had I been in his place, I would have pleaded inability. I have not got the energy and the knowledge to understand the details and the legal aspects of the case. No other member of this House would have been able to stand the ordeal that the Honourable the General Member inflicted on the honourable member Mr. Nariman. But the point is that even after the irregularities and corrupt practices were exposed, the department wanted to shield Mr. Harvey and not help honourable members of this House who are members of the Public Accounts Committee to get at the facts, so that they may not only stop the robberies but set an example to other departments of the Government. There has been no effort on the part of the Government to show that they want to bring all these offenders to book.

They have done nothing up to now. If they hesitate to adopt the very modest suggestion made by the honourable member from Sukkur, I do not think they can, even if they escape the vote of censure, feel themselves absolved. They must realise that if they attempt to divide the House on this motion and gain a victory, it will provide a lesson to the Simon Commission as to how this House is composed. This House is composed in such a way that Government have 28 solid votes always at their command ; and they can also get other members to vote as they like, for one reason or other. So that, even if they get a majority, it will not be a real majority. If the motion is not carried, the blame will not lie on the House : it will lie on Government.

I want to bring to the notice of the House how Government have treated the House. The honourable member Mr. Petit referred to the single item of railways. That affair was mismanaged by the officers who are now drawing allowances in England. This affair was mismanaged by Sir Lawless Hepper. No enquiries were made into that. What is the

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chief function of Government ? It is to punish those who commit fraud and ruin the finances of the country. Government have not performed that function.

I am sure that Government dare not oppose this motion in all fairness to this House. This department does deserve a vote of censure. We heard the explanation to-day by the honourable member Mr. Bell that there is a difference between permanent servants of Government and temporary servants of Government. Is it not ridiculous that the honourable member the Secretary of the Department should make this distinction to-day for the first time ? There are many temporary servants in the Port Trust. Will the Chairman of the Port Trust shirk his responsibility for the reason that a mistake was made by a temporary servant ? It is ridiculous that this argument should have been brought forward. This Government is a most powerful Government ; it commands a resource of 15 crores of rupees, which they can spend in any way they like. They support an officer whether he is right or wrong against a member of this Council who wants to bring certain facts before Government to enable them to function properly. The straightforward and honest course for the Honourable the General Member in this instance will be to come forward and accept that his department has failed to perform their function properly. I may say—I do not want to take credit for it—I may say that at the very inception of this department my Chamber warned the Government. And in 1924, the Bombay Chamber of Commerce which very rarely joins with us, protested against the methods of this department. But Government have not paid heed to these warnings. Now, to-day, there is nothing left for them to say in their defence. Therefore, the straight-forward course for Government is to accept this motion and admit that the department has failed to function properly. An investigation of this department must then be made by a committee of the members of this House, and I hope the public will help that committee by bringing before them serious cases of irregularities. The people of this presidency have to contribute towards this loss for a period of 60 years. Government should not forget that they have done an injustice not only to the present generation but also to the future generation of this presidency by leaving them this legacy of a heavy debt. Government cannot deny that the revenues of this presidency have been pledged for the amortization of a debt running for 30 or 60 years. I do not think there is any argument in defence of Government. I hope Government will accept this motion and do everything they can to rectify their mistake. There is nothing dishonourable in accepting the motion which is quite fair and which is quite reasonable. I hope that this House will unanimously pass this motion and record their vote of censure on this department which has mortgaged our resources for several years and thereby stopped all progress in our nation—building departments.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support the vote of censure. We who come from the mofussil have always protested against the existence of this department. We have been from the very start

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opposed to it on the ground that the department will stew in its own juice, that the department will be creating a situation by which it will bring the finances of this presidency into ruin. All these anticipations were made then, but Government did not pay any heed to us. They pitted Bombay City members against the mofussil members by saying : "Now, look you : so much provision is made for labour, etc., in Bombay and the mofussil people are charged for it, and that is why mofussil members oppose it, and not on any grounds of finance." But, Sir, we took our stand on the great economic principle that no Government can successfully enlarge a distributing city like Bombay far in excess of the requirements of the mofussil. As the mofussil areas are poor they cannot sell or purchase that much of goods which an enlarged Bombay has got to deal in. In fact, so long as the mofussil people are poor, none can expect the progressive development of the Bombay city. But in spite of those warnings, Government went headlong into this sorry affair. Now, what do we find ? About three or four years ago, the honourable member from Bombay (Mr. Nariman) brought in a motion for just such an enquiry as has now been proposed by the honourable member from Sukkur. But unfortunately the present Honourable the General Member did not take steps to examine the allegations made then which in fact was asked for at that time. Government, if my memory be correct, at that time only made a sort of a general enquiry through a committee and as a result curtailed their activities.

The honourable member from Bombay, the representative of the millowners, pointed out yesterday that this Government have unnecessarily spent about Rs. 80 lakhs on the Suburban Railway. This amount of Rs. 80 lakhs has been spent by Government on the Salsette Railway and though this Railway has been in existence for some years, the revenue that is derived from it, is only Rs. 5,000. Government has already spent this large amount of about 70 lakhs and the wonder of it is that Government has still budgetted about Rs. 78,000 for land acquisition and other purposes. I wonder why Government should incur this expenditure. "Is it for this purpose of meeting deficit, that the poor agriculturists are taxed heavily," I ask. I have always observed that when merchants come to see us to purchase cotton, their first deduction is the town duty that is levied in Bombay. I may remind the honourable member, the Settlement Commissioner, that he is taking away a large part of the profits of the agriculturists by way of direct taxation, whatever may be the value of agricultural products, and this combined with the indirect taxation that is levied on the poor agriculturists for the convenience of others does, in fact, take away the profits of the agriculturists. I submit, Sir, that Government should not trouble the agriculturists both ways. They cannot levy the indirect tax on them and at the same time put a heavy burden of direct taxation on their shoulders. That is quite unfair and unjust on the part of Government.

I would, therefore, request the Honourable the General Member to pay particular attention to the matter of finances. I would say that all the schemes that were undertaken by his department were either failures

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or partly successful. Only one or two small schemes, I think, were successful. I, therefore, cannot understand why he should go on spending money on such schemes, especially the suburban schemes. Is it not possible for Government to return the suburban area to the agriculturists who were dispossessed of their lands and who supplied the wants of their city ? If that is done agriculturists can again produce vegetables, etc., in the suburban area for the Bombay City. What we find to-day is this. By the policy of land acquisition, a large number of families are ruined and what ought to go to them is denied to them. I, therefore, ask the Honourable the General Member on what principle he has been incurring this heavy expenditure. It is very unfair on their part and I personally do not feel inclined to grant them a pie even for wasting money in this way.....

The Honourable Sir COWASJI JEHANGIR : Will the honourable member tell me how many acres of land was denotified ?

Rao Saheb D. P. DESAI : I do not know how many acres of land were denotified, I cannot say that. But I say that even now Government are trying to acquire land and rob the agriculturist of his means of livelihood. Some lands are acquired simply to meet the whims of a particular officer of the Development Department. The Executive Engineer or somebody else there in the suburb writes that a certain area should be acquired under the Land Acquisition Act as that plot is a very nice one and Government will surely make a profit of Rs. 10,000 out of it by way of re-selling that plot. When that officer writes in this way to Government, the Government, sitting in their chambers in the Secretariat, would give their sanction to it.

That is the way in which the Development Department is managed. Speaking about debt, I may state here that we have to pay a debt of Rs. 14 crores ; out of this amount about Rs. 3 crores or so will be realised in the backbay scheme, but that amount, I am afraid, will be absorbed in the administration charges. Now, take the instance of Khopoli Water Works. On that scheme Government have spent Rs. 3 lakhs and the revenue derived from that source is only Rs. 1,500. That is the situation. You will find that Rs. 3 lakhs is the actual expense incurred by Government for that scheme and the annual realisation from that source is only Rs. 1,500. The most astonishing feature is that Government are going on spending more and more on such schemes.

Now, coming to the case of the honourable member from Bombay, I may request this honourable House to look at the question from this point of view. I may here submit that it is the privilege of the honourable members of this House—the non-official members of this House, who are the representatives of the people,—to bring all the facts to light before the public. They should bring forward all the facts which according to their light, deserve to be investigated into. That is the right and duty of every honourable member of this House. But what do we find here ? We find that when an honourable member makes any statements against the Government Officers in the course of any enquiry, Government indirectly launch a prosecution against that honourable member. Now, in the case

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of my honourable friend, Mr. Nariman, what has happened ? We know that the honourable member Mr. Nariman brought to light grave mismanagement of the affairs of the Development Department, of which Mr. Harvey was one of the chief officers. Government, instead of appointing a Committee to investigate fully into the affairs of this department, asked Mr. Harvey to launch a prosecution against Mr. Nariman, when he made certain statements before a Committee of enquiry. In this way this Government go to the extent of asking their officers to launch a prosecution against a respectable member of this House. My honourable friend, Mr. Nariman, made those statements in the discharge of his duty to the public. I ask " Is this the way in which Government reward the honourable members of this House for bringing certain facts to light ? " I, therefore, say that this House should support this vote of censure; if it is not carried, then I think it will be an encouragement to the Government Officers. My honourable friend, Mr. Nariman, has done this with good intention. He brought all these facts before the public as he is in duty bound to do so. He had no other axe to grind. He was not a contractor himself having anything to do with the Development Department. He had no other intention except to bring honestly before this House and before the public the corrupt practices that were going on in the Development Department. And I am sure that if the Honourable the General Member is not prepared to accept the proposed cut, the impression of the maltreatment which was given to a non-official member of this House by Government would be that such maltreatment they would be prepared to give to any member of the House in future, if he acted as the honourable member, Mr. Nariman, did. This impression would for ever remain and the better course for Government would be to accept this cut and do all in their power to set their house in order.

Mr. G. L. WINTERBOTHAM (Chamber of Commerce): Sir, as the honourable member who represents the Indian Chamber of Commerce has mentioned the fact that in past years the Chamber of Commerce found it necessary to criticise the working of the Development Department, I feel it incumbent on me to explain what is my position in connection with this token cut which has been moved by the honourable member from Ahmedabad. It is perfectly true that in the past we have had occasion to criticise the working of the Development Department. But we do not belong to the school of thought which is in favour of visiting the sins of the fathers on the children unto the third and fourth generations. And I should like to make it perfectly plain that in my opinion there is no justification for the passing of a vote of censure on Government whose only sin—if indeed it be a sin—lies in making an honest endeavour to carry out the wishes of this house. Last year at budget time Sir Joseph Kay was responsible for getting a cut passed in opposition to Government's wishes in connection with the Development Department. That decision of the House has during the past year been loyally respected by Government, and I honestly believe that they have done their best to curtail expenditure and to see that the work is carried on with the maximum of efficiency.

[Mr. G. L. Winterbotham]

There appears to be a great deal of mixed thinking and mixed motive about the House, as far as I can judge from the speeches of the honourable members to which I have listened. A committee of enquiry to look into the question of corrupt practices or malpractices is called for. Well, if that is the wish of the honourable House and Government are prepared to meet it, I have nothing whatever to say. I personally am of the opinion that if that is done, it will only result in more mud slinging, and as enough mud has been slung already, I think it would be much better if it were allowed to find its way to Back Bay. That is my personal view. But, if the House considers such a committee is necessary, I should certainly not vote against it. But at the same time, for honourable members to say that Government are endeavouring to shield the membere of the services and the members of the department, and to imputs motives of this nature seems to me to be prejudging the issue on which we would naturally expect a decision to come from the committee of enquiry, for which those members are pressing. Therefore, it seems to me that if the honourable members want to press for the appointment of this committee of enquiry, then they should drop the vote of censure on the Government, because you cannot, to my mind, at one and the same moment say Government are to blame and call for a committee of enquiry, because it is quite possible that the committee of enquiry may find that Government are not to blame. If I may say so, the honourable member who represents the Millowners' Association did not do anything to clarify the issue, when he alluded to the costly mistakes of the department. I am the first to acknowledge that the department has committed very costly mistakes. But I do not see what that has got to do with the demand for the committee of enquiry into the charges of corruption. I should say that the logical conclusion to draw was that the amazement at the judgment in the Harvey-Nariman case should be not at the enormous extent of the disclosures, but at the extraordinarily moderate disclosures to which it gave rise. For if you take into consideration the enormous schemes which were undertaken by this Department, hastily improvised to see them through, and the speed with which in their initial stages they were being carried out, it is to my mind amazing that with all his acumen and ingenuity the honourable member from Bombay has been unable to unearth more serious charges or more serious wrongs than he has been successful in doing. I would, therefore, like to say that in my opinion there is no case whatever for the passing of this token cut. It is not for me to say whether there is any case for the appointment of a committee of enquiry. But I do think that we should give credit where credit is due and not seek to impute motives to the present Government, who, in my opinion, have done their best to carry out the wishes of the House and not to oppose them in any way. Moreover, for the last speaker to say that Government encouraged an officer of theirs to bring a libel action against a member of this House is to my mind a distortion of the truth.

Rao Bahadur R. R. KALE (Satara District): Sir, I had no intention to participate in the debate on this matter, which has been discussed at

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great length. But certain remarks of the honourable member the Secretary of the department and also the member who spoke last lead me to make a few observations. It is taken as if the Harvey-Nariman case has disclosed the whole of the scandals or mismanagement or corruption or whatever it is. But it is nothing of the kind. It is not a fraction, I should think; because in the particular case, Harvey-Nariman case, Mr. Nariman was on his defence, and in order to save himself he was confined to the issue which formed the subject matter of the particular charge against him. The honourable member the Secretary himself stated that he does not minimise the gravity of the conclusions reached in the magistrate's enquiry and he read out a portion from the concluding part of the judgment, in which although Mr. Harvey has been acquitted of the corrupt motives attributed to him, there are certain observations about the incompetency, negligence and other matters which have been brought out so far as the officers of Government were concerned. Further, with regard to the attempt made by the honourable Secretary to reply to certain allegations that were made in the course of the debate yesterday, he stated that he had no time to investigate all the cases or allegations. Certainly, I quite agree that it is not possible for a single member or all the collective members taken together to investigate all the charges or the allegations.

But it is exactly for this reason that the committee of enquiry is suggested and I thought that the honourable members on the other side would fall in with the suggestion made by my honourable friend from Sukkur.

It will be seen that it was stated that the servants were temporary servants and not permanent servants, but I say it does not matter whether they are permanent or temporary because, if the charges are investigated and brought home to them by a prosecution in a criminal court, it might certainly have a very salutary effect. If no sufficient evidence for prosecution is forthcoming, at least such steps may be taken as, in future, will prevent a recurrence of such a state of things. That is the object of the public enquiry which has been suggested on the non-official side of the House.

The last speaker said that Government has been all along conceding the wishes of this House. If that is so, in the matter of this Development Department now we have arrived at a stage, after seven years, which was the result of the sanction of the prosecution of Mr. Nariman, which was a blessing in disguise, and I do believe that but for this prosecution the discoveries and the disclosures that have been made and that have opened our eyes, would not have been made and would not have come to light. Therefore at this time, after these disclosures which are only a fraction of the whole field of the activities of the Development Department, does it not stand to reason that Government should institute an enquiry? It is only by such an action as that that the confidence of the public will be restored in the Government and the members responsible for the government of this country.

Previous speakers said that Government members have done their best, but I would ask whether the public at large and the people are satisfied

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that Government have done all that they ought to have done. It is exactly for this reason and to meet the wishes of the public and to give them no ground for any further complaint that an enquiry of this kind should, I think, be undertaken. I do not suggest that there is or will be any occasion for any vote of censure as the honourable the previous speaker said and the result of the enquiry will probably be that Government will be completely exonerated. It will be to their credit and I think therefore it is desirable once for all to start an enquiry, in which, as was suggested by the honourable member from Sukkur, the people should be called upon to come forward and assist the committee. The honourable member the Secretary, Development Department, said that unless Government had assistance from the public and the members of this Council, it would not be possible to make any further investigation. It is exactly for this reason that it is only by giving them an opportunity and by giving them the necessary protection that the members of the public will come forward to assist in the enquiry that may be launched. For all these reasons I do submit that Government member and the Honourable the General Member speaking on behalf of Government will please make a statement accepting the proposal and that proposal is, I submit, to the interest as much of Government as of the members on this side as well as on the opposite side.

Mr. B. T. DESAI (Bombay City, South): Sir, we have heard in the courts of law that when an accused is indicted his plea is taken and he gives as a matter of fact the plea of " not guilty " but he makes certain admissions which on the face of them prove his guilt. I think that is the position in which the Government is, at present, with regard to this matter.

Before I go into details, I may just bring to the notice of this House that from the inception of the scheme, which went out with the blessings of my friends Sir Dinshaw Petit and Sir Pheroze Sethna who had I think declared on public platforms that the scheme went out with their blessings, now finds itself condemned by all sections of the people and Sir Dinshaw Petit and Sir Pheroze Sethna now wish that they would have withheld their blessings, because the blessings did not have the desired effect. The reason that was given at the time of giving those blessings was that there were estimates placed before them which were encouraging and which have now proved to be absolutely incorrect. Now take the very inception of the scheme : In what indecent hurry did this Government try to take or rather extort the consent of the Indian Government to the scheme ? In what indecent hurry were people appointed as experts to prepare estimates ? Now one of the admissions of Government is that the loss now calculated on a scheme estimated to cost four crores, is three crores. This admission is a condemnation in itself of the department. It is an admission of the guilt so far as it springs from incompetency, inefficiency and the negligence of the department. For a vote of censure my submission is that no evidence of such a cogent character is required as is required in a criminal trial to prove the guilt of the accused, but if you have got sufficient materials before you whereby

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you cannot keep any confidence or whereby your confidence in the ability and efficiency is shaken to a certain extent, then, Sir, the House will be justified in passing a vote of no confidence or censure on the Government. Sir, may I ask all the Government officials concerned in this matter, how is it that a scheme that was estimated to be finished within four crores of rupees now has made a loss of three crores and what is the meaning of this? Why were wrong estimates made, excessive stocks ordered out, dredgers ordered out, machinery ordered out based on those wrong estimates? Why have you played with the public funds in this scandalous manner? That is my indictment against Government. What right had Government to play with public money in this scandalous manner? What is their answer? There is no answer whatsoever so far except "unavoidable matters which had not been thought of, or unforeseen circumstances, crept in." What were the experts appointed for? To say that they did not know of certain circumstances, that certain things were not disclosed to them, that certain circumstances were not brought to their notice and were not therefore thought of. What sort of experts were they? And what should be said about the person who employed such experts? What should be said of a person holding a very high and responsible position in the State, who would appoint a man of that type? Is he not responsible, Sir?

From the very beginning the scheme that was going to cost four crores showed a loss of three crores. Then the advisory committee was appointed, and of course by now we all know what sort of a committee it was. My honourable friend the honourable member Mr. Petit was on that committee. What a sorry tale he gave to-day. Being on the committee with Mr. Baptista, he swallowed everything and anything that was said by Sir Lawless Hepper who is really responsible for this matter. He gave certain figures and these members of the advisory committee accepted those figures without making any enquiry whatsoever. Then when the matter turned out to be quite the other way, stung by compunction these members go for explanation. The explanation itself is self-condemnatory, it condemns the Government of negligence and inefficiency.

Then, Mr. Subhedar, who was on the advisory committee, exposed and exposed mercilessly all that had been done though he was not given access to all the papers that were required. It was his complaint that obstacles were put in his way and several exposures which he made as to the miscalculations were tried to be defended. Ultimately it was admitted that it was a miscalculation—I believe—to the extent of forty lakhs. Whoever the officer of Government concerned in this is, what does it show? It shows that there was something which was not satisfactory from the public point of view, that there was something for them to conceal from open public criticism, and therefore the man who was appointed to go impartially into the matter was baulked at every step of his inquiry and thus prevented from proceeding with the inquiry in the way in which he ought to have been allowed to proceed. I had once heard the Honourable the General Member say that certain files had been taken

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away by Baron Lloyd. Well, Sir, if that statement is a true one, what could be said with regard to that person who was at the head of the Government. A person who had no right to take away the files of the Development Department has carried them away with him, and for what reason one can very well understand.

The Honourable Sir COWASJI JEHANGIR : Mr. President, I think in justice to.....

Mr. B. T. DESAI : I think there could not be any question with regard to those files. I may repeat it that files regarding and connected with the Development Department have been carried away by Baron Lloyd, and that was the statement that the Honourable the General Member had made.

The Honourable Sir COWASJI JEHANGIR : What I said was with reference to the private correspondence of Lord Lloyd. I said that all files containing the private correspondence of Lord Lloyd were taken away by Lord Lloyd.

Mr. B. T. DESAI : Now, Sir, what an explanation ? Private correspondence with regard to the Development Department. It passes one's comprehension ; and he has given an explanation of this kind to this intelligent House. I think the Honourable the General Member ought to have kept quiet instead of giving this explanation. What should I call it ? An explanation which is an admission. The Honourable the General Member must have been browbeaten, I am quite sure, to part with these files, and these files must have been taken away. Well, Sir, this step is such a one that by itself is quite sufficient an indictment against the department for a vote of censure.

The Honourable Sir COWASJI JEHANGIR : Did the honourable member say that I parted with some files ?

Mr. B. T. DESAI : Yes, you have said so.

The Honourable Sir COWASJI JEHANGIR : I parted with the files ? Where ?

The Honourable the PRESIDENT : Order, order. The honourable member has said that the Honourable the General Member must have been browbeaten to part with the files. The Honourable the General Member may deal with that when his turn comes.

Mr. B. T. DESAI : The files evidently belonged to the department over which the Honourable the General Member presides, and they contain documents which ought to be with him. How, I ask him, did those files go into the possession of the head of this presidency ? If he did not part with them, if they did not go from his department, did they fall from heaven for the sake of the enlightenment of that person, so that they were found on his desk ? Of course, this is a matter in which I would request the Honourable the General Member to be very cautious in giving explanations, because it is a thing which cannot be defended; and if he gives an explanation with regard to it, the explanation also would be of a similar character. So, the less said the better about these

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things. With regard to the documents themselves, I say they have been taken away from the department, and is that not sufficiently strong to condemn the Government with a vote of no-confidence ? Government is expected to be very careful with regard to its records ; they must be there, and yet the fact remains that these records are taken away. Sir, what can you say with regard to the efficiency of a department of Government, and what can you say with regard to their sense of taking care and sense of protection to be afforded to the persons whose money they are entrusted to spend, when such things occur ?

Then, Sir, if we go a step further, what do we find ? My honourable friend Mr. Lalji Naranji made it amply clear that he tried to do something in this matter, but at every step, at the meetings of the Public Accounts Committee, he was baulked in his efforts to come to some conclusions. He wanted Mr. Harvey to come and explain matters, but Mr. Harvey was especially kept back by the department. Why ? My submission is that this step on the part of Government is such a gross breach of duty that it should not be tolerated by any member of this House, because we expect Government to help us with all the facts and with all the documents which are at their command ; we expect Government to be very frank and honest and plain with us. and say " Yes, you are making these charges ; here are these documents ; go on and find out the truth. What information do you want ? We shall help you with the information ; try to find out the truth ." Instead of doing that, they put obstacles in the way of members trying to unearth the mysteries that have taken place, and take shelter under the plea that they are privileged documents. This is a matter which ought to be very seriously considered. Government must not think that they can do whatever they like, and ignore even our reasonable demands, and then go scotfree. It is up to the House to teach, and teach in unmistakable terms, a lesson to the Government. We should tell them " Do not trifle with us ; if you trifle with us, then you will have to pay the penalty. "

Then, Sir, we come to the very recent occurrences that have taken place in Mr. Nariman's case. Now, Mr. Nariman had, from time to time, demanded that certain files and certain Government papers should be given to him for inspection. But Government, that is to say the Department of Government that is concerned with Development, instructed their solicitors to say that the particular documents are privileged. Now, that is their way of assisting the enquiry. All right. Those particular files were not forthcoming. But one particular instance that I noticed in the case was very amusing. That was with regard to the order for the mild steel bars. Mr. Harvey was questioned by Mr. Nariman about it. Mr. Harvey said that he could not find out who had done it. But after several hearings of the case, accidentally, Mr. Harvey, while going through the files, found out a slip of paper, and that was the order written by Mr. Hamid or somebody else ; I do not exactly remember the name. Is this not absolutely an outrage on fairness ? You indict a man, and when it comes to a question of the documents which he has a legal and moral right to inspect, those

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documents come at the sweet will of the officer concerned, and the documents disappear at the sweet will of the officer concerned. Such things can never happen in any enlightened and civilised country's government. Of course, it is only possible in the Government of India where, we are sorry to say, we are divided and not united, because of the particular mentality that is prevailing; it is therefore that these things are possible. It would not be possible anywhere in any civilised country, and it would not be possible for the Government to make this sort of defence.

The next point, which condemns the Government is this: Mr Harvey admitted that certain answers that were given in the Council by the Honourable the General Member, under the instructions of his department were false, were not true. Now, Sir, what safety is there if members who are in charge of such departments are so confiding in their subordinates as to accept any kind and every kind of statement and to give it out in the Council. You cannot controvert such a statement, because it comes from a Government officer. But it now turns out that those statements were absolutely false, and they were supplied to the Honourable the General Member. May I know what the Honourable Member has done with regard to these things? Did he ever analyse or verify the statements that were submitted to him? He knew very well the allegations at the time they were made. Why did he accept statements which were incorrect? I would like to have an answer from him on the floor of this House, and I am quite sure that he will give a satisfactory answer, and not an answer of the type that he gave about the files that disappeared. May I ask Government what safety is there then for the public; with what face they can come before the public or ask this House not to pass this vote of censure? Have they not already accepted this vote of censure by their own admissions of the facts that I have related. Then, I do agree with my honourable friend Mr. Lalji Naranji that if Government is honest enough, if Government is candid enough, if they find what the non-official members have stated are facts, then they must as an honest accused say: "My lord, I have committed the crime." That ought to be the attitude of Government. I find my honourable friend Mr. Winterbotham coming forward and saying: "Government have done whatever they can do. Government have tried their utmost to minimise the losses." He says that Government have done everything to satisfy the House—satisfy the House of what? He knows best. Sir, I was watching the honourable member Mr. Winterbotham's face when he was speaking and giving lame excuses, and I detected from his face that he knew that they were lame defences.

One thing more I would say, and it is this. The affair regarding Balkissan, I am told, took place in 1925, and that he was placed, I understand, on the black list in 1925. Now, we are in 1928. May I know what Government have done up to now? Was it not the duty of Government to make enquiries not only into the conduct of the contractor

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but also as to how he happened to be taken as contractor who were responsible for bringing him and who were responsible for taking him up? To an intelligent person at the head of the department these things would have struck. If he were candid enough and sincere enough to perform his duties, certainly he would have gone into these matters without waiting for any member of this House to ask him to do so. May I know what has been done by the Honourable the General Member or the Secretary Mr. Bell? Nearly two years have passed; nothing has been done. It was a very sorry sight to see the honourable member Mr. Bell getting up and trying to defend the matter in the way in which he defended.

Then, the affair of the mild steel bars was brought to the notice of the House in 1922-23. What had Government done in the matter before they were questioned by the honourable member Mr. Nariman, to find out what really was the fact? On the contrary, the mentality of this Government is exposed by the supplementary grant No. 17 which they are going to put before the House. Notwithstanding all that has been brought out, Government have the courage to come before this House and tell us: "Never mind. Our agreement was that if the complaint was dismissed, if certain things were proved, then Mr. Harvey would not be given his expenses. But as the magistrate has found that Mr. Nariman acted in good faith and acquitted him on that ground, our contract stands and therefore we should pay Rs. 63,000 to Mr. Harvey for his expenses." This is the sort of Government we have to deal with. The less said the better about everything that has taken place. I will not go into other matters but I ask Government: "Are you not convinced that although Mr. Harvey cannot be indicted and convicted for bribery, there are sufficient materials before you to prove that bribery was rampant in the department—that, I think, is the finding of the magistrate—and that Mr. Harvey had acted negligently and not in the way in which a superior officer of his type ought to have acted?"

Now, Sir, a suggestion has been made that a committee should be appointed to go into the affairs of this department. The Honourable the General Member may get up and say: "If you withdraw this vote of censure, I will consent to a committee being appointed." Perhaps that may be construed as a climb down by Government. Perhaps persons like myself may say that Government have no other alternative except either to accept a censure motion or to climb down. If they did either, it would be tantamount to admitting the guilt. But I may tell you quite frankly that I have no faith in this Government and I have no faith in such committees, because such committees are for the mere purpose of white-wash. It will depend upon what the personnel is and what the terms of reference are that are to be made to the committee. At the present moment the Honourable the General Member, in order to escape this vote of no confidence may climb down and say: "I accept the suggestion that a committee be appointed." But he may put such persons on the committee as will serve his purpose; he may limit the terms of reference of the committee so that certain matters may not

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come out. Sir, such personnel or such terms of reference would not do in this matter. We have known of many committees who made enquiries and reported. We had the experience of the Muddiman Committee and the Currency Commission. We all know that people with pre-conceived notions are invited and things are white-washed. I may, therefore, say that I have no confidence in a committee that Government will appoint. I believe no good will come out of such a committee. I warn those honourable members who think that something is going to be achieved by such a committee, to be careful as regards the personnel of the committee as well as the terms of reference.

Sir, I do not wish to say much further. As one who is going to suffer by the mismanagement of this department, I see that the public have to pay in sinking fund and interest charges 32½ lakhs a year for a period of 60 years—20 lakhs on account of Back Bay Reclamation : 7½ lakhs on account of the Suburban Scheme and another 5 lakhs. Any man's blood will boil at the mention of these large sums, and one will try surely and sincerely to see that no nonsense of this kind takes place any further. The sooner Government shuts down this department the better, as it makes such an inroad into public funds. That is a matter apart.

Now, Sir, so far as this cut of Re. 1 is concerned, it is by way of a vote of censure on the department itself. I think that this House will be well advised in passing this motion. This is the time when you can make yourself clear to Government and I do not think that there will be any other opportunity in this House to express our sentiments in this respect to Government. I, therefore, support this cut.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, from what we have heard so far during all the speeches of the honourable members and we find that this honourable House is not at all willing to attach any blame personally to the Honourable the General Member for the colossal bungle of the Back Bay Reclamation Scheme. But I have not the least doubt that the Honourable the General Member himself will be the first person to admit that this resentment and disappointment expressed by this House is quite justifiable.

Sir, I may submit that everybody knows that corruption has been going on in every public department.

Mr. K. F. NARIMAN : Oh, I see.

Mr. P. J. MARZBAN : My honourable friend, Mr. Nariman, exclaims "Oh, I see." I do not know why he is surprised at my remarks. I ask him this question : "Is it not that the corruption goes on in the Corporation, does it not go on in the Police departments and elsewhere"? I say the corruption does go on in every department. But it is just like calling "a thief when he is caught as a thief." Whatever it may be, I cannot help saying that this Development Department has brought this Presidency on the verge of bankruptcy. It is for that very reason I request the Honourable the General Member to seriously think over the situation, and meet the wishes of this honourable House in appointing an independent committee of enquiry to investigate into the bribery and corruption that is going on in the Department. Sir, I am fully aware

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that the Honourable the General Member has done his best in this matter. I know, as a Journalist, the correspondence that was passed between the Honourable the General Member and my honourable friend, Mr. Nariman, before Government launched the Harvey-Nariman case. The Government also took the opinion of the Advocate General and it is on his opinion that this case was launched. I think I am not making a mistake when I say that the Government of Bombay even took advice of the Government of India in the matter. In that way, Sir, the responsibility in this matter partially lies on the shoulders of the Government of India too.

I know, the Honourable the General Member is a custodian of a very large department and he is the first Indian to be at the head of the administration. I, therefore, think it is his duty to come forward with every means in his power to allay the public prejudices by saying "Come on, gentlemen, I have already appointed two committees. I am now prepared to appoint another Committee an Independent Committee of Enquiry, that will meet your wishes." That is the best thing that the Honourable the General Member can do at this juncture. I appeal to him to do this last graceful act on the eve of his retirement and assure the public that Sir Cowasji Jehangir is always for the interests of the public.

Sir, I was not present yesterday at the fag end of the proceedings, but I see from the newspapers that my honourable friend, Mr. Bechar, said: "Government was too strong." I may tell my honourable friend that Government is too strong, because we are too weak. Their strength lies in the weakness of the representatives of the people. If we combine by laying aside all party prejudices, I am sure Government will come down on their knees. In making this remark I refer to a few particular gentlemen who are sitting on the opposite bench (pointing to the non-official members).

So, I do hope that the Honourable the General Member will come out with an open mind to offer a Committee of Enquiry and thus prove to us that he is in reality the people's man. And if he does so, I would request the honourable member the mover of the censure motion to withdraw it and accept the appointment of the Committee.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, when any honourable member attacks Government on matters of finances or any other item, they say "It is a very trifling matter and it is no use making a mountain out of a mole-hill." But I ask, Sir, "is this question of the Development Department such a trifling matter?" From the general revenue of the presidency, about Rs. 38 lakhs have been taken away every year for this department to meet the debt incurred on that account. And I think that cannot be wiped off even for another 50 years which posterity down to the second generation will have to bear. Before estimates were passed by the Council, orders for dredgers to the extent of 1½ crores were sent with the result that we got real value of only 75 lakhs, thus Rs. 75 lakhs of public money has been wasted by this one transaction. Rs. 16 lakhs brokerage went into

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the pockets of the so-called consulting engineer for his advice for hardly three or four years bearing some such name as Sir George Buchanan. All the big officers of Government had a jolly good time of it and they made heaps of money out of this department. Now, my honourable friend Mr. Nariman and Mr. Walchand, gave evidence before the Mears Committee, and you know all the disclosures that have been made now. In spite of all this, even when there is merely a token cut of Re. 1, there are some members in this House who are ready to say "No, no; we should not do like this. Things will improve." Why not, I ask. We have already got this big bungle and scandal of the Back Bay, and we are probably going to have another in the Sukkur Barrage. Therefore, we want a committee to investigate into all these things. My honourable friend, Mr. Winterbotham, says four years have gone by and you are bringing a vote of censure now to-day. Well, Sir, let me tell him that honourable members of thisHouse have been bringing all these matters to the notice of Government every time all these years. But Government have turned a deaf ear to all that. Now, what more power have we got? We have no power to remove the Government or dismiss its officers. The fault, therefore, lies not with us, but with the Government. Even if we pass this vote of censure, is there any chance that Government will not do it again? No. But they may take more precaution. In any case, we must pass this vote of censure, if for nothing else than to record our disapproval and protest.

Now, as regards Balkissondas Seth, the work of painting Pontoon pipes was given to him amounting to one lakh or a lakh and a quarter every year and instead of three coats he used to apply one coat and swallow in conjunction with officers balance of the moneys. That painting work is given to William Jacks and Company, now only for Rs. 20 thousands and full three coats are being applied. In spite of all this mismanagement, the "*Andher*" on the part of the department, we are told it is not the fault of Government. This is one instance, and there are many other things. But the Government officers are so clever that they will always try to keep us the non-official members in the dark as to what is actually going on, by giving misleading information and vague information or giving no information at all. Now, my honourable friend, Mr. Marzban, said that in all the big departments and in the municipalities also thefts and corruption go on. But, if the members of the municipalities come to know of them, when the thefts or corrupt acts do come to light, do they say "Oh, we ought not to take any action?" If such things come to light in the case of a Government department, should Government say or are we to say "No, no action is necessary; let us keep quiet?" For the last three or four years we have been continuously drawing Government's attention to all these matters of mismanagement and bungling, and it is a surprise to me, indeed, that there should be any members ready to say we have no right to pass a vote of censure and we must allow Government to go scotfree for all this.

The Honourable the General Member accepted a cut of Rs. 1,79,000 yesterday. In doing so, he said that all that was possible by way of

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retrenchment had already been done, and that if he found that in spite of his efforts he could not give effect to this cut completely. then the House should be prepared to sanction a supplementary demand later on if he is forced to come before the House for it. Now, if you turn to page 240 of the Blue Book, what is the reduction in establishment that you find ? There was a chief engineer before ; now also he is there. His salary is shown as Rs. 2,200 ; but he gets a pension of Rs. 750 also. That means the officer concerned gets a pay of Rs. 2,200 *plus* Rs. 750. He is kept permanently. Under him there is one deputy chief engineer on a salary of Rs. 2,300 more than even chief engineer and there is also another deputy chief engineer with a salary of Rs. 2,200 ; three big officers. Last year there were two executive engineers who have been removed this year. Why should you not remove all of them and save Rs. 1 lakh and twenty-five thousands and have only one executive engineer. In the whole of Sind or in the whole of the Public Works Department in the presidency, there is no such *andher*. One executive engineer and two assistant engineers for the reclamation should be quite sufficient. The Honourable the General Member says he cannot reduce further.

There is a provision of Rs. 26,508 for the Chief Engineer ; Rs. 27,600 for one Deputy Chief Engineer, Rs. 26,400 for another Deputy Chief Engineer and so many other officers and allowances have been provided for. In addition there is the Secretary to Government, Development Department, drawing Rs. 3,000 per month with annual expenditure of Rs. 72,000 for staff and Rs. 20 thousands for allowances. If you merge this with the Secretary of the Public Works Department you will save Rs. 1 lakh 50 thousands. In the Housing and Suburban Circle there is one executive engineer drawing Rs. 1,200. As an assistant engineer in the Public Works Department he was drawing Rs. 470. Why has he been put on Rs. 1,200 in the Housing and Suburban District ? When an assistant engineer is posted as acting executive engineer he gets Rs. 50 extra and since this branch has been handed over to Public Works Department why Rs. 1,200 salary and Rs. 150 motor allowance is being paid to him. Even the Auditor raised objection and the Secretary explained away by applying Development Department scales. Is this not partiality and favouritism ? Has not the Honourable the General Member endorsed it ?

I hope that if the committee of enquiry is appointed as suggested, it will not set about sending away people who get small salaries but people who draw fat salaries and than retrenchment will come from the top. And the Honourable the General Member will sit strong upon his subordinates and prevent such things from happening in future.

(*After Recess*)

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, there has been a very lively discussion on the one rupee cut that I have moved.

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I understood from the very beginning that this one rupee cut, if carried, would not compel Government to resign because, under the constitution under which we are working, the irresponsible half part of the Government Cabinet, though censured, would continue to hold office. Therefore, the object with which I have moved the censure motion is that Government may be alive to the sense of responsibility which they owe to the taxpayers of the whole presidency.

Sir, the disclosures that were made in the Harvey-Nariman case are such that Government must at once begin to take action upon them. The honourable member Mr. Bell tried to refute some of the allegations, but I think he has utterly failed in bringing conviction to this House that there has been nothing wrong in the department. It is necessary, therefore, that a thorough investigation should be made into the affairs of this department. I was particularly struck by the way in which honourable members of this Council who were appointed to the advisory committee were misled and were made to put their signatures upon documents on the assurance that the work would go on all right, and the whole work must be done as quickly as possible. The disclosure made by the honourable member for the Millowners' Association (Mr. Petit) was such as to convince every member of this House that the way in which the department works is wholly unsatisfactory. In respect to many questions put in this House with reference to this department, several instances have been given which go to show that the information supplied was wrong. Sir, it is therefore necessary that a thorough investigation must be made in this department. Of course, the department was brought into being in hot haste by the late Governor of this presidency, and the predecessor of the present General Member, who was holding office at that time also improvised the persons who should work this department in hot haste and gigantic and costly errors—my honourable friend Mr. Winterbotham admits that there have been costly errors—have taken place at the time of bringing into being this department in hot haste. Sir, it is therefore necessary that, when these allegations have been admitted by the magistrate who tried the Harvey-Nariman case, Government should set its house in order. Therefore, I make this suggestion to the Honourable the General Member. He must be amenable to the idea of appointing a committee with the widest terms of reference, with powers to investigate the whole scheme from its very inception, and with powers to have access to all the Government records; all assistance should be given to that committee, and all the records should be placed before that committee; at the same time, Government should not at that time say that some files are missing, or some documents have been misplaced, or some documents have been lost. All Government records should be placed at the disposal of this committee, and this committee should have power to examine witnesses, and these witnesses must be given perfect immunity and perfect protection, so that they would be able to come forward and make disclosures in matters in which, otherwise, they would remain silent. Sir, there was a committee appointed in Sind; that committee was called the Sind Rasai Committee, and Government

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had given protection to all the witnesses who wanted to come forward and speak out their minds before that committee. In the case of the Rasai Committee, if full protection had not been given, nobody would have come before the committee and spoken out what he himself knew, because the men would be fearing that if they disclosed the real state of affairs, they would bring themselves under the displeasure of the authorities that be. Therefore, if this committee is empowered to examine witnesses and those witnesses are given protection and immunity for the disclosures which they would come forward for making, and also if that committee is given access to all the records of the department, and if the committee is allowed to examine all the branches of the department in every detail, namely, the Back Bay reclamation, the industrial housing and the suburban schemes, and also the personnel of the committee is such as could be acceptable to this House, then there is no necessity to press this motion. If we merely accept an assurance from the Honourable the General Member that he would appoint a committee, and if that committee happens to be merely a happy family affair, then nothing would be gained out of it. Therefore, if the Honourable the General Member satisfies the House that he is going to appoint a strong committee, having on it men like the honourable member Mr. Nariman, who has worked so indefatigably in this matter and who has suffered so much in this matter, if such men are included in this committee ; if a strong committee with full powers is appointed to make investigations from the very inception of the scheme : if such a convincing statement is made by the Honourable the General Member, then certainly I assure him that I do not want to proceed with this vote of censure any longer. But if the House is not convinced about the *bona fides* of Government, then certainly I shall be compelled to take this vote to a division.

The Honourable Sir COWASJI JEHANGIR : Mr. President, it will not be possible for me to reply to every point that has been made by honourable members during this discussion. So, I propose to touch upon the salient factors of the debate. The mover of the cut made a statement, as an argument for moving this cut, which I should first like to correct. He stated that Government had not yet handed over to the Military Department a single inch of land. That is not correct. I should have thought that he was aware of that fact. The budget takes credit for about 20 lakhs of rupees for land handed over. It is perfectly true that we expected to hand over the whole of block 8 by the end of this month, but I had informed honourable members at the October sessions, while asking for a supplementary demand, that things were not going as well as we expected, and while asking for this demand I had also stated further that our engineers were encountering difficulties which were unexpected : and that efforts were being made to get the block ready as soon as possible.

A good many honourable members have naturally alluded to the Harvey-Nariman case, and I would like clearly to state that Government were prepared to go on with the supplementary demand for the costs of the case which they propose to ask for, but at the express desire of the

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opposite benches that demand was postponed to the 14th of March. Therefore, it will be seen that, as far as Government were concerned, there was no desire to evade the issue at the present time, but that falling in with the wishes of the opposite benches Government went on with the order already settled, and therefore we are to-day discussing demands.

Now, Sir, the most important matter that I have got to explain is as to what action Government took when rumours first came to their ears that corruption prevailed in the department. That has been specifically asked of me by more than one honourable member, and therefore I propose to give you a short history of what we heard and what action we took when such facts first came to our knowledge. I think it was in 1921—or may be 1922—that Government had serious cause to suspect one of the officers of the department, and they were compelled to dismiss him. (Mr. N. A. Bechar: Who was that officer?) He was a man called "Mehta," a Punjabi. Shortly after that, Government received an anonymous letter. It was in the time of Sir George (now Lord) Lloyd. Generally Government put such letters into the waste paper basket, but the Governor of the day, having perused that letter, clearly saw that the writer must be a man who had inside knowledge and most probably an officer of the department, and therefore he ordered an enquiry into the allegations made in that letter. I find from the papers that, after having heard the explanations, the Governor of the day expressed his opinion that he was satisfied with the explanations. A short time afterwards, a similar letter making some allegations was again received. At that time the letter was placed in my hands, and it was my duty to go into each and every one of those allegations to the best of my ability. I called for the past records which had already been prepared on the previous letter, and I went through them with the Director. I also asked for certain further explanations, and, finding that it was not possible to go any deeper into those allegations which evidently came from an officer who had been dismissed from the department, I took no further action.

The next step was the allegations made by my honourable friend Mr. Nariman in the Legislative Council on the 3rd of March 1925. (Mr. Nariman: In October 1924). In October 1924 he made no allegation of corruption. I will remind the honourable member that he moved for the appointment of a committee. While moving for that committee, he made no allegations of corruption. He will find he was informed so in a letter we wrote to him. There he asked for a committee to go into the administration of the department to see whether retrenchment was possible. The first time he openly made allegations of corruption was on the 3rd March 1925. The only specific allegation that he made was about the purchase of mild steel bars. Government had in reply to a question admitted that a mistake had been made in the purchase of those bars and had explained in that answer how that mistake occurred. I find that the magistrate has held that a mistake was made. At any rate, without going into further details, I will say what action Government took on the allegations made. They were allegations of a character which could not be investigated without further information about them.

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I then in reply to my honourable friend (Mr. Nariman) spoke in Council as follows on the 3rd of March :—

"I ask my honourable friend in the interests of Government, in the interests of the opposite benches, to give one name to me privately, if not publicly, and I promise him that I will give him every assistance and I feel sure my honourable friend sitting behind me (Sir Lawless Hepper) will also give him every assistance to try and prove any allegations not only in public, not only before this House, but even privately. I am prepared to say that I will take such action as will give him satisfaction, provided he proves his allegations."

Mr. President, on further examination of these allegations, it was found that no steps could be taken, that nothing further could be done without the honourable member Mr. Nariman's assistance. And therefore within a little more than a month and a half of that debate, that is on the 28th April 1925, Government wrote a letter to the honourable member Mr. Nariman and made him the offer which I will read to you : The first paragraph of the letter reminds Mr. Nariman of the allegations made and the offer that I had made to him in Council. The letter states :

"In the absence of any communication from you giving more specific information regarding the allegations which you made in the Legislative Council, I am directed to inform that Government are prepared to appoint an officer of high judicial attainments to investigate any definite charges which you are now prepared to make and to advise Government regarding the action which they should take on his findings.

In this connection I am to state that Government do not ask you to supply information sufficient to prove definitely the accusations which you made in the Legislative Council, but only to provide such definite information regarding (1) the acts which you described as frauds, (2) instances of mis-application of funds which under ordinary circumstances would have resulted in proceedings in a Court of law, and (3) cases of receiving secret commissions, together with information regarding the parties believed to be implicated as will enable the Enquiring Officer to direct his enquiry and to frame definite charges against a particular officer or officers.

In particular you are requested to inform Government of the names of persons who are likely to be in a position to substantiate the charges which you make.

Government are prepared to extend to you, in pursuit of this enquiry, the same facilities as are given to Government servants who may be incriminated, namely, permission to be present when evidence is being recorded, to cross-examine witnesses and to see documents which are admitted as exhibits by the Enquiring Officer."

Mr. President, this offer was made to Mr. Nariman in all sincerity. It was made with the object of enabling Government to punish officers who may have been corrupt. It was made with the intention of trying and setting an example to the department and to other departments. But I regret to say that Mr. Nariman did not take advantage of the offer we made to him and he gave us no assistance. He refused our offer on three grounds.....

Mr. J. C. SWAMINARAYAN : May I know if the Honourable the General Member is right in addressing Mr. Nariman as "Mr. Nariman."

The Honourable the PRESIDENT : Order, order. That point of order has been raised over and over again. The Parliamentary procedure to be adopted by honourable members is to address as "honourable member, Mr. Nariman" or "the honourable member from Bombay." But when we find that the Honourable the General Member has repeatedly addressed Mr. Nariman as "honourable member, Mr. Nariman" and if he addresses him as "Mr. Nariman" once in a way, I do not think that he has done it intentionally. This is an unnecessary interruption.

The Honourable Sir COWASJI JEHANGIR : Sir, I referred to the offer made by Government to my honourable friend Mr. Nariman, but he refused to accept the offer on three grounds.

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The first ground was that Government refused to appoint a Committee, which he had suggested, to go into the question of retrenchment.

Mr. JAIRAMDAS DOULATRAM: May I speak a few words?

The Honourable Sir COWASJI JEHANGIR: I am sorry I have to refuse to hear my honourable friend.

That was the first ground. His second ground was that he had no confidence in any of the officers of Government, including the officers belonging to his profession. I may inform this honourable House that the officer we intended to appoint was a man of high judicial attainments. His third ground was that he felt insulted because we offered him the same privileges which are offered to any Government servant who may be suspected of corruption. We generally give officers who are charged with corruption the greatest privileges in order to defend himself. So, Mr. Nariman was to be present, was to cross-examine witnesses, and see and call for all documents admitted as exhibits.

I, therefore, ask honourable members who are sitting on the opposite benches but who are not here according to the dictates of others, to judge for themselves, whether any more sincere offer could have been made to Mr. Nariman than this. We wanted his co-operation and therefore we made this offer, which he thought fit to reject. So, in the meantime we could do nothing further. We could not proceed with the investigations, unless we had more facts.

In February 1926 a number of contractors suddenly invaded my office with a complaint that the Chief Engineer of the Reclamation Branch had opened some tenders without their (contractors') presence, and they suspected that there would not be fair-play, because they were deliberately kept out of the room. I immediately communicated with the Director and asked him whether the contractors had been kept out of the room. His first reply was that it was generally the practice to allow contractors to go into the room. The next day I was informed that the contractors were not allowed to go into the room. I ordered the tenders to be sent to me for disposal. The only honourable member of this House, who came forward to give me any information privately about the allegations of corruption, was my honourable friend, Mr. Hooseinbhoy Abdullabhoy Lalljee. Sir, I have now before me the file on which I took notes, of the information he gave and I do not think there is any harm in taking the House into my confidence. My honourable friend, Mr. Lalljee, has himself alluded to the matters. When he gave me the information, he told me that he gave it to me confidentially. Up to now I have not betrayed his confidence, but as he has now alluded to it, I believe he will agree that I am at liberty to place the facts before the House.....

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Certainly.

The Honourable Sir COWASJI JEHANGIR: As I have said, Mr. Hooseinbhoy supplied me certain facts. They are in a note dated 11th March 1926. His first allegation was that a contractor named Balkishandas Seth had been convicted of forgery and sentenced to three

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years' rigorous imprisonment in 1911. His second allegation was that a contract for loading rubble was given to this contractor at Rs. 12-8 per wagon and then it was reduced to the following rates: Rs. 7-8, Rs. 5, Rs. 3-14 and Rs. 1-14 per wagon. His third allegation was that a contract was given to the same contractor at Rs. 3-10 per lorry and then at Rs. 3-8. A contract given to the Bombay Transport Company at Rs. 3 per lorry was suddenly stopped and given to this Balkishandas Seth at Rs. 2-14. Another allegation was that this contractor supplied bazar to the higher officers of the Development Department free and gratis.

I told him that as regards the other charges, I could undertake to investigate them. But it would be difficult for me to investigate this charge of supplying bazaar free and gratis. He then very kindly informed me that he had already employed a detective for this purpose. I asked him to come back and tell me the result of the work of the detective and he agreed. I assured him that if he get any evidence he could take it from me that I would at once take action in the matter. But to finish the little story about the bazaar, my honourable friend Mr. Husseinbhoy, informed me after some time that he was not successful in his attempts.

Since a detective had failed, nothing could be done beyond cross-examining the officers.

Now, Sir, going into the other allegation, as to Balkishandas Seth, a wire was immediately sent to the Punjab to ascertain whether the facts given me were correct. The facts turned out to be correct. I sent for this Balkishandas Seth and this was the first time I ever saw him. I faced him with these facts. He admitted them, and I told him he could walk out for ever, and he did. Then, as to the contracts that he had received, I asked for the original tenders, and this whole file shows the investigation that took place. I examined all the tenders, and I found that Mr. Balkishandas Seth had been given some contracts, but his tender was the lowest in every case. That was a fact found from the records and can be corroborrated still from our records. Now, Sir, in the contract about which I had stopped further action, I found afterwards that the allegation was that Balkishandas Seth was alone in the room. No allegation of that sort was made to me by the contractors and it has been found to be incorrect. But at any rate, I sent for the tenders and settled them myself, and Balkishandas Seth did not get the contract. I found, as I have just said, that of all this man's tenders were the lowest. There are reams of explanation, and all the original tenders were brought up and, if I may be allowed to say so, I made as thorough an examination as one could make on the facts placed before me. Now, Sir, that is so far as the information supplied by my honourable friend Mr. Hooseinbhoy Lalljee is concerned.

The next step is the allegations made by Mr. Nariman before the Mears Committee. He made the same allegations as he had made in this Council, and the only specific allegation he made was one about the mild steel bars. I ask you, Sir, what was Government to do? Allegations

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were being again made. They themselves were becoming suspicious and doubtful. They asked the assistance of the only one man who had information. That assistance was refused to them. One member of the committee had advised that a prosecution of Mr. Nariman should take place. Another member said Mr. Harvey should be allowed to do what he liked. The third member expressed no opinion. Was it any use appealing to my honourable friend again ? Would we have met with any success ? And to judge that, I will ask honourable members to consider the conditions under which my honourable friend is a member of this House, the conditions under which he co-operates or non-co-operates with Government, I will ask my honourable friends to reflect on what conditions he is at present a member of this honourable House. Could we have expected any assistance from that quarter ? And it is evident from the evidence given by Mr. Nariman that he was the only man who had information and he was the only man before whom men who had given bribes were likely to admit it. Under the circumstances, in order to clear up this matter, and if the officer who had been defamed was prepared to run the risk of losing his reputation, and his fortune, I say it would have been wrong for Government not to clear up the matter, and the only way in which they could insist upon Mr. Nariman producing his evidence, was to sanction his prosecution. I am glad to find that one or two honourable members have to-day admitted that, had it not been for this prosecution, we should have been none the wiser than we were when Mr. Nariman made those allegations in Council, and that it would not have been possible for Government to find out anything. No man who has given a bribe is likely to come and tell a Member of Government that he has done so. As soon as he knows that a Member of Government is trying to find that out, the evidence would disappear. That is not the case with Mr. Nariman. We appealed to him for help, for assistance. We made him an offer, which no Government would make, namely to appoint a judicial officer of high standing who would investigate into these matters, who would help him in sifting the evidence, and who would frame a charge against the officer or officers. Mr. Nariman refused that offer. And when Government, in order to push this matter further, insisted upon Mr. Nariman coming into court and proving his allegations against Mr. Harvey, was Government wrong ? And had this Government not taken every step in their power to ask Mr. Nariman to supply the evidence even privately and confidentially ? And what chances had they of success ? None. And, therefore, Sir, Mr. Nariman went to a court of law and Mr. Nariman has produced some evidence.

Now, Sir, I do not wish to delay honourable members in this House for very much longer. I have said enough to show what information came to the ears of Government, what action Government took, and how Government appealed to the only man in Bombay who seemed to have information. I trust honourable members who are free to think for themselves, who are not bound by party ties, will admit that Government were anxious to bring their officers to book and were not anxious

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to shield anybody, and if they were anxious to shield Mr. Harvey, surely they would not have allowed him to go to court to prove his innocence.....

Mr. K. F. NARIMAN: You did not anticipate that.

The Honourable Sir COWASJI JEHANGIR: Now, Sir, I will come to the specific questions that were asked of me by some honourable members who wanted to know: What has Government done to see that such corruption does not take place again? I must again mention a fact referred to by the honourable member the Secretary of the department, and that is, that the officers, who are accused of corruption, were temporary officers of Government. We have now got in their place permanent officers of Government. In the Reclamation branch there is Mr. Framji and Mr. Duggan. In the suburban branch there is Mr. Advani, executive engineer, under Mr. Moraes, the superintending engineer. We took this action, I may say, long before these revelations.

Now, Sir, as to what we propose to do. It is very difficult, my lawyer friends will admit, to explain in detail in a matter of this sort what action Government has taken because anything openly and publicly stated at this stage may do harm to both the interests of those on the opposite benches and of us here, but I am prepared to say that Government is absolutely in agreement with every honourable member who has expressed the opinion that officers who had taken bribes must be brought to book.

We are prepared to say that we will take such actions as will make these culprits an example to the Development Department and to all other departments of Government. The papers are all before our legal advisers and the legal members of this House will excuse me and will understand that it is a difficult matter to speak about just now. To show the *bona fides* of Government that their intentions are similar to those of the honourable members opposite, I am quite prepared to accept the assistance of a committee of members of this honourable House and I will mention the names I have in mind.

(1) Mr. K. F. Nariman (Laughter). I do trust and hope and I have good reasons to believe that on this occasion he will give us that 9/10ths of the information he has in his possession. We rely on him a great deal indeed and I have great hopes that the beginning of this co-operation may go a long way (Laughter).

(2) Mr. Lalji Naranji,

(3) Moulvi Rafiuddin Ahmad, and

(4) Mr. Hooseinbhoy Abdullabhoy Lalljee.

These are all honourable members who have taken an interest in this question of corruption and we shall welcome their assistance. The committee will advise Government as to the steps they are taking and will have to take in connection with the allegations of corruption made in the course of the Harvey-Nariman Case or any other allegations of corruption. I might inform the public through this honourable House that we will be only too pleased, and we will be only too anxious, to receive any information which will really be of use.....

Mr. B. G. PAHALAJANI: What about immunity ?

The Honourable Sir COWASJI JEHANGIR: They will get all the protection that Government can give.

Mr. B. G. PAHALAJANI: To this list, I would add the name of the honourable member Mr. K. M. Munshi.

The Honourable Sir COWASJI JEHANGIR: I accept Mr. Munshi's name.....

Mr. F. J. GINWALLA: I suggest the name of the honourable member Mr. B. T. Desai.

The Honourable Sir COWASJI JEHANGIR: The honourable member Mr. Balubhai Desai will excuse me. I think we have secured considerable legal talent on this committee of which I have high hopes and I trust honourable members will leave the committee at that strength and not make it unwieldy.

One other point, I would like to refer to, is, that my honourable friend Mr. Balubhai Desai stated that I had made a statement that Lord Lloyd had carried away Development Department papers. The statement that I made was before the Mears Committee in answer to a question as to whether I could give certain information and I said that the information, if it was available, would only be available in the private correspondence of the Governor and that the Governor had taken his own private correspondence away with him. Then, my honourable friend Mr. Balubhai Desai went on further to state that as the member in charge of the department I had handed over Government files to the ex-Governor. I do not think he was serious and I do not think my honourable friends in this House will require me to deny such an allegation. I never handed over to the late Governor any files which were the property of Government; I never handed over to the late Governor any files at all.

Now, my honourable friend Mr. Lalji Naranji is very fond now-a-days of making accusations. He has accused us of having not given him certain information which he required in the Audits Committee. As far as my recollection goes (and here are the minutes) the questions he asked were not quite in order and he was not entitled to ask them; nevertheless, I agreed to give him all the information he asked for although he was not entitled to it and we tried our very best to give him all the information that we possessed. In fact my honourable friend, the Secretary, Development Department, had to come up from Bombay and he brought all the information that was available and when the honourable member Mr. Lalji Naranji asked for more, more was brought. I do not know what Mr. Lalji Naranji expects us to do.....

Mr. LALJI NARANJI: Why was Mr. Harvey not produced ?

The Honourable Sir COWASJI JEHANGIR: The Harvey-Nariman case was then in progress and I see from these minutes that all the documents were in the court. Mr. Harvey could not very well come up and bring with him documents that were in the court. We were trying to give Mr. Lalji all the information that we could scrap together.

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I will leave this matter at the present stage. I have nothing further to state. I am sorry to have troubled the House with such a lengthy speech.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, in view of the assurance given by the Honourable the General Member that he will appoint a committee and that he will give them full latitude to go into the whole scheme, I ask for leave to withdraw my motion.

Question put and leave granted.

Question that the total demand of Rs. 46,05,000 under 59—Bombay Development Scheme be granted was put and carried.

The Honourable Sir GHULAM HUSSAIN: Sir, I move for a grant of Rs. 7,71,000 under Public Health—Transferred—56-A, Capital Outlay on Improvement of Public Health. (Civil Estimates, page 277.)

Question proposed.

Mr. H. B. SHIVDASANI (Surat District): Sir, I beg to move the motion which stands in my name as under:—

Reduce by rupee one—Total Grant—Rs. 7,71,000.

My object in moving the cut is to bring to the notice of Government the fact that they are not treating other local bodies as well as they are treating some local bodies.....

The Honourable the PRESIDENT: I have repeatedly said that a one-rupee cut means a censure.

Mr. H. B. SHIVDASANI: That is exactly what I mean. It was represented to Government that the Poona Municipality and the Poona Cantonmment required a drainage scheme, the approximate cost of which was going to be Rs. 30,00,000. At that time Government generously came forward and agreed to give half the cost, *viz.*, fifteen lakhs of rupees, as a free grant and Government supplied the other half, *viz.*, fifteen lakhs of rupees, as a loan.

It means that Government found all the money that was required for that drainage scheme. Now, I have no grievance about this. I am in favour of Government helping the local bodies, as far as they possibly can, but what I object to is that they should give preference to those local bodies who are near the seat of Government and who are able to influence Government's decision.

Now, the Ahmedabad city municipality has also got a big and ambitious drainage scheme, the cost of which is in the neighbourhood of Rs. 50 lakhs. This municipality has repeatedly approached Government for giving them a suitable grant, but I am sorry to say that till now Government have not agreed or shown any willingness to contribute even one rupee for the drainage scheme of the Ahmedabad municipality. Now, Government could give Rs. 15 lakhs for the drainage scheme of Poona city and cantonment, when the scheme was going to cost Rs. 30 lakhs. They gave a grant and met the other half of the cost by advancing the money to the municipality. The Ahmedabad municipality is prepared to raise loan by pledging their own income. Naturally, it will have to

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pay a much higher rate of interest than that at which Government could find the money. When the Ahmedabad municipality is prepared to find the amount which will have to be spent on the scheme, I do not see why Government should refuse to give it any grant.

Then, Sir, Surat city requires a drainage scheme very badly. Since several years Surat city has got water works. But that water is going underground ; it is soaking down, and it may be that several houses may come down, because the foundations have been getting unsound by this continuous soaking of water. Sanitary engineers tell us that it is improper and undesirable to have water works and not to have a drainage scheme for draining off the water. The estimated cost of the drainage scheme for Surat is in the neighbourhood of Rs. 30 lakhs. The municipality has repeatedly approached Government for giving it assistance by way of a grant and a loan, and yet I am sorry to say Government has till now turned a deaf ear to the request of the municipality. Now, I do not want preferential treatment for Gujarat or for any other part of the presidency. What I want is that Government should not treat particular districts or particular places as their pet children and they should not give step-motherly treatment to other centres. If for purposes of giving a grant Government sets up any standard, that standard should be brought to the notice of all the municipalities. If they look to the amount the different centres contribute to the Provincial exchequer, then they should say so. We would then know positively the grounds on which Government grants would be made. Because Poona happens to be the seat of the Government for some months in the year, and it happens to be near the seat of Government, it can get the attention of Government concentrated on its wants. I think that is a poor ground to give preferential treatment to such centres. I hope honourable members will vote for this cut, in order to bring to the notice of Government the fact that we desire all the parts of the presidency should receive equal treatment.

Question proposed.

Dr. M. K. DIXIT (Surat City) : Sir, I want to offer a few remarks on the motion that has been put before the House by my honourable friend Mr. Shivdasani. Only recently we were talking about the wastage of money on the development of this city. If the amount that has been spent on the Development Department had been placed at the disposal of the mofussil places for improving the sanitation and public health of the several cities, I think we should have done far more good to the humanity of this presidency than what they have been able to do for Bombay city.

In this connection, I should only refer to the huge grant, to the extent of Rs. 50 lakhs, that was made by Government to the Poona municipality for the construction of their drainage works. Last year, when we discussed the budget, I pointed out very clearly that the city of Surat very badly wanted a drainage scheme, because of the very high infant mortality that prevailed in that city. There are several reasons why the city of Surat very badly wants a drainage scheme. The lives of

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infants and human beings are much more precious than the houses that might fall down by the soaking of water to which the previous speaker referred. The infant mortality and the total mortality of the city are a disgrace to the Public Health Department of this Government. It may be pointed out that the Surat municipality did not approach the Government for some time, but I do remember that this question was discussed in the corporation more than half a dozen times, but every time the corporation did not consider it desirable to pass the scheme for want of any assurance on the part of Government to come forward with a grant to the extent of half the amount that would have to be spent for the construction of the drainage works. A resolution was adopted by the corporation and communicated to Government, that Surat was prepared to have a drainage scheme, provided Government came forward with half of the cost as a grant. Since then it was pointed out that a comprehensive drainage scheme in Surat would cost about Rs. 64 lakhs. That was found to be very expensive for Surat city to take up, without help from Government. When this matter was discussed in the Council last time, the usual plea of financial difficulty was brought forward by Government. I do not mean to say that there is no difficulty with Government so far as finances are concerned. All the same, public health and sanitation of the Bombay presidency must weigh first with Government and it should have the first claim on the finances of Government to the best extent possible. They have been spending money in many other ways. A few lakhs given to the city of Surat every year, say Rs. 5 lakhs to Rs. 10 lakhs continuously for 6 to 7 years, would give this city a very good comprehensive drainage scheme, and save the lives of infants and adults that are lost every year. This point cannot be too strongly pressed as far as this particular city is concerned. Surat is at present unhealthy. It is full of mosquitoes. I am not ashamed to say that it is a regular hell. Those honourable members of this Council who have had occasion to go and stay there would have found, and when you, Sir, came to Surat, you would have found that Surat is a regular hell after sunset. You cannot sleep without mosquito nets, and during the hot weather you cannot sleep with mosquito nets; but poor people who form the bulk of the population cannot afford to use mosquito nets; and it is simply intolerable that Government should not come forward with any help whatsoever for the construction of the Surat drainage works. The water works in the city have been existing for the last 32 years. Government have not contributed anything to the Municipality in the construction of its Water Works. Every day, the city is supplied with 25 to 30 lakhs of gallons of water, and not a drop goes out. All the water sinks in the sub-soil, and you can imagine very easily the amount of mischief that this sub-soil water does to the health of the city. Therefore, a scheme of drainage cannot be too strongly pressed. The resources of Government must be utilised first for the sake of sanitation and public health, and I would request the Honourable Minister to set aside a certain sum of money, if the sanitation of the mofussil places is to be improved, for the construction of drainage schemes in the various cities that are in need

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of such schemes. The first and foremost necessity of any city is water works and drainage. If both are available at one and the same time nothing like that, but wherever water works exist drainage schemes must be taken in hand; otherwise they work to the great detriment of public health and sanitation of the city. With these remarks I would request the Honourable Minister to pay special attention to this scheme of drainage to which I have referred.

Mr. N. A. BECHAR (Karachi City): Sir, my honourable friend from Surat has raised the question of a drainage scheme for the city of Surat. Sir, during the last budget session I stated very clearly that if anything was required to be done by Government it was certainly in the villages. Somehow, it has been the practice to help the cities first, largely because, I think, people living in cities can agitate against Government, even frighten them, take them to courts and compel them to act up to certain obligations, whether moral or legal. But, Sir, if you look at the figures of population you will see that the larger part of the people of the presidency dwells in the villages, and yet out of the capital expenditure of Rs. 7,71,000 provided for the improvement of public health, the Honourable the Minister in charge of the Department has not found it possible to spend even one rupee to improve the health of the people in the villages, from whom he derives most of his revenues. I want most respectfully to enter a very strong protest against this state of affairs. The part of the country from which I hail, Sind, is suffering from the same conditions which prevail more or less in other parts of the presidency. Upper Sind usually suffers very considerably from malaria, largely because during the rainy season big pools of water collect there without the slightest care on the part of the authorities to see that they are cleared off or filled up, so that mosquitoes may not breed and destroy precious human lives. But it seems that there is no value attached to the people of the villages, and we find that no steps are taken by Government to improve their lot. I therefore want to suggest to this Government that the sum of Rs. 7,71,000, which is provided in the budget may very well be spent, but that the specific manner in which it is proposed to be spent may be altered. The whole amount proposed to be spent in the city of Poona, which happens to be the monsoon capital of the Government, should not be spent in that one particular city, but some part of it should be distributed equally to the several divisions of the presidency and to Sind. In his reports the Assistant Public Health Officer of Sind has made recommendations to Government for the improvement of health in Sind. I would like to know from the Honourable Minister in charge of this department, when he rises to make a reply, what he has done in regard to those recommendations.

The Honourable Sir GHULAM HUSSAIN: I am not entitled to reply.

Mr. N. A. BECHAR: He or anybody else can reply. It is enough for me to ventilate the grievances of the province from which I come. Do not spend all the money in any particular province, but do distribute almost the whole amount in the villages rather than give it to the cities.

[Mr. N. A. Bechar]

Therefore, I hope, Sir, that Sind will receive its share to be spent not in the cities but in the villages.

The real intention of my honourable friend who has moved this cut of one rupee is not to reduce the amount but to increase it. But the constitution does not allow him any other procedure; we can ventilate our grievances only by raising a discussion; we have no power to increase the amount unless the Honourable Minister agrees to increase it himself in the budget. I therefore take this opportunity to appeal to him to see his way to benefit the people of the villages.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am glad the honourable member from Surat has given me an opportunity of calling on Government to explain their policy towards the mofussil. I find in this budget a perfectly rational treatment being given to the Bombay city, where the Honourable Members of Government reside and whose amenities of life they enjoy. I find, also that Government is very solicitous about the personal safety of the people of Bombay City and that the Honourable the Finance Member is prepared to give Rs. 72,000 for police protection in the city of Bombay, although the Honourable the Home Member has been unable to obtain any for that protection in the mofussil. This one special item of Rs. 7,71,000, which is an expenditure out of the capital loan account in Poona Municipality and Cantonment is an illustration of the treatment that is being given by Government to their headquarters. Poona is the second capital of the Government of Bombay; Bombay is the first capital. Poona requires 49 lakhs of rupees, that is half a crore, for its drainage. The Honourable Member in charge of Local Boards placed before the Council three years ago a proposal to give to the Poona Municipality alone a contribution of half the amount. This House was not unwilling to extend that treatment to the Poona Municipality. But, Sir, when Poona and Bombay are represented in the Cabinet by the seven Government Members, is it not fair for this side to bring to the notice of the seven Members of Government the needs of the mofussil and also to tell them that they are perhaps making the mofussil jealous of the first and second capitals of the Presidency. Now, what is the state of affairs? The honourable member from Surat has placed before you Surat's case for drainage. I will give you another instance, the instance of the municipality of Sukkur, which is certainly a flourishing municipality. Sukkur had its water works in 1895. It was started in 1895 purely out of its loan at a cost of 2½ lakhs. At that time the distributary system was for a population of 25,000 or 30,000. Another system was started at the instance of Government, and that system was finished at about 1923 or 1924. Government asked us to pay half and Government paid a little more than half (Rs. 1,000 or so more), and that scheme has been completed so far as the water supply is concerned. Then immediately after the water supply the distribution system came in and caused greater anxiety. The distribution system was formerly for providing water for 30,000 people and now it is for 45,000 people. Unfortunately, Sir, the distribution mains put

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some years ago have been so reduced that during the last one and half years there had been breakages and cracks in the mains and in about 15 cases the municipality had to pay damages. Suits were filed against the municipality and they had to pay Rs. 5,000 as damages. What do the municipalities and the local bodies want? They require money from Government. They want Government to carry out the undertaking made since 1914, given in a Resolution according to which, the local bodies have to provide half the money of cost and the Government will give their half share. I find that the local bodies are prepared to bear their half share but there is no response on the part of Government. The Government resolutions are there, but they are not put into effect. I may submit, Sir, according to that scheme, my municipality—I shall omit other municipalities—has applied to Government to sanction the half amount and my municipality agreeing to bear its half share. This application was made in the month of June, upto now there is no reply from Government. We always find that when Government do not want to do anything, they do not give any reply. Only ten days before I left Sukkur there were further three breakages and the municipality has been called upon to pay damages. That is the position. It is only unfortunate that our place is not near Bombay, the second Capital of Government. Otherwise we would have got the special privilege as Poona is getting. Government find money to spend on other schemes in the Bombay city, but they do not find money to spend on the schemes in the mofussil. They are now spending Rs. 12 lakhs on the hospitals in Bombay. We do not grudge Bombay, but at the same time Government should consider the difficulties of the mofussil. We—the people in the mofussil—cannot cry, because there are no newspapers which can compel Government to attend to their writings and thus their cry is in the wilderness. But we are the constitutional representatives of the people, who can certainly call the attention of Government to such matters. When they do so, the Government quietly sleep over the matter and do not condescend even to reply. I, therefore, ask the Honourable Minister, who is a representative of the people—an elected representative—"is it fair and proper that the mofussil should be treated as a step-daughter?" I would request Government not to continue to treat mofussil as a step-daughter, because we in the mofussil are at a distant.

The Honourable Sir GHULAM HUSSAIN: Sir, before the contagion spreads, I rise to speak on the subject and make matters clear to honourable members. My honourable friend, sitting opposite (Mr. Pahalajani), in trying to plead the cause of the mofussil, was pleading the cause of Sukkur. All along he was saying that the mofussil is neglected, but in the end what do we find? We have observed that he was pleading the cause of his own place. That is to say, he wants all facilities in his place at the expense of the rural areas and the general taxpayers.

Before I deal with his arguments and the arguments of my other honourable friends in detail, I must bring to the notice of this House that this item is for the second section of the Poona Drainage Improvement Scheme. This honourable House should remember this in the first

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place. The amount which is to be spent on this scheme is not a gift that we are making to the Poona municipality. It is merely capital expenditure that Government are incurring on the scheme. I am sorry my honourable friend, Mr. Pahalajani, has not read the item carefully. This is a scheme of which the expense will be borne by Government and excepting the cost of certain works, they will charge this amount to local bodies other than the Poona City Municipality, and will be recouped by means of rent for the use of the common server. The second Section deals with the disposal of the sewage. It has to be sold for irrigation purposes, and Government expect a return of six per cent. on the expenditure that they are going to incur. So, you will find, Sir, that it is not a gift at all to the Poona municipality.

As regards the Poona Cantonment Water Supply, I may submit that it is a commercial concern. I refer to the work that is in progress. We sell to the Cantonment and others water out of this Supply; and this is a paying concern. We realise about six per cent. on the capital outlay. This grant has nothing to do with the grant that is allowed for Poona Drainage or Poona Cantonment. This is only capital expenditure that we are incurring, and we hope to realise money on our investment. That is the difference which my honourable friends should bear in mind.

Coming to the various complaints made by my honourable friends from the mofussil, I may assure this honourable House that the mofussil is dearer to me than Bombay. Now, my honourable friend Mr. Pahalajani, admitted that in 1923 he got for his municipality more than 50 per cent. as a grant-in-aid for its water works. Yet, he is not satisfied with that. He imagines, perhaps, that the whole world is made up of the Sukkur municipality alone. My honourable friend ought to think of other municipalities as well, who also expect to be treated like the Sukkur municipality.

Now, Sir, we have another honourable member who joined the chorus, my honourable friend from Ahmedabad (Mr. Swaminarayan). He said that no money was given to him for the Drainage Water Works scheme in Ahmedabad. I may inform this honourable House that lakhs of rupees were spent on the Water Supply Scheme of that city and I ask: "Is it fair that we should make a grant for the other scheme of the same municipality, without considering the claims of other municipalities?" My other honourable friends will accuse me of partiality, if I go on acting in that way. We have to look to the interests of all the municipalities and local bodies.

Now, my honourable friend representing Karachi (Mr. Bechar) made a remark in connection with public health. But I may inform him that I am not in charge of Public Health. Now, my honourable friends the representatives of Ahmedabad and Surat always talk of Ahmedabad as the great industrial centre, the great commercial city next to Bombay. Ask the honourable members from Bombay whether we give them a single farthing as grant-in-aid for water works, for drainage, on which they have been spending crores of rupees. When it suits my honourable friends, they say Ahmedabad is next to Bombay in wealth and

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importance. When we tell them we do not give anything to Bombay, they say they should get something whether Bombay gets anything or not. Now, coming to Surat, the honourable member for Surat described the city as full of mosquitoes, as "hell." That does not speak very well for the president of the municipality. Well, I have not said a word against his administration so far. But he condemned himself to-day from his own mouth. Now, Sir, when he made an application, in spite of our financial position we offered to give him something, and in all fairness my honourable friend ought to have mentioned that. But he did not do so. Now, Sir, consider the magnitude of these schemes ? Rs. 60 lakhs, Rs. 50 lakhs, Rs. 30 lakhs. That means the whole of the provincial-revenue should go to the bigger cities, cities which boast of being industrial and commercial centres. And they always say "We are the best cities, we are the greatest cities," and they want to deprive the poor ratepayers of the rural areas of their amenities. Now, Sir, my honourable friend from Sukkur has got more than 50 per cent. Yet, he is not satisfied. That means all our provincial revenue should go to the big cities and nothing should be left for the rural areas. Again, all the three honourable members who have been the loudest in asking for more money, when it comes to the question of taxation, say "No more taxation, but give us more money." I cannot reconcile the two positions, Sir.

(At this stage several honourable members rose).

The Honourable the PRESIDENT : Several honourable members wish to speak, and there are only two minutes to time. I think the debate will have to go over to to-morrow. But before we adjourn I have to remind the honourable House of the statement I made yesterday regarding the Government House Party, and said that as usual we shall adjourn at 4 o'clock to give opportunity to such members as would join it. But the question which I left over was in connection with the fact as to when we should meet in order to make up for the one and half hours that the House would lose. I, therefore, have consulted the Honourable the Leader of the House, and he is agreeable to meet to-morrow at 12. If the House is agreeable to that, we may meet to-morrow at 12. (Honourable members indicated assent). The House will, therefore, adjourn till 12 o'clock to-morrow and will go on till 4 o'clock without rising for tea. The House is now adjourned till 12 o'clock to-morrow, Thursday, the 1st of March 1928.

MO HÖ 247—6

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Thursday, the 1st March 1928

The Council re-assembled at the Town Hall, Bombay, at 12 noon on Thursday, the 1st March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN.
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN.
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir.
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOSSACK, Mr. W. B.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.

JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH.
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.

WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. I think I should make a statement to the honourable House in connection with something which has come to my notice. I find that questions which are not put and answered in this Council are reported in papers as if they have been asked and answered. Honourable members are aware that questions which are not asked and answered are understood to be withdrawn and lapse. I do not know who is responsible for the publication of such questions, but I should like honourable members to bear in mind that if they have anything to do with it, they would make it clear to the press people that such a thing should not be repeated again because that is very misleading and is not the correct procedure.

Mr. B. V. JADHAV: I think the printed lists are circulated to the press people here and that is how they get printed in the papers.

The Honourable the PRESIDENT: I am not expected to address the press people in this House but the honourable members concerned ought to know what the correct procedure is.

There is another matter which the honourable member Mr. Chikodi raised yesterday in connection with the Harvey-Nariman judgment and he said that it did not go into the proceedings and did not form part of the proceedings. All papers which are submitted to the Council office in connection with the replies are part of the proceedings but they are not published because of their length and inconvenience that they may cause if they are printed. The reply shows that such and such a paper is put on the Council Table or in the Secretary's office and that goes into the proceedings and gives full facility to the honourable members to trace the reference.

Mr. P. R. CHIKODI: Even when the reply is short and when the reply given here is that the document is placed on the Council Table, still it does not go into the proceedings. I will give you one example. With regard to my question as regards the doings of the Ministers, there is only one copy in the office and we have got no other means of reference.

The Honourable the PRESIDENT: The reference is in that reply itself and that would enable honourable members to trace the thing. The reply which states that a certain paper is put on the Council Table or kept in the Secretary's office is included in the proceedings and goes into them.

Mr. P. R. CHIKODI: The longer replies sometimes go but the smaller replies do not do so.

The Honourable the PRESIDENT: I think the Council office studies that part very carefully and the proper procedure is followed, but the difficulty does not exist with regard to any reference so made.

Question again proposed :

Reduce by Re. 1—Total Grant Rs. 7,71,000.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I would like to make a few observations on the motion that was moved yesterday. The remarks of the honourable mover were principally made with regard to the municipality of Poona. I am a resident of that place although I have nothing to do with its municipality, but I should like to say that honourable members made remarks and actually sent in a motion of censure without ascertaining from the Honourable Minister whether it was for the sake of the capital towns of the presidency, Poona and Bombay, that he deprived them or their municipalities of their proper share. One honourable member called his mother city " a hell. " I think it was Dr. Dixit who, I believe, is the president of the Surat municipality, but the discovery that it was a hell he seems to have made after he was defeated in his presidentship.....

An Honourable MEMBER : No, no.

MOULVI RAFIUDDIN AHMAD : Very well, he ought to consider that it is no more a pandemonium but a paradise. I would also say a few remarks with regard to the observations which have fallen from the honourable member for Sukkur. Sukkur in Arabic means " Hell " (Laughter). In Arabic it is also said that Hell always says " هل من مزيد " *i.e.*, " I want more and more. " Hell is always hungry. I believe when the honourable member from Sukkur asked for more money for his municipality, he was somewhat in that position. (Laughter) I think it is perfectly clear now that the Honourable the Minister for Local Self-government has dealt very impartially with all the municipalities and I regret to see that the worst remarks against him were made by members coming from his own province, but I really do not see why a vote of censure in such a matter like that should have been proposed. Even you, Sir, expressed surprise and asked the honourable mover of the motion whether he knew that it was a vote of censure and he deliberately said that he knew it. If Ministers were to be censured for such small matters like this without obtaining any explanation from them, I think the vote of censure will lose all its value. I would ask honourable members wishing to make such motions not to put us into an awkward position because if we do not address the House, then our silence is likely to be construed to be in favour of such motions. The other day my honourable friend Mr. Nariman said that all members were in favour of a particular motion because none spoke against it and that they were deliberately supporting a vote of censure against Government. Therefore I thought it necessary to oppose the motion and to address these few remarks in a sporting spirit to all the members that have spoken in favour of this motion. I hope that this motion will be defeated or withdrawn.

Mr. N. B. CHANDRACHUD (Poona City): Sir, the honourable member who moved this motion, I believe, was under a wrong impression

[Mr. N. B. Chandrachud]

when he said that the amount given by Government was a gift to the city of Poona, and probably being under a wrong impression he thought that the Honourable Minister was not justified in treating one municipality with favouritism or partiality, and so he wanted to move this motion. Now, as has been explained by the Honourable Minister, this amount is not only not a gift, but it is a loan, and it is a loan under circumstances which I will briefly relate. Now, Sir, the history of the Poona drainage scheme is of very long standing. Almost since the year 1890 Government have been pressing upon the municipality the introduction of drainage. Poona had its old drainage of the time of the Mahrattas, but it was rather out of date. Government wanted to do away with the old drainage, and wanted to saddle a new drainage on modern lines on the municipality ; the municipality did not want it. Khan Bahadur Dorabjee Pudumjee, who was regarded as the Sir Pherozeshah Mehta of Poona, was for a number of years the non-official president of the Poona municipality, and for several years he resisted the demand of the Government to saddle the municipality with a modern drainage scheme. Ultimately however, in the year 1910, when the city was visited by plague, Government introduced a drainage system. Unfortunately for the municipality and the Government, however, a raw man was selected to carry out the work. Mr. Mandy, who was, I believe, an assistant engineer in the Calcutta water works and who had very little experience of drainage works, was selected as the head of this scheme.

MOULVI RAFIUDDIN AHMAD : Who selected him ?

Mr. N. B. CHANDRACHUD : Government selected him. The scheme was to be financed by Government. The scheme was conceived by Government, it was to be conducted by Government, and the costs were to be saddled on the municipality. The municipality had absolutely no hand either in the inception of the scheme or in the conduct of the scheme. The scheme, if it was bad in design, was worse in execution. It was, so to say, a failure. There was a hard struggle between the municipality and the Government, and the Government ultimately had to appoint one Mr. Watson from England as an expert to inspect the drainage works carried out by Mr. Mandy. The expert did admit that the system was full of mistakes, to say the least ; and it must be said to the credit of Government, that they remedied all the defective connections free of cost ; all the defective connections were remedied by Government. After a time, the drainage system was handed over to the municipality. However, I am sorry to say that the municipality was not in a position to work it satisfactorily, and the drainage was handed back again to Government. At present Government is in charge of the drainage works and the costs are to be recovered from the municipality.

Lastly, Sir, as the question has been brought up, I may make an appeal to the Honourable Minister that before he lays down the reins of his office he would see that the drainage system there is a perfect one. At present the worst of it is that this drainage is let into the river. You

[Mr. N. B. Chandrachud]

know, Sir, that the river is a confluence of the two rivers, the Mula and the Mutha, and the place is considered very holy by both Hindus and Mahomedans, and the horror of the thing is that at the place where we take our bath all this drainage water is let into the river; the result is that instead of taking our bath in holy waters, we have to take our bath in drainage water, sullage water, and what not. There is also another difficulty. During the monsoon, when the river is overflowing, it is all right, but on account of the Jamsetjee Jeejeebhoy bund or dam put across the river, at other times, the river instead of being a river becomes a stagnant pool of putrified water, and on account of that Poona is full of malaria. Some call it malaria, some call it Mandy fever. Call it malaria, Mandy fever, or anything else that you like, but as long as this river remains in the condition in which it is at present, no amount of money spent on the drainage would improve the health of the city. This river has become a constant source of danger and nuisance to the health of the city. Poona is not an industrial place like Ahmedabad or Sholapur. We cannot boast of any mill industry like Ahmedabad or Sholapur, nor is it a city with any indigenous trade like Surat. Poona is a very poor place, and poor as we are, we are very heavily taxed. We have to pay per capital Rs. 10 as municipal tax; as compared with Sholapur or Surat we have to pay a higher tax. Not only have we to pay a higher tax, but we have the notoriety of having the highest mortality, and the Honourable Minister perhaps may have read in the papers that the mortality in Poona city has become so appalling that there was the other day an interpellation in the House of Commons about it. Of course the figure given there is not quite correct, but there is no doubt that we are notorious for high mortality. Perhaps, ours is the highest. Therefore, my appeal to the Honourable Minister is that, before he lays down the reins of his office, he should see that this drainage scheme is complete, by levelling down completely or partially the bund. We have been carrying on a correspondence with the Government for many years that the Government should take steps to take down the bund at least partially if not completely. On account of this bund the water remains stagnant, and not only is it a nuisance to Poona city, but it is a nuisance to the villages situated lower down, for instance Vadgaon, Manjri and Mundhwa. All these villages use river water for drinking purposes, and I leave it to the House to see what must be their state when this water is putrified by being mixed with all the drainage and sullage water. So, not only for the sake of Poona city, but for the sake of these villages also, it is absolutely necessary that the bed of this river should be purified.

Mr. B. V. JADHAV: Does the honourable member mean that the bund should be taken away ?

Mr. N. B. CHANDRACHUD: Yes.

MOULVI RAFIUDDDIN AHMAD: It is maintained for the Boat Club.

Mr. N. B. CHANDRACHUD: If the bund is partially removed, the Boat Club can be maintained.

Mr. B. V. JADHAV : It can go on dry land.

Mr. N. B. CHANDRACHUD : Whatever it be, I assure the Honourable Minister whatever steps he takes he will have the hearty co-operation of the Poona city municipality. We are ready to take our burden of the finances, but please do something by way of improving the drainage and by way of improving the bed of the river. With these remarks, I support the Honourable Minister and oppose the motion for a cut of one rupee.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I thank the Honourable Minister for Local Self-Government for his assurance that he has the interests of the rural areas at heart more than some of the honourable members on this side of the House. The Department of Public Health is not under his control but as the subject has been discussed, I want to offer a few remarks. In the first place, I would like to know how much money has been spent under public health in the way of capital outlay or recurring charges for the rural areas during all these years.

The Honourable Sir GHULAM HUSSAIN : May I rise to a point of explanation to curtail the debate ? I have nothing to do with Public Health. These are only water works and drainage schemes of municipalities. Public Health will come afterwards.

Rao Bahadur B. R. NAIK : I will then refer to only one point, and that is the point raised by my honourable friend Dr. Dixit yesterday about the drainage scheme in Surat. We all know that water works were established in the city of Surat 32 years ago, and not a farthing as far as I know was contributed by Government towards their construction. It was introduced at the instance of Government and at the same time side by side with that the drainage works also ought to have been introduced. I quite agree with my honourable friend Dr. Dixit when he said that the city was full of malaria and that one would not like to live there. Very recently the Surat municipality launched a scheme for the improvement of the water supply. They invited Sir Vishweshwara Ayya to inspect the water works, investigate the whole question and make a report. After making careful inquiry he made a report to the municipality giving the opinion that the water supply should not be increased more than the bare minimum requirement even by a gallon unless the drainage works are taken into hand, because the health of the city would deteriorate still further. You will also see, Sir, that the mortality of the city is very high. Recently the municipality wanted to improve the water supply in the suburbs, where people are not getting even a bare-minimum requirement of water. But it hesitates to take it up for want of drainage. The Honourable Minister for Local Self-Government said yesterday that the Bombay municipality had put into operation a scheme of its own and carried it out without any State aid. But there is a great deal of difference between the economic condition of the Bombay municipality and that of the Surat municipality. It must not be forgotten that the trade and prosperity of Bombay port have flourished at the cost of Surat Port. It may be remembered that once

[Rao Bahadur B. R. Naik]

Surat had a population of 7 lakhs souls, which is now reduced to one lakh. This is due to the Port of Bombay and for this state of affairs the Government is responsible. Surat is not now an industrial city like Ahmedabad or Bombay. It is a poor city and cannot bear the whole cost of a drainage scheme. Municipal taxation per head of the population in Surat is nearly as much as that of the Poona city. Looking to the economic condition of the Surat municipality, I think this scheme will never come into being unless Government come to the aid of the municipality.

As for the health of the city, the honourable member Moulvi Rafiuddin may not have known much. He might have hardly lived there for a day and if at all he would have stayed with Mr. Shaikh in a ventilated palace-like building. I would certainly suggest to my honourable friend Dr. Dixit to invite the honourable member Mr. Moulvi Rafiuddin, the Honourable the Minister for Local Self-Government and the Minister for Education to come and stay there for a day in the heart of the city and enjoy the hospitality of mosquitos so that they may know the actual condition. When this matter is brought to the notice of the Honourable Minister for Local Self-Government he says that he is not in charge of the portfolio. Any way he is the custodian of local self-government and as such it is his duty to compel the Honourable the Finance Member to provide money for this scheme.

Mr. S. A. SARDESAI (Bijapur District): Mr. President, I support this cut. I have the highest regard for the personal abilities of the Honourable Minister for Local Self-Government; but he often commit-blunders, because to err is human. As regards the drainage of Bijapur we have got a great grievance. Bijapur in bygone times was one of the biggest cities of India—I think bigger than the present day Bombay and Madras put together. It is a city of grandeur even now.

The Honourable Sir GHULAM HUSSAIN: Has the Bijapur municipality submitted any scheme of drainage to Government?

Mr. D. A. JANVEKAR (Southern Division): A scheme has been submitted by the Bijapur municipality long ago; and it has been approved by Government.

Mr. S. A. SARDESAI: It has been prepared by the engineer of the municipality. Sanitary Engineer has approved of it and submitted to Government. It may require a lakh and odd rupees. It is not a city like Ahmedabad or Surat. A drainage scheme is badly wanted for Bijapur. Although it is not a town of great commercial importance it is famous for its monumental buildings constructed in bygone times by the Badshahas of the Adelshai dynasty. Globe-trotters from America and Europe visit this place to see these monumental buildings. When they see that the city has no drainage they will remark that the department managed by an eminent Indian has not provided a drainage scheme for such an important city. All this will be a censure upon the Minister for Local Self-Government. Therefore he should take the earliest opportunity

[Mr. S. A. Sardesai]

to secure gift and loans for carrying on the drainage scheme in Bijapur. Bijapur is a healthy place and certain doctors are thinking of reserving a certain portion for opening sanatorium ; but only for want of a drainage scheme people are suffering much. There are malaria breeding places because water becomes stagnant as there is no drainage. There are so many dirty things thrown and for want of a drainage Bijapur suffers most. I request the Honourable Minister for Local Self-Government, as other honourable members requested him, that Bijapur like other cities should have its fair share of gift and loans for its drainage scheme. As was pointed out by the honourable member from Surat, Surat also is a big city. Nearly 22 years back I had gone there and stayed for 10 days. Surat is a very pleasant place, because there is always rainfall. It is not notorious like Bijapur for scarcity ; there is plenty of milk and butter and people are cheerful. The only drawback is the want of a drainage. Up till yesterday I was under the impression that the Surat city had a drainage. Only yesterday after the Honourable Member Mr. Shivdasani spoke I came to know that there was no drainage. It is a sad affair. As regards Ahmedabad also I think there ought to be a drainage scheme. We members, although representing particular districts, should not care only for the districts we come from ; we should take all the presidency into account just as a Member of Parliament is concerned with all the countries in the world which are under the British Government. So, I request the Honourable Minister for Local Self-Government not to treat other parts of the presidency in a step-motherly fashion but give aid to all the cities according to his convenience. I request him once more to secure some gifts and also a loan for a drainage scheme for Bijapur, which, in this matter, has been neglected for a long time. With these few remarks I support this cut.

Mr. C. W. A. TURNER : Sir, I feel that the honourable members of the House are under a serious misapprehension of the actual facts. They think that Government have not done their best to help the local bodies. The existing orders, whereby Government undertook to give 50 per cent. grant-in-aid were passed in 1907. That was a time when Government was not in serious financial difficulties, and they were able to meet the demand for grants-in-aid, which amounted in 1907 to Rs. 39 lakhs for about half a dozen schemes. Up to 1915-1916 they gave in grants roughly about 21 lakhs of rupees. Since 1915-16 the grants-in-aid every year have been as follows :—

	Rs. (in lakhs)
1915-16	11·70
1916-17	6·93
1917-18	8·56
1918-19	10·46
1919-20	20·74
1920-21 (which was the year when the Reforms were introduced)	18·35
1921-22	22·70

[Mr. C. W. A. Turner]

	Rs. (in lakhs)
1922-23	23·44
1923-24	36·28
1924-25	25·18

From 1925-26, as you all know, Government began to feel very serious financial difficulties and they were then faced with the fact the total cost of schemes then under consideration in Karachi, Ahmedabad, Surat, Hubli and other cities of the presidency, came to Rs. 1,96,00,000. If, therefore, Government continued this policy for the schemes under consideration in 1925-26, we would have had to put down one crore of rupees. The honourable members of this House are aware of Government's financial difficulties. Since 1920-21 we have given very nearly 80 lakhs of rupees. If the honourable members desire that the Government should give one crore of rupees, the Honourable Minister will be only too pleased to do so, if he is provided with funds. But the question of finance is the whole difficulty.

I may also point out that in addition to these grants, Government have supplied their staff free of charge for preparing these schemes. The honourable member Mr. Chandrachud referred to the defects on the original drainage scheme in Poona. I am afraid there was a great deal of truth in what he said. But I may inform the honourable House that Government had not then an expert sanitary staff. I do not think that with our present staff we shall be making any mistakes, and I think that all such schemes will in future be prepared very carefully.

There is one other point which was made by the honourable members Rao Bahadur Naik and Mr. Bechar, and that is that Government have not done all they should for rural areas. It is true that there is not much demand for public health amenities in rural district. I should like to assure my honourable friends that Government have now under consideration the question of tackling health questions in rural areas. They are considering a scheme for a Malaria Survey in Upper Sind, which is necessitated by the changed conditions which will be introduced there when the change from seasonable to perennial irrigation begins and will probably come before this Council for a Supplementary grant to give a grants-in-aid for their survey.

I do not think there is anything more to say, but I do hope that those honourable members who have supported this cut will now vote for the demand.

Mr. N. R. GUNJAL (Poona District) [Addressed the House in Marathi] : Sir, as reference has been made to the Poona drainage scheme, I wish to say a few words regarding its history. There was originally a drainage scheme for Poona. That was put into execution, but it proved unsuccessful ; not only that but it also aggravated the evil it was intended to remove. The water of the river was spoiled and malaria spread throughout the city. Not only Poona, but the surrounding villages also

[Mr. N. R. Gunjal]

were affected by this scheme as the pollution spread to other rivers flowing through ten or eleven villages surrounding Poona. I may also state that the dam put up near the Bund Gardens should be removed, and that will help to remove malaria from Poona City and the Cantonment.

I may tell this House that the amount which has been given by this Government is for the improvement of the drainage in the Poona City. I have already told you that there is malaria in the whole city and it is very urgent and necessary that the scheme should be carried out. I therefore, express my feelings of gratitude to the Honourable the Minister for local self-Government for this scheme. As a citizen of Poona and as the member of the Municipality I congratulate him and oppose this cut of Re. 1 very vehemently.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, we have heard just now the speech of the honourable member the Secretary for the local self-Government. He says that up to 1925 Government had adopted a policy of giving 50 per cent. for drainage and water works schemes, but after that year they have changed their policy.....

The Honourable Sir GHULAM HUSSAIN: He never said so.

Mr. J. C. SWAMINARAYAN: Sir, you will remember that about two years ago the Stamp Act Amendment Bill was brought forward by the then Honourable the Finance Member, Sir Henry Lawrence. At that time the Honourable the Minister for local self-Government, in supporting that bill, told this honourable House that that bill was necessary on account of the demand that the Government were getting from the municipalities for their assistance in the matter of water works and drainage schemes. I will quote his exact words here. On page 418 of the Council Debates (Vol. XVII) of 1926, you will find his speech. He says:

"Surat wants water supply and drainage to the tune of several lakhs; so also Ahmedabad and Karachi."

These are his words. He further states:

"I, therefore, submit that unless they raise taxation locally, they must accept taxation here."

Now, you are aware, Sir, that that taxation bill, in support of which the Honourable Minister put his arguments, was accepted by this honourable House. At that time we were told that there were demands for funds from Surat and Ahmedabad for the water supply and drainage schemes. We, therefore, supported that bill. That bill has been passed and it has been working for the last two years. This year also it has been extended. But the purpose for which it was passed and extended has been lost sight of by the honourable the Minister for local self-Government. That is the way in which Government manage the finances. We are asked by them to pass money bills and once they are passed, Government do not give the amount for the purpose for which they are meant. It was mentioned even by Sir Henry Lawrence that that bill was meant for the urban area. Still Surat and Ahmedabad have still been refused any

[Mr. J. C. Swaminarayan]

assistance in the matter of primary necessities of life. Therefore, I support this Re. 1 cut, because Government did not act according to the policy which was enunciated two years ago. This Re. 1 cut means that Government should change its policy.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I had no desire of taking part in this debate, but I do so, only because I know that Re. 1 cut means that it is a vote of censure against the Honourable the Minister for Local Self-Government. I, therefore, thought it my duty to oppose this cut of Re 1. I may submit, Sir, that it is not the fault of the Honourable Minister for not providing money for drainage works to other districts and cities complained of by previous speakers just as the Honourable Minister has done for Poona. I have always found that whenever anything for the convenience of the people of any district is asked for and it is possible for him to do so, the Honourable Minister is ready to help that district when funds permitted. He has been giving facilities not only to the districts, but also to other places since he has been in charge of this portfolio. When we have got such a Minister as Sir Ghulam Hussain in charge of this portfolio, it is very astonishing that some honourable members should come forward to move a vote of censure against him. We have been watching his work for the last seven years and there are so many motions on record passed by this House sanctioning the amounts asked by the Honourable Minister for some good and useful schemes. In the face of this if any honourable member brings such a motion, it only shows his ignorance as to how to work in this honourable House and nothing else. He also forgets the good work that has been done by the Honourable Minister for such a long period as seven years. If honourable members at all wished that a discussion as regards the administration of the Local Self-Government should take place in this honourable House, they should have done so by asking for a bigger cut in the grant and not a cut of Re. 1 which means a vote of censure against the Honourable Minister, and also against the administration of such an important department. He is not only doing good and important work for the big cities but also for villages, talukas and districts in the whole of the presidency.

We are also told here that the City of Bombay has been provided by Government with money for drainage and water works schemes, while they are neglecting the districts. But I may tell this House that such is not at all the case. The Bombay Government has not given a single pie to the Bombay municipality for such schemes. The Bombay municipality has borrowed loans either from the people of Bombay in the Bombay Market or from the Indian Government for the schemes of Bombay City for the convenience of the people residing in Bombay. It should also be borne in mind that among the people who are residing in Bombay, a majority of them have come from the districts and villages. I tell this fact to my honourable friends from Ahmedabad, Surat, Poona and even Bijapur. They should not forget the fact that residents of Bombay have come from districts and villages and whatever monies spent

[Mr. R. S. Asavale]

in the city of Bombay are for their benefit and conveniences. The Bombay municipality has been doing this good work for them all. And all these honourable members ought to be thankful to the Bombay municipality and the Bombay people in particular when they are doing such a good and beneficient work for the mofussil people. Instead of doing this they come forward and complain that Government is giving more facilities to the Bombay municipality than to the mofussil municipalities. With these few words, I oppose the cut moved by my honourable friend, Mr. Shivdasani.

Rao Bahadur R. R. KALE : I move the closure, Sir.

The Honourable the PRESIDENT : I accept it. The honourable mover will reply.

Mr. H. B. SHIVDASANI (Surat District) : Sir, I was expecting to receive a reply from the Honourable Minister or the Secretary of the department as regards the demand made by me on behalf of the other cities and the rural areas. But, as we well know, the members on the Government benches are very clever in drawing a red herring and confusing issues. When I asked why Ahmedabad could not receive a grant-in-aid for drainage, the Honourable Minister replied, because they received a grant for water works. Then, my question was whether Poona did not receive a grant for water works as well, and he turned a deaf ear to that question, and I did not receive any reply. The honourable member the Secretary to Government stated that till a certain year Government policy was to give 50 per cent. of the expenditure required for drainage and other schemes, but that owing to financial stringency, Government could not afford to give grants on that scale. That is no reply to my demand. If Government cannot afford to give grants at the rate of 50 per cent., let them give them at a lower rate, say at 25 per cent., but my demand was, let all the areas in the presidency be treated equally ; do not give preferential treatment to certain areas ; do not give 50 per cent. grant to certain municipalities and refuse to give even 1 per cent. grant to other areas. That is the chief demand, and to that I was expecting a satisfactory reply. My honourable friend from Bombay city has used a very amusing argument. He says that most of the residents of Bombay are not born in Bombay. They are born in outside places, and they come up to Bombay, and so, whatever the Bombay Municipality is doing for persons who are their own citizens they are doing for the districts, and so the districts of Bijapur, Ahmedabad and Surat, and so on, should all be grateful to the Bombay Municipality for providing drainage schemes in the streets and roads of Bombay ! I think to bring forward such an argument before this House is an insult to its intelligence, and I hope that the honourable member will not bring forward such arguments which are quite misleading and which are obviously erroneous and wrong. What the Bombay Municipality is doing it is not doing for the sake of the citizens of the mofussil. But it is doing for its own citizens who are working in Bombay, who are contributing to its taxes, and who are helping to

[Mr. H. B. Shivdasani]

promote the welfare of the city. I would again appeal to Government to give us a sort of undertaking that they will in the first instance try to give as large an assistance to public health schemes like drainage and water works as they can consistently with their financial circumstances, and that whatever amount may be available to give such grants, grants would be given to all places and will not be given to certain places in preference to other areas. The honourable member for Poona city tried to make out that Government was generous to the Poona city regarding the drainage scheme not because they wanted to be generous, but because they brought forward an expert, who committed such mistakes that Government was obliged to make large grants in order to rectify the mistakes of the expert. I hope the Honourable Minister will have something to say about this matter. Moreover, the Poona city had a drainage scheme even before Government gave this money. But Surat has got no drainage whatever. As regards the Surat City, instead of giving a reply, the Honourable Minister said that Dr. Dixit, who is the president of the municipality, should be ashamed that in his administration the state of the city should be such that he should call it a hell. That is not a reply to be given to a demand for money which is going to make that city something different from "hell." I hope we will receive more direct and more straightforward replies, and that issues will not be confused by drawing red herrings across their path. With these words I support my motion.

The Honourable Sir GHULAM HUSSAIN: Sir, I assure the House that I have been doing my level best to get as much money out of the Honourable the Finance Member as I can, though he is a very hard nut to crack. Now, Sir, first I will deal with the Poona drainage scheme, about which some misunderstanding and confusion has been created. Whatever the mistakes which were committed in the past, I have nothing to do with them, because they were committed in 1910, even before I was a member of this House. I think the people of Poona ought to be grateful to me (An Honourable Member: They are) for having come to their help by giving a large grant for this purpose. I had many conferences with the former president of the Poona municipality, Mr. Kelkar; and if the honourable members were to consult him, he would tell them all that Government has done for the Poona municipality and that the Poona citizens should be grateful to Government on that account. We have always been trying to push on with this drainage scheme of Poona. But the delay was on the part of the municipality. I have been budgetting amounts, very liberal amounts, for this scheme ever since I came into office. If the honourable members look at the budgets of 1921-22, 1922-23, and onwards up to this date, they will find provision for this scheme in them. So, it will be seen that Government is as keen on completing the Poona drainage scheme as any of the residents of the city of Poona, and specially I much more than any one else. Now, Sir, my honourable friend, the representative of Poona, complained that this drainage may be discharged near the bund. Well, as I

[Sir Ghulam Hussain]

understand it, it is not going to be discharged near the bund, but below the Manjri farm. So, he will have no cause for complaint on this score.

Now, Sir, I have heard various honourable members representing the Poona municipality and other municipalities. Each one wants to have everything for himself Now, before I come to that, Sir, I wish to reply to the argument of my honourable friend Mr. Swaminarayan representing the Ahmedabad district. I have heard the words that he quoted. But in 1924-25 I gave a grant of nearly Rs. 26 lakhs for this purpose. Whatever I said, I carried out. But, after that, a large number of schemes came before Government, and the total cost of all the schemes was Rs. 1,95 lakhs. If we were to give a grant-in-aid of one crore to these bodies, where is the money to come from ? That means we would have to give Rs. 1 crore as a grant-in-aid in one year. (An Honourable Member : Note every year ?) Every year a large number of these schemes come up, I will deal with these various schemes presently. Sir, my anxiety to improve, as far as lies in my power, the drainage and waterworks of the various municipalities is clear. The honourable member the Secretary has quoted figures, and shown this House that after I came into office I have been giving larger and larger grants. Now, I come to the various complaints of the honourable members who were vieing with each other in saying that they have got less and that they want more. They are quite right, Sir. I do not blame them. As representatives of their districts, they must urge the needs of their particular areas. My honourable friend from Sukkur has been getting a 50 per cent. grant. Yet he complains he has not had enough. Then, Bijapur has already got a grant for water works. Ahmedabad too has already got a grant for water works.

Rao Bahadur B. R. NAIK : But Surat has not got.

The Honourable Sir GHULAM HUSSAIN : I am coming to Surat now. Now, Sir, is it fair, when we have demands for water works from various other municipalites, that we should not help those municipalities and keep on giving money for the drainage schemes of the same cities which have already enjoyed Government aid ? My honourable friend the mover of this motion was talking of equal treatment. Is it equal treatment, may I ask him, that when his city has received such liberal amounts for water works, we should give them at the same time grants for drainage also, and give nothing to those who have not had a single grant-in-aid either for drainage or water works ? Is it fair ? I put it to him.

Coming to the city of Surat, I am sorry the honourable member, the president of the Surat municipality, did not mention that Government had already made an offer of a grant to that municipality.

The whole thing depends upon the financial position. If we have the money, I will be the last person not to ask and get as much as I can. I have been hearing complaints in this House for three days during the general discussion on the budget that the budget was most unsatisfactory,

[Sir Ghulam Hussain]

and now my honourable friends turn round and ask for crores of rupees by way of grants. When the budget is unsatisfactory, how can we give away crores of rupees ? Suppose we consider only the claims of the big cities, what about the rural areas which have been contributing their share to the provincial revenue ? Should we cut down their grants ?

Honourable MEMBERS : No, no.

The Honourable Sir GHULAM HUSSAIN : Then, where is the money to come from ? Honourable members should either have provincial taxation for provincial purposes or local taxation for local purposes, or they may allow us more taxation here and then we may give more liberal grants.....

Rao Bahadur B. R. NAIK : Was any grant made to Surat after these water works ?

The Honourable Sir GHULAM HUSSAIN : I do not remember. However, we have to look to the various cities and the various rural areas. We cannot be partial to Ahmedabad, as Ahmedabad has already had one grant, and in spite of that my honourable friend is bringing forward a motion for a cut of one rupee in order that I should be unfair to other cities and other rural areas. That is hardly fair on his part. I thought I deserved well of him after what I have been doing in the interest of local self-government, but I am afraid my friend is never satisfied with whatever is given.....

MOULVI RAFIUDDIN AHMAD : As regards the grant to Poona, may I know whether the three bodies in Poona, the Cantonment, the Suburban and the city municipality are going to share it equally ?

The Honourable Sir GHULAM HUSSAIN : Government is undertaking the second section of the drainage scheme and will charge them rent. We will sell the sewage from the drainage. That has nothing to do with the grant.

Mr. H. B. SHIVDASANI : I beg leave to withdraw my motion.

MOULVI RAFIUDDIN AHMAD : I object to the withdrawal. It must be rejected.

Question put and leave granted.

The Honourable the PRESIDENT : Before I put the whole demand, I should again like to impress upon the House in a way supporting the remarks made by the honourable member Moulvi Rafiuddin Ahmad that these one-rupee cuts which are nothing short of censure motions should not be as frequent as they appear, and I bring it seriously to the attention of the House that day by day, as we get along, the honourable House should adapt itself to Parliamentary procedure and practice ; that it should remember that a one-rupee cut is a censure and a censure should be rarely moved and moved only when it is seriously meant ; and not to raise a general discussion. It is no use telling the President that censure is meant when practically the President sees that time is taken up in

[The President]

raising a sort of a general discussion. There is a method for that and I would say that if any cut above one hundred rupees—or I would say a round figure of one thousand rupees—is tabled, that would enable honourable members to raise a general discussion on the policy of a department, but these one rupee cuts I find are too many and frequent and mean practically nothing.

I now put to the House the demand for Rs. 7,71,000 under 56-A, Capital Outlay on Improvement of Public Health.

Question put and carried.

The Honourable Sir COWASJI JEHANGIR: Mr. President, I rise to make a demand for Rs. 2,14,07,000 for capital expenditure on irrigation works in this presidency under the head 55, Construction of Irrigation Works not charged to Revenue.

The total budget estimate for the ensuing year under this head is Rs. 2,71,54,000 against the current year's budget estimate of Rs. 2,45,90,000. This amount of the next year's budget is made up of Rs. 2,49,23,000 provided for the Lloyd Barrage and Canals Construction Scheme and Rs. 22,31,000 for other irrigation works in Sind and Deccan and Gujarat. The provision for the Lloyd Barrage and Canals Construction Scheme is arrived at after deducting, as usual, from the Chief Engineer's original demand, Rs. 25 lakhs on account of probable savings and taking a credit of Rs. 20,000 by debit to 5, Land Revenue for half the cost of the Assistant Revenue Officer and his establishment employed on preliminary investigation of the land grants, etc., under this scheme, as about half of their time is spent in the preparation of the reports for the revision settlements debitable to 5, Land Revenue.

Mr. President, I shall now briefly explain how the figure of the demand has been arrived at. From the total estimate of Rs. 2,71,54,000, we have to deduct firstly, the non-votable expenditure of Rs. 6,55,000 for the salaries of the Lloyd Barrage and Canals Construction officers appointed by the Secretary of State; secondly, the non-votable amount of Rs. 46,45,000 for interest charges in connection with the Lloyd Barrage and Canals Construction Scheme, and thirdly, Rs. 4,47,000 representing the amount of percentage charges for establishment and tools and plant on the provisions for works other than the Lloyd Barrage and Canals Construction Scheme which are included in demand No. 27 for "Civil Works" as usual. Thus, if we deduct these amounts aggregating Rs. 57,47 lakhs from the total budget estimate of Rs. 271·54 lakhs, we come to the amount of Rs. 214·07 lakhs for which I ask for the vote of the honourable House. Full details of the progress of works done up-to-date and of the proposed expenditure during the ensuing year on the Lloyd Barrage and Canals Construction project as well as important provisions made for other works in Sind and Deccan have already been given in the Blue Book for the information of the honourable members of this House; and I do not wish to go over the same ground again beyond making a few general observations in respect to the Lloyd Barrage and Canals Construction project.

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As honourable members are aware, I informed this House during the last budget session that on the information then available, an excess of Rs. 60 lakhs over the project provision of Rs. 1,835 lakhs for the Lloyd Barrage and Canals Scheme was anticipated by the Chief Engineer.

During the past year every item in the project has been subjected to a careful examination by the Chief Engineer and Government have quite recently received detailed information which forecasts a possible net excess of Rs. 168 lakhs. Although Government have not had sufficient time to examine the Recapitulation Statement, they have decided to place its salient features before the Council at the very first opportunity. I would emphasize the fact that Government have yet to consider the figures in detail, and that they are liable to re-adjustment after such consideration. It is the opinion of the Chief Engineer that these figures are very conservative, and may, therefore, be taken to err on the side of safety. In dealing with an estimate of this magnitude, it is absolutely necessary to err on the safe side.

The excesses work up to a total of about Rs. 333½ lakhs, counterbalanced by a saving of Rs. 165½ lakhs. Reviewing the position, briefly, the chief items of excesses are :

(1) Customs Duty .. .. .. Rs. 22 lakhs.

(2) Rectangulation .. .. .. Rs. 10 ,,

(3) Inclusion of an additional area of 1,14,000 acres of excellent land in the tail command of the Rohri Canal .. .. Rs. 9½ ,,

(4) Extra cost of land acquisition .. .. Rs. 51 ,,

(5) Additional expenditure on excavation of distributaries on the Rohri Canal and Right Bank system .. .. Rs. 126 ,

(6) Earthwork excavation on the Main Rohri Canal .. .. Rs. 22 ,,

(7) Widening the Eastern Nara Channel .. Rs. 20 ,,

(8) Land Grant and Revenue Officer's establishment .. .. Rs. 28 ,,

(9) Establishment .. .. .. Rs. 45 ,,

No customs duty was imposed on the import of Government stores when the project estimate was prepared, or, indeed, until after it was sanctioned. This liability accrued with the revision of the Sea Customs' Act in 1924.

In March 1927, I mentioned to this House that we estimated our liability under this head at Rs. 55 lakhs. The reduced liability now expected is due mostly to the fact that a lower duty was leviable on more substantial items than was originally forecasted.

The work of rectangulation is a work normally done by the Civil administration of the country, but has been undertaken by this project with a view to more economic working when the scheme is in operation.

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The extra tail area in the Tando Bago Taluka of the Hyderabad district was not expected to be irrigable when the project was prepared. Subsequent detailed contouring of the country showed its inclusion to be practicable; and as the greater part of the land is of excellent quality, this area has now been included as an economic proposition. The estimated revenue from this new area is Rs. 2·8 per annum, which gives a return of 29·4 per cent. on the estimated additional expenditure of Rs. 9½ lakhs. Further, taking very conservative figures for land sales in this area, we estimate Rs. 20·25 lakhs as proceeds from the sales of Government lands in this area, which sum is more than twice the cost of bringing the area under command of the Rohri Canal.

As regards land acquisition, the excess is due mostly to the increase of actual over projected rates for acquisition and to an increase in the area now expected to be required.

Regarding the excavation of the distributaries, I informed this honourable House in my speech of the 4th March last year, that the project provision was based on acreage rates, whereas the detailed estimates were under preparation for each channel based on the close contour surveys carried out since the project was prepared. Sufficient details have since been taken out, and as a result we now anticipate an excess of Rs. 126 lakhs as against the Rs. 135½ lakhs mentioned in my last budget speech.

The earthwork on the Rohri Canal and branches has been worked out in detail. The excess of Rs. 22 lakhs now forecasted is due partly to greater quantities of bank-work now found necessary and to a slight increase in the working rate over the projected for the canal and branches in their narrower reaches.

As regards the Eastern Nara Channel, the extra provision for widening the bed of the channel between mile 12 and Jamrao head has been found necessary after further detailed investigations.

The existing conditions of this channel were not fully known when the project estimates were prepared. The results of the careful investigations made since 1923 were not known in sufficient detail to permit of any increased provision being announced in March last. The information now to hand shows that it is necessary to make provision for the widening of the bed of the channel—an old river course—to take the greatly increased discharge that will have to be passed down it when the Barrage operates. It is estimated that Rs. 20 lakhs will be required for this widening of the Nara bed.

For the Land Grant and Revenue Officer's establishment, Rs. 28 lakhs will be required. No provision for this special establishment was made in the project. The question whether the whole of this amount should be included in the cost of the project is a matter for further investigation. As regards the increased figure for establishment, the estimate framed in 1919 could not take cognizance of the various improvements in the

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pay of establishment of all grades effected since that year. It had to be based on facts and figures then available.

For the purposes of this revised recapitulation, it has been deemed necessary to be more cautious in the rate of reduction of the expenditure under this head, as the rate of mergence of the construction establishment into that of the ordinary "open canal" establishment is difficult to compute accurately.

The items of excesses I have mentioned above will be partially set off by savings totalling to Rs. 165½ lakhs on the following items:—

(1) Canal excavation of Right Bank canals .. Rs. 49 lakhs.
(2) Manchar Drainage .. .. .. Rs. 42 ,,
(3) Unforeseen items under the Barrage .. Rs. 27, ,,
(4) Special tools and plant under the Rohri, Eastern Nara and Right Bank canals .. Rs. 25 ,,
(5) Mithrao Canal improvements .. .. Rs. 8 ,,
(6) Minor branches of Right Bank systems .. Rs. 5 ,,
(7) Other items .. .. .. Rs. 9½ ,,

I may point out that even if this excess of Rs. 168 lakhs now forecasted proves in practice to be necessary, the excess over the original sanctioned provision will be 9·1 per cent.

I may specifically point out that out of the forecasted excess of Rs. 168 lakhs, an excess of Rs. 114 lakhs is due to items which no engineer or Government could foresee or provide for when drawing up the project in the years 1918-19. Deducting this Rs. 114 lakhs from the Rs. 168 lakhs forecasted above, we are left with an increase of only Rs. 54 lakhs, which is 2·9 per cent. excess over the sanctioned project estimate. With these remarks, Mr. President, I ask for the demand.

Question proposed.

Mr. M. S. KHUHRO (Larkana District): Sir, I move:

"Omit Item No. 69,—Remodelling Gharkhadan *ex*-Fuleli Canal— Rs. 35,000."

This item relates to the provision of moduling Gharkhadan *ex*-Fuleli Canal. This amount is being demanded year after year. The main argument of the Honourable the General Member for making this demand is that the Irrigation Department in Sind are very anxious to see that the water in each canal is distributed equitably on a scientific basis to all the zamindars, because they hold the view that the zamindars at the tail get inadequate supply of water. This point is of a very controversial nature. The people in Sind, the general public, have always been opposing the introduction of modules and reduction of sluices and similar improvements which are considered to be of great importance by the Public Works Department. It is held by the department that the tail people have been asking for the modules and reduction of sluices. It is not so. Always the tail people have been asking for improvements on a scientific

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basis, that is, widening the canals raising and strengthening banks at the tail to accommodate more water and by clearing the silt. But the policy adopted by the Government is one of robbing Peter to pay Paul. As a matter of fact the little water that Government propose to save for tail people does not reach the tail end at all, or even if it reaches the tail is infinitely small. Those people that have been getting a fair supply of water will get considerably less by this arrangement, and out of all the quantity that is saved for tail people they will get hardly 25 per cent. of it. The Honourable the General Member in the note shown in the Blue Book, for this demand, mentions that because assurance was given at the time when the Barrage was being sanctioned in the year 1923, for improving this canal, this money is provided, as the first instalment in earnest of the improvements which are to be undertaken. In fairness to the House I shall read the paragraph from the speech of the Honourble the General Member in 1923.....

The Honourable Sir COWASJI JEHANGIR: I was not here then.

Mr. M. S. KHUHRO: Your predecessor.

The Honourable Sir Chimanlal Setalvad then said:

"Mr. President, I think it is necessary for me to refer to certain misapprehensions with regard to the effect of the project particularly with regard to the Fuleli canal. Fears are entertained with respect to:—

Firstly, the rabi cultivation at the tail of the canal; Secondly, the irrigation of the garden lands some 4,000 acres on both banks of the canal; and Thirdly, the withdrawals by the Sukkur Barrage scheme causing such a drop in the water level at the mouth of the Fuleli as seriously to endanger its kharif supply."

He then continued:—

"The perenial rabi about 26,000 acres is a comparatively recent institution on the Fuleli and was occasioned by there being no kharif supply in the tail. In former years, it was all kharif and the zamindars will therefore gladly revert to that crop. When the Barrage and the new canals come into operation a large supply of water will be set free in the Fuleli. As regards the garden lands on the Fuleli, these are safeguarded on the left bank, as they will be irrigated direct by the new Rohri canal. As regards lands on the right bank of the Fuleli, irrigation can and will be guaranteed by passing into Fuleli the quantity of water required. The improvements of the canals below the Fuleli will be systematically taken up, and their supply will not be affected.

As regards the apprehension about the drop of water level at the mouth of the Fuleli, Government are assured that there will be no appreciable drop whatever, on the contrary a gradual increasing rise."

From this paragraph one can readily come to the conclusion that it is a complicated matter and it will be wiser to wait and watch with due patience as to what the effect of the Barrage is going to be on Fuleli Canal. In my opinion therefore and in the opinion of all my colleagues from Sind it is premature to enunciate the policy of modulling the canals until the barrage results are known. We do not know what is going to happen after the barrage is completed. The zamindars are not anxious to effect improvements by modulling the karias but by clearing the silt. It is also maintained in some quarters that the Sind members in this Council represent the zamindars at the head of canals. We represent the zamindars at the head as much as we represent the zamindars at the

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tail. We want to do our best for our constituency. We want to take a rigidly fair attitude which should be appreciated by all the sections of public alike and we try to do as much good to the general public as we can. Let it therefore not be misunderstood that we are here for advocating the cause of individuals or a particular class of people and hence that sort of propaganda is spurious.

I have heard that the Public Works Department have issued a resolution enunciating a new policy of regulating water and modulling, which as a matter of fact has not been received by any one of us ; nor the public affected have had any occasion for the consideration of that resolution. I therefore think that a demand of this nature should not be hurried through and such policy should not be enunciated in haste when the public are not fully conversant with it. Therefore I think it will be more advisable for the Honourable the General Member to withdraw this motion and not to introduce the modulling question at present. The resolution was probably issued some time back but none of us have received it yet. I do not think I need detain the House any longer as both sides of the House are well aware of the controversy over this question as it has been discussed fully on many previous occasions here by us. With these remarks I move the cut.

Question proposed.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to oppose this cut. My point is this. This question was raised last year and the Honourable the General Member with all his flight of oratory explained the advantages of the modules that by this system the water would be distributed equitably not only to those at the head but also to those at the tail. It was urged by my Sind friends that the trial of this system should be postponed for one year. The Honourable the General Member agreed and did not press the demand. Now, I rise with great reluctance and at the risk of being misunderstood by my honourable friends from Sind. This is not a party question but it is above party politics. I have thought over the question, and I feel it is my duty to raise my voice on behalf of the zamindars at the tail. As the system of modules, which has been advocated by the Honourable the General Member, has worked well and no argument has been advanced to show why it should not work well in Sind, I feel that that system should be tried. If my Sind friends can prove that the zamindars at the tail derive no benefit in the shape of equal distribution of water and that the zamindars at the head lose, then I may assure my Sind friends that I will be the first to support them and to press Government to introduce a new system. But now I feel that it is due to the tail zamindars that water should be evenly distributed. I do not want to go into the question in detail, but I want the House to give this new system a chance. If we find that by this system the tail zamindars do derive the benefit of equal distribution of water, then certainly the system ought to be established.

Mr. ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR (Sukkur District): Sir, I congratulate the honourable member Mr. Ginwalla for supporting the people at the tail. But he does not know the whole system of water distribution by modules. It makes no difference to the zamindars what system of distribution is adopted; the controversy is about the duty. The Honourable the General Member gave last year an assurance to the zamindars of Sind that they will not be deprived of their present supply of water, but that on the contrary they will be given 15 per cent. more. If that is so, I do not think that we need object to the introduction of modules. I would only request the Honourable the General Member to give us a chance, by holding a conference, to satisfy ourselves that whatever has been approved regarding the project, we are not going to be deprived of our water-supply. I know that last year the Honourable the General Member agreed to postpone the introduction of modules. He should give us one more chance. With these words I support the cut.

Mr. NOOR MAHOMED (Hyderabad District): Sir, the honourable member Mr. Ginwalla knows nothing about Sind irrigation, and yet he speaks like a member of the Public Works Department. He does not know anything about karia heads or Sind water distribution. This gentleman.....

The Honourable the PRESIDENT: The honourable member.

Mr. NOOR MAHOMED: The honourable member, I am sure, has no idea of land in Sind and its irrigation. He knows much about Back Bay and liquor shops and things of that kind, but certainly nothing about "Karias" and yet he comes forward as the spokesman of "the tail" zamindars of Sind. Indeed he does not know the head or the tail of the thing. He said that if the system of modules did not work well, a better method may be found out later! There was no argument in his speech. I am sure he does not know what a module is. Probably some gentlemen have spoken to him about modules and he has mentioned it. I hope he will in future deal with Sind affairs in a more responsible and in a more reasonable way than he has done this morning. Our grievance all along has been that the Bombay Presidency is composed of in such a way that one part of the presidency does not know anything of the other parts. What the honourable member Mr. Ginwalla has spoken this morning strengthens the case for the separation of Sind. The honourable member Mr. Ginwalla may be knowing labour questions very well; but what does he know of Sind and its agricultural problems. I hope the honourable member will forgive me if I say that we possess more knowledge than he does of Sind. Before he speaks again about Sind, I hope he will acquaint himself with the real conditions in Sind better than he has done this morning.

Last year the Honourable the General Member did withdraw the grant. But that should not induce the honourable member Mr. Ginwalla to support him now. We hear the Honourable the General Member has issued a resolution regarding modules, but none of us has yet seen that document;

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we do not know what that resolution is; we do not know what policy Government have laid down in it. The Fuleli Canal is the canal which will be most seriously affected by the Barrage, because as soon as the Barrage is in operation all that water which now comes to the Fuleli Canal will be suddenly reduced. That is an admitted fact. Last year we had requested Government to give us a chance of discussing the policy with Government. But we have not been given any chance yet. When the Honourable the Revenue Member came to Hyderabad-Sind a deputation of zamindars waited on him and represented to him that the question of modules was a very controversial question. When the Honourable the General Member came to Hyderabad, zamindars waited on him and asked for a definite policy with regard to all the improvements that Government wanted to make on the Fuleli Canal. When we come here we do not say anything in an irresponsible way. Nobody is more interested than I am in the welfare of my constituency; and certainly I am more interested in my constituency than the honourable member Mr. Ginwalla. I think the Honourable the Minister for Local Self-Government will bear me out when I say that I prize the good opinion of my constituency more than anything else, and that I will not press anything in this House which is against the interests of any section of my constituency. I take the fullest responsibility for appealing to the Honourable the General Member to give the zamindars a chance of studying this question in the light of the resolution which Government is issuing or has already issued but which none has yet seen in my constituency.

With these remarks I certainly support the motion. I trust that the Honourable the General Member will not, in all fairness, bind us down to a policy which we consider, from our point of view, ruinous to the zamindars in Sind.

SYED MUHAMMED KAMIL SHAH (Landholders, Jagirdars and Zamindars, in Sindhi): Sir, I beg to support the motion. I have now an experience of seven years of this honourable House; and I do not know of a single Sind member who has at any time said anything in favour of modules. The fact is that modules on innundation canals, that have always uncertainty about water-supply, can never work well; and in Sind, permit me to say, they have not worked well, whatever the Engineers may say to the contrary. They have failed in Jamrao and on Mithrao canal they have created a great discontent. I am sorry to say that sometimes an effort has been made to show to the honourable the General Member that Zamindars of the Muthrao Canal and the Thar Wah are quite satisfied with the working of modules on those canals; but I make bold to say that that is not in reality true.

Sir, Four years ago the Honourable the General Member at a conference held at Hyderabad-Sind announced that he would order experiments to be held on certain canals in the matter of silt clearance and modules. So, Sir, silt clearance was ordered to be made on a canal from the Fuleli, and modules were introduced in Nawabshah district, though the canal

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selected for silt clearance on the Fuleli was an old, long neglected, in fact the worst canal in the district, the silt clearance did yield good results. There was decidedly better supply of water in it, and more cultivation. Had there been no restriction on land grants, the area of cultivation would certainly have been much bigger. On the other hand, the experiment with regard to modules in Nawabshah district have very disappointing results. No definite orders, so far as I am aware, were passed on the results of those experiments. Suddenly last year Government wanted to introduce modules on the Fuleli canal; but after considerable discussion in this honourable House, the Government agreed to introduce modules on two small distributaries of the Fuleli. Except two or three zamindars, all complain against the results obtained from that experiment. Any way towards the end of July last there were heavy floods in those tracts ; and most of the area was submerged. Hence no one can say that the working of modules on the two branches was successful. Zamindars maintain that they were not ; and they stoutly maintain that view. The venerable Mir Ghulam Mahomed Khan Bahadur said so openly before the Honourable the General Member and the officers of the Public Works Department when we waited on him during his last visit to Sind. And now Government want to proceed further to Gharkhadan. I beg to be forgiven for saying that Government are slowly and steadily pursuing the policy of putting modules on the whole of Fuleli against the wishes of the zamindars, to whom all sorts of promises were held out in order to win their support to the Sukkur Barrage Scheme.

When the Sukkur Barrage Scheme was under discussion, the Association of the Tando Zamindars protested against the construction of the Barrage at Sukkur, on the ground that by its construction, the water supply in the river for the Fuleli canal and the Karachi district would very considerably decrease. Mr. Shoubridge, the Chief Engineer of Sind, came down to Hyderabad specially to assure us that our fears were groundless. He argued that most of the canals above the Fuleli now drawing off from the river would be closed after the construction of the Barrage ; and that saving of water would pass into the Fuleli canal and the canals of Karachi district. He therefore argued and assured us that as a result of the construction of the Barrage the Fuleli canal would benefit and not lose in water supply. We now know, as definitely as can be, that water supply in the Fuleli is to decrease and not increase. If that is so, is it just that modules be introduced on the Fuleli to restrict water supply. In any case, Government is in duty bound to wait and watch the effect of the Barrage on the Fuleli canal. If the water-supply decreases, Government cannot put modules. Putting of modules would, in the circumstances, be against the promises made to us and all the hopes held out to us. In the meanwhile Government should really push on the work of silt-clearance on the Fuleli canal and its branches. Every zamindar insists on silt-clearance ; and when it yields beneficial results, I cannot understand the reluctance of the Government to do it. I therefore support the motion.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Gujarati): Sir, I rise to support the cut proposed by my honourable friend, Mr. Khuhro.....

The Honourable the PRESIDENT: Why has the honourable member changed his usual language of speech? He was addressing the House in Urdu for so many days, and now he is addressing the House in Gujarati.

Mr. HAJI MIR MAHOMED BALOCH: I am addressing the House in Gujarati, because my speech may be understood properly by the Honourable the General Member as his mother tongue is Gujarati.

The Honourable Sir COWASJI JEHANGIR: May I inform the honourable member that I am not so suddenly changed? If I understood Urdu for so many days, it cannot be that I have forgotten it so soon.

The Honourable the PRESIDENT: Order, order. Do I understand that the honourable member chooses hereafter always to speak in Gujarati?

Mr. HAJI MIR MAHOMED BALOCH: I shall always speak in Gujarati henceforward. I know that it is a fact that the water does not reach the tail of the branches in the kharif season. I, therefore, support the motion. But I would point out to Government one mistake that they always commit. They rely much on the reports of their subordinate staff, namely, Executive Engineer, or Assistant Engineer. Whatever is recommended to Government by these subordinate officers is accepted by Government and Government do not take much trouble to investigate the question. If they take more care, then I think whatever complaints I have got to make will be removed. I think that remodelling is not necessary if my suggestion is carried out. There is much silt coming from Indus and this silt settles in branch canals. For the removal of this silt Government always make provision in the budget and the work is given by contract according to the estimates. The contractors take the work in hand by employing few men nominally in the beginning, but when the level of the water rises and at the time of the arrival of the Superintending Engineer, the officers open the branch canals and receive the water in them without clearing the silt. By so doing the silt is deposited in the branch canals year by year. But the payment according to the estimate is made in full without any work. Hence there is always cry for the shortness of water.

Nearly two lakhs of rupees have been spent in widening the main bund and the small bridges for the motor traffic. This amount has not been sanctioned by this honourable House. This amount is spent from the savings on other works. In this way the amount provided for the clearing of the silt is not properly spent and hence every year the expenditure on remodelling is provided in the budget which is unnecessary. It is hoped the Honourable the General Member will see his way to instruct his officer to spend the money on the works for which it is provided. The honourable members from Sind say that till the completion of the Sukkur

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Barrage this work should be postponed. I hope the Honourable the General Member will agree with us and accept this cut.

Khan Bahadur JAN MAHOMED KHAN (Sukkur District) (Addressed the House in Sindhi): Sir, I support the motion. In doing so, I request the honourable the General Member to think of the harm that would be done to the Fuleli zamindars, who are particularly to suffer by the construction of the Lloyd Barrage and to whom Government have given specific guarantees, on the basis of which they consented after all to the Sukkur Barrage Scheme. It seems to be an admitted fact now that the Fuleli Canal will have shortage of water after the Sukkur Barrage begins to work. Are zamindars to be compensated by the additional hardships of "modules" which, so far as my information goes, have never worked in any part of Sind. The late Mr. Bhurgri always agitated against their introduction and we see to-day that cultivation both on the Jamrao as well as on the Mithrao Canals has suffered very considerably, and even to-day the farmers of Thar Canal are agitating against them. They know what has happened on the Jamrao and the Mithrao which are near them and know what is in store for them. If that be the case on these Canals, the position of the Fuleli Canal becomes at once pitiable, in as much as after the Barrage operates there will be much diminished supply of water, on the Fuleli, as well as it would be uncertain, and modules cannot even in theory, work well on canals which have a low and uncertain supply of water. The Fuleli zamindars have therefore every justification to complain against the introduction of "modules" and in my opinion "modules" are a very poor way of compensating them for the loss of water which they are to undergo after the completion of the Barrage. Government must employ some other means of effecting improvements on the Fuleli to guard against that loss, which is bound to occur to the zamindars. Modules are hardly an improvement. They will only serve to accustom the zamindars to a restricted supply of water and that is hardly the way of compensating them. In the circumstances, Government would be acting only fairly to the Fuleli zamindars if they abandon the policy of introducing modules and carry on silt clearance in the manner desired by zamindars. Howsoever much Government be unwilling to spend money on silt clearance, the necessity of it will always remain on all canals from the Indus, and they cannot give up silt clearance without permanently harming agricultural industry in Sind.

Mr. M. S. KHUHRO (Larkana District): Sir, all the speeches that we have heard were in support of the motion with the exception of one speech which was made by my honourable friend from Bombay Mr. Ginwalla, but he said nothing appropriate and to the point that I should refute. I do not know whether the Honourable the General Member followed one important point which my honourable friend Syed Muhammed Kamil Shah raised in his speech. So, I will repeat what he said. The main point that he raised in his speech was that a year ago the Honourable the General Member started an experiment of moduling two Karias and asked for money for that experiment to be tried on the canals

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ex-Fuleli, and those modules were probably completed in that year and it was expected that the results of the experiment would be known to the members of this House. But so far they are not known to us. And the other point was about clearance. Experiments were tried on some canals, and my honourable friend pointed out that there were restrictions for the cultivation of land owing to the shortage of water, and these restrictions were not removed, otherwise the zamindars might have been in a position to show that they were able to cultivate more. As a matter of fact, we are still in the dark as to what the real results of the experiments on both sides are. Therefore, it will be necessary that the Honourable the General Member should inform the House by giving us actual figures and statistics of the advantage from either schemes, and, therefore, in this state, this demand, I think, is rather premature and the Honourable the General Member will see the advisability of withdrawing it.

The Honourabe Sir COWASJI JEHANGIR: Mr. President, although my honourable friend Mr. Ginwalla may have heard the word "module" for the first time quite recently, I am certain there are a large number of honourable members of this House who have been acquainted with the controversy that has been going on for the last four or five years, and I am sorry that the honourable mover of this motion should have brought up the merits or demerits of moduling. At any rate, Government have now formulated their policy and have accepted the principle of moduling in Sind. The policy is enunciated in a resolution which is dated the 13th of February and I had hoped that it would have been in the hands of the public by to-day. And, therefore, when my honourable friends contend that they have not seen this resolution or studied its contents, they are correct. A press note is to be issued, but evidently it has not appeared yet in the *Sind Official Gazette*. I do not propose to take up the time of this honourable House by explaining the details of this resolution, but I would content myself by saying that the results of all the experiments carried out since 1923 are contained in the papers attached to this press note, and honourable members will be able to judge for themselves whether modules have been a success or a failure up to now in Sind. Government have taken the precaution also of embodying in this resolution certain conditions which they feel sure will safeguard the interests of all zamindars in Sind and will, I trust, allay their fears that an injustice will be done to head zamindars. But the cut moved by my honourable friend is not going to be used only for modules; only a very small portion of it will be used for modules. The money was intended....

Mr. B. G. PAHALAJANI: The Government Resolution or the press note is not in the hands of the people yet. Does the honourable member still persist in going on with the demand just now?

The Honourable Sir COWASJI JEHANGIR: One minute. Let me just finish. The money that has been provided is not all for modules. It is for the improvements of the Fuleli, and ordinarily, one would have expected that my honourable friends would have been anxious to push on with the work. But they have chosen to take up a different

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attitude. They naturally take the responsibility for all delays in the improvement to the Fuleli, leaving aside the question of modules.

If they believe that it is to their interests that the Fuleli canal should not be improved immediately and that they can afford to wait for a year or two longer, I must remind honourable members that one year has already been lost, and if this cut is accepted another year will be lost, and if they feel convinced that they can afford to lose two years in critical times, they are the best judges, being representatives of the area most affected. They take upon themselves the responsibility in moving this cut, and I must warn my honourable friends that it is a grave responsibility but they seem to be prepared to take it up as representatives of the area, and under the circumstances Government must seriously consider their request. But in seriously considering that request Government do not associate themselves in any way in the opinions expressed just now by my honourable friends against the principle of moduling or that the Fuleli district will not be injured or harmed by a delay in the improvements to the Fuleli canal. The principle of moduling has been once and for all decided by Government in this resolution and since my honourable friends are not aware of the contents of that resolution, I can understand their demand that this matter be postponed. With the warning I have already given, I trust that they will study this resolution carefully and again reminding them that these are the final decisions of Government on moduling, I will accept this cut.

Question put and carried.

Mr. M. S. KHUHRO (Larkana District): Sir, I beg to move:

Omit item 70—Providing regulating gates to Karia's Ex-Begari Canal—Rs. 60,000.

The obvious reason of the Honourable the General Member for making this demand appears to be that extra water is used by the zamindars between miles 31 and 76 of Begari canal and that the surplus water be saved by the use of regulating gates and given to Sirwah and Edenwah at the tail of Begari. I am not here to contest the point whether the extra water is taken by these people or not and whether it is wasted by them or not, because I have not studied the case myself, and it is for my honourable friends sitting by my side who possess lands on Begari canal to deal with that question, but so far as I know I may mention here that for the last few years the practice there has been that whenever there is deficiency of water, the rotation system is resorted to and therefore "Shahs" are used for a few days to spare some water for the tail people and also regulate the water distribution properly and equitably. These "Shahs" are a temporary measure always introduced and applied with the co-operation of all the zamindars at the head, mid and the tail, and it is done clearly with a view to help them and protect them against deficiency of water and in order that equitable distribution of water should be made among the zamindars on the Begari canal. This system has been in vogue for about 3 or 4 years and the zamindars more or less have got used to it. I am very glad and so is everyone of us that the Honourable the General Member has very kindly provided a lakh of rupees for expenses of clearance at the tail.

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When the Honourable the General Member was last at Sukkur on the 3rd of January 1928, he met most of the zamindars of the Begari canal—zamindars both of the head and those of the tail—in a conference. They, with one voice, held that the clearance was the only remedy for the plight in which they find themselves to-day, namely, shortage of water, and for this reason we are glad that something will now be done for this clearance. But this question of providing gates was never brought up before the conference; it was never discussed with the people present, namely, the zamindars of the Begari canal, and it remained an absolute secret all along when the Honourable the General Member was in Sind. This is a matter of vital importance and hence should have been discussed there, precisely when the whole Begari regulating system of water was being discussed so thoroughly and freely with the zamindars. If the zamindars had known that there was any idea of this kind in contemplation that gates would be provided between miles 31 and 76, they would have been able to prove how these gates would turn out to be a real nuisance to the zamindars and how they would only be placing a weapon of oppression and terror in the hands of the subordinates of the Public Works Department in whose hands the working of those gates would be placed. I for one seriously object to the provision of gates because they would give a handle to the local officials to tyrannise over the people. All the zamindars on the Begari canal from mile 31 to mile 76 would be at the entire mercy of the subordinates of the department. It will not be the Executive Engineer himself who will be opening and closing these gates. I dare say the Sub-divisional officers, sub-overseers, the Daroghas and the *balighars* will be the persons who will open and close the gates and they will be the persons on whom the entire livelihood of the Begari canal zamindars will depend. You can imagine, Sir, whether officers drawing Rs. 20 Rs. 50 and most upto Rs. 300 a month will always be above temptation. These gates will give rise to a lot of corruption and this corruption will spoil the officers to such an extent that they will not afterwards be at all useful anywhere else. That will completely spoil the reputation of the department. I look upon it from this point of view. The zamindars will suffer considerably because nobody of these petty officials will be satisfied unless he gets some payment. For these reasons I have a very strong objection to the provision of these gates, and I hope that the Honourable the General Member will realize the consequences of the policy that he is going to enunciate. I think it would be better if the Honourable the General Member maintained the policy that is already in existence namely "Shahs" and thus he will save Rs. 60,000 of Government, as well which might otherwise be lost on an experiment which does not promise of happy result, and we do not know also at present what results are achieved by doing the clearance and whether the people will really gain anything as a result of such clearance or not. Besides the present system of irrigation will completely change the remodelling of the Begari canal which is going to be taken in hand shortly. At present I have very grave suspicions of the utility of these regulating gates. It is a matter which is causing serious anxiety to the minds of the

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zamindars who will be affected adversely by the introduction of these regulating gates, and who will be hopelessly subjected to the Public Works Department officers.

I therefore think that this amount should not be sanctioned, or there should be some satisfactory statement coming forth from the Honourable the General Member.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the motion. This is a matter to which serious consideration must be given by this House. Last year, the Honourable the General Member delivered a very forceful speech, and said that the question of the distribution of water was very important in Sind, and when the presidency is sinking crores and crores of rupees in Sind after the Sukkur Barrage, the question of equitable distribution of water must be seriously considered and put into practice by Government. If Government fail in their duty, and do not bring about an equitable distribution of water, then this big project, on which the presidency is sinking crores and crores of rupees will be a failure.

Mr. NOOR MAHOMED: Sir, I rise to a point of order. The question here is of provision for constructing gates to karias on the Begari canal, whereas the honourable member is talking on the Sukkur Barrage. Is he relevant? I submit he is not talking on the subject under discussion, and he is quite out of order.

Mr. J. C. SWAMINARAYAN: I am perfectly in order. Unless and until the people at the tail are provided with water, and the water is equitably distributed, certain people will suffer, and Government will not derive any revenue. The note on the item points out without any ambiguity that there is a great complaint from the people of Sirwah and Edenwah. The note says:

"For years past the two tail branches of the Begari Canal (*viz.*, the Sirwah and Edenwah) have been starved of water owing to the excessive draw-off and increase in rice cultivation on the karias between miles 31 and 76 of the Begari. Although the full supply discharge of the Begari has gradually been increased by over 2,000 cusecs, this extra discharge has, for the above reason, given no increased discharge to the Sirwah and Edenwah."

Sir, if on this important question Government climb down, and year after year delay what they have to do in the interest of the equitable distribution of water, then I think Government are failing in performing an important duty. There have been similar instances on our side also, and the Honourable the Revenue Member will remember that there was a case in the High Court about the 12 villages of the Khari Cut. Those villages fought, and a supply of water to which they were entitled has been given to them. It is, therefore, necessary that the water that would be taken from the Indus by means of these canals should not go to a few favourites. Certainly, I believe that these tail zamindars have not got a potent voice in this matter. I believe they are not able to have their strong voice effectively heard in this House.

Mr. NOOR MAHOMED : Sir, I rise to a point of order. I submit that the honourable member is making reflections on the other members from Sind. He is, therefore, I submit, out of order. He means that the honourable members here are deliberately keeping back the views of the " tail " zamindars and are thus casting reflections on honourable members.

The Honourable the PRESIDENT : I think the honourable member did not mean it so seriously as that. He fully understands that each representative who comes here elected from Sind has the support of both kinds of zamindars from Sind.

Mr. J. C. SWAMINARAYAN : This is a very important matter, and I do not wish that Government should give any concessions in this matter year after year. Last year the Honourable the General Member stated that Government are committed to the policy of equitable distribution of water, and we endorsed that policy. Therefore, Government should take immediate steps to put that policy into force, and should not be deterred by any opposition that they would come across in the process of having an equitable distribution of water secured to all the zamindars, whether they be zamindars at the head or zamindars at the tail. The zamindars at the tail have been clamouring for water for years and years, and still they are starved. The note says that they are crying for water. Sir, it is not desirable that some portions should be starved and should be ruined altogether at the expense of others. Therefore, I think this expenditure for the purpose of supplying gates to the karias should be allowed by this House. It is an important policy on which Government have embarked, and this House should give complete support to Government in this policy, which will bring about an equitable distribution of water.

Khan Bahadur S. N. BHUTTO (Larkana District) : Sir, in order to make the case a bit clearer, so that there may not be any misunderstanding or confusion, I would like to put before the House the facts as they actually are. I do not blame my honourable friends who are opposing this cut, simply because they do not realise what this really means. Sir, I have got the largest holdings on this canal, at the tail and in the middle, and therefore I would put before the House all the facts as they actually exist. There is no question of head and tail here. We do not at all object to water being passed to the tail. We are equally anxious that the tail people should get the supply, if not enough, at least as much as conveniently could be spared, after safeguarding the interests of the zamindars of upper reaches dependent on this canal. During the last two or three visits of the Honourable the General Member to Sind this question was discussed with him each time, and he himself must have realised the anxiety of all zamindars at upper reaches who were equally interested in the welfare of the zamindars at the tail as well. Sir, this demand has been made with the object of providing water for the Edenwah and Sirwah. There has been a deficiency of water in these two branches of the Begari at the tail for the last few years. Now, on

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this canal there have been repeated reductions in private karias from 1911 onwards, and during the last 16 or 17 years reductions have been effected repeatedly three times. But that has not helped the tail people at all. On the other hand, whenever Government have provided some money for the clearance of silt at the tail for two or three years continuously, they have got a very fair crop, and they have been getting full advantage out of the clearance. On the last occasion when the Honourable the General Member was in Sind, there was a cry from all zamindars from the head to the tail, and they appealed to him so that he may kindly provide some money for clearance at the tail, because the tail zamindars were fully convinced that whenever there was a reduction of karias it did not help them at all, but it was only when a clearance was effected that they got the water. This is a controversial question, and I do not know whether the Public Works Department and we zamindars will ever agree on it, unless there is a joint conference in which the zamindars are given a fair opportunity to put forward their case. From time to time, when these conferences were held, they were limited only to Government officials. The Commissioner in Sind quietly invites the District Collectors and the Executive Engineers. The District Collector is not a technical man, his voice in protest does not go great way and the only safest course left to them is to accept the theory of Public Works Department people because they find no justification to contradict technical men and the results of the one-sided conferences held in camera have always been detrimental to us. The policy of the Public Works Department for some years past has been not to have any clearance, and because of the adoption of this policy from year to year, for nearly 17 years, silt has accumulated to a considerable extent in most of the canals particularly at tails. It is not possible now unless they spend fortunes, to have clearance effected. Therefore the Public Works Department considers that the easiest method is by effecting a reduction in one shape or the other in karias of upper reaches to carry water at tails.

My honourable friend Mr. Swaminarayan has stated that the presidency is sinking millions of rupees to have the Barrage constructed, but I should like to inform him that this canal has nothing to do with the Barrage or the Barrage area at all. This is far above the Barrage say about 30 to 40 miles.

Mr. J. C. SWAMINARAYAN: Government are placing modules on the canals of the Sukkur Barrage.

Khan Bahadur S. N. BHUTTO: Nothing of the kind. There is no question of modulling canals for the Sukkur Barrage. This shows the total ignorance of my honourable friend.

I have just explained that question. The Begari canal is the oldest canal. If Government wish that it should be worked on the barrage lines, the Honourable the General Member may consider the proposals and provide money for its remodelling immediately. Already Rs. 1½ lakhs for its survey, plans and estimates have been spent, which have been found faulty, after their careful scrutiny. If this proposal is brought

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forward before the Council for its sanction we shall support it wholeheartedly. In that case we will be the first and foremost to support Government in modulling the karias. So long this canal has not been re-modelled, being old and inundation canal, how can Government justify their action by proposing gates on modules on private karias *ex* this canal. When this question was last discussed at Sukkur we informed the Honourable the General Member that the modules would reduce the supply of water of private karias and that the zamindars would not consent to have them. As the officers of the Public Works Department attempt to create division among zamindars by putting up some of their own puppets to have their own theory supported, I begged the Honourable Member in charge that he should enquire and satisfy himself from one and all zamindars at the tail whether sincerely and honestly they believed that it was only clearance alone that would give them a benefit. The honourable member was pleased to express that he could see that only one of the zamindars that was present asked for clearance. We are grateful to the honourable member for having provided money for clearance. But at the same time Government propose to put gates on private karias. This amounts to giving with one hand and taking away with the other. People sincerely believe that as the reduction of sluices has not improved matters, it is clearance alone that would give them benefit ; they further believe that this new innovasion of proposed gates is done simply with the object of punishing the zamindars for having brought their grievances before the honourable member contrary to their own methods and policy ; it is therefore, that they have managed side by side with clearance reduction of sluices in shape of gates so that in future we may consider twice before we dare to represent our grievances to the heads of departments. We cannot expect the Public Works Department to be more solicitous for the welfare of the tail zamindars than the tail zamindars themselves. What is more is that this is only a temporary arrangement for 2 or 3 years only till water can be supplied from the barrage area as these two canals, Edenwah and Sirwah, at the tail at Begari are included in Barrage area and are to receive water from there ; even on that consideration this expenditure is not justified.

In case there is no escape from these gates I have made some suggestions to the Honourable the General Member at least to provide some safeguards, though I know I have to face strong agitation on my return back to Sind at the end of the Council session. I have taken a great responsibility in making these suggestions to the Honourable the General Member. My friends the honourable members Mr. Soomro Allabhaksh, Khan Bahadur Bijarani and Khan Bahadur Pathan are zamindars and representations of Bigari canal. Every one of them is opposed to my submitting those proposals to the Honourable the General Member as they are entirely against introduction of this lock and key business. However, my proposals if accepted by the General Member will provide some safeguard, it will be a lesser evil. The difficulties we face in this particular district of Upper Sind are not known in any of parts of

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the presidency or province of Sind. If I may be permitted to say, something like Russian law prevails there, where people are condemned on suspicions only and a police constable has more power than the Commissioner of Police in Bombay. The Commissioner of Police in Bombay dares not use high-handedness which a constable of police in the Upper Sind Frontier would do without any hesitation. It is only in this place where the armed police is invited by the Public Works Department to terrify the zamindars and enforce charges on them when they are not willing to consent. The owners at karias on occasions are not allowed to go even near their karias. The inhabitants of the Upper Sind Frontier mostly are Baluchis and in order to terrify them the subordinates of the Public Works Department bring in armed police, when owners of karias have not only to look after Public Works Department subordinates and feed them but in addition police subordinates as well. By providing these gates, it will give an addition handle to the Public Works Department subordinates to harrass the zamindars but they will at least escape harrasment by police. If gates are to be provided they are to be provided in place of *chops* and no discretion should be vested in the executive engineer, as otherwise it will not serve the purpose which the Honourable the General Member has in view. I sincerely trust that the clearance of silt will give the required benefit to the tail zamindars and there will be no necessity to resort to them. It is I understand a temporary arrangement to put these gates until the whole of Begari canal is remodelled. There are about 250 karias between miles 31 and 76 and if these gates are used properly by cutting off the supply of few inches from each karia, the difference in the volume of water in these karias owing to these gates should not be much. If there would be a necessity these gates should be used with great care with mutual consent and the zamindars I think should prefer these gates instead of *chops* if all safeguards are provided. I hope the Honourable the General Member will see that no additional weapon is given in the hands of the Public Works Department to terrify the zamindars and tyrannise them, as the circumstances there in that part of the country are quite different than in the rest of the presidency.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I oppose this cut on the same grounds on which I opposed the last cut. I am still unconvinced, in spite of the arguments of my honourable friends Mr. Khuhro, Mr. Noor Mahomed and Khan Bahadur Bhutto. I do grant that Government should take proper measures to remove silt and to deepen canals, but so far as modules are concerned they have been successful in the Punjab, and I do not know why they should not be successful here.

Mr. B. G. PAHALAJANI: These are not modules.

Mr. F. J. GINWALLA: I now come to the point raised in this motion, namely gates to karias. In the note which has been appended at page 282 of the Blue Book the Honourable the General Member has tried to convince honourable members that there will not be any loss or injury to any of the zamindars whose karia discharges will be slightly

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reduced on account of this work, whereas it is vitally necessary in the interest of the zamindars on Sirwah and Edenwah. The argument advanced by the honourable member Mr. Khuhro is that if you spend Rs. 60,000 now it will be all wasted, and they should wait till the Begari canal is remodelled. He said that the water going to the tail will not be reduced. But, Sir, my common sense tells me that if I happen to own land at the head I am bound to get water first, and those who hold land at the tail cannot get water if there is not sufficient level of water in the canal. In order to make equal distribution, Government suggest a certain system. So far, Sir, no argument has been advanced by my honourable friends as to why this system should prove a waste of money. They only say " Please wait till the Begari Canal is remodelled. " I am not prepared to accept this argument. I feel that in the interests of the tail zamindars there should be equal distribution. The honourable member Mr. Noor Mahomed stated that he is representing both the tail zamindars as well as the head zamindars. It is not the monopoly of my honourable friend Mr. Noor Mahomed to represent this district. It is as much my privilege as his, and my duty as his, to represent and protect the interests of any district in this presidency, the interests of all men and women in this presidency. Therefore, Sir, I say that so far as this demand is concerned, it is absolutely necessary that some means should be devised to give even distribution of water to the zamindars who hold land at the head and at the tail.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I rise to support the motion for the cut, and with the full conviction that I do so in the interest of the zamindars both at the head and the tail. After I came to Bombay and had the pleasure to see the proposed amount to be provided for the purpose of regulating gates, I took occasion to correspond by telegram with the zamindars at the tail in order to know their views. It is after receiving three telegrams from the zamindars at the tail, who belong to Shahdadpur taluka, that I rise to support the cut moved by the honourable member Mr. Khuhro. Honourable members who do not belong to Sind and have never been in Sind are under the impression that the zamindars at the tail must necessarily suffer, because Government say they must suffer. For the last five or six years there has been a regular dispute between Government and zamindars of all kinds, zamindars at the tail and zamindars at the head, as regards the wisdom of the policy of modules. But Government seem to have come to the conclusion that modules are good, a conclusion which is open to dispute and is a subject of further controversy. But here we are concerned with regulating gates and not modules. The difference between modules and gates is this. While modules are constructed after taking actual calculations of the quantity of water necessary to cultivate a land, after calculating the minimum quantity of water necessary in cusecs, and while modules are incapable of being meddled with after once they have been put in, the regulating gates have not those virtues. The regulating gates after they are put in will be under lock and key, which will be in the possession of the Public Works authorities, and will be adjusted and locked by them

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at intervals. Government do not want to put in any restriction in the upper reaches of the canal, between mile 0 and mile 31, which consumes a considerable quantity of water. But Government want to put in this lock and key arrangement between mile 31 and mile 76 in order to regulate the water that may be required there. Have Government made any calculations in this case, as they are bound to do in the case of the modules, as to the number of cusecs that will be necessary for a particular area ? If Government have made no calculation, then the regulation of water through the gates will be in the hands of Public Works authorities. The person who is in charge of the regulation of canal water supply is not the Executive Engineer whose headquarters is in Jacobabad, but the Sub-Divisionl Officer, who has under him sub-overseers who have under them again what we call *balighars*, people who will be drawing Rs. 20, uneducated men drawing Rs. 20 or so. These are the people who will be in charge of the distribution of water in this area extending from mile 31 to mile 76, that is 45 miles. To make these people responsible for the regulation of water in these reaches will be to introduce into the canal territory a situation which will promote resistence on the part of the zamindars who require water. Does the Honourable the General Member want to introduce a spirit of defiance to the administration of the canals in these territories ? Has he consulted the Deputy Commissioner, the District Magistrate, who is responsible for peace and order ? The Honourable the Revenue Member has been the Commissioner of Sind ; he knows the Baluchi country ; will he advocate the handing over of the distribution of water in that country to Sub-Divisional officers and overseers and uneducated men ? I have got here the telegrams received from the zamindars both at the tail and the head stating that they have nothing to do with this remodelling. They further state that when the Honourable the General Member was there, he did not, in any way, bring this matter before them for discussion On the 3rd of January the Honourable the General Member was there and I agree that he gave us—I mean the zamindars—a patient hearing and he listened to the various grievances of the zamindars. But the Honourable the General Member did not say anything on the point of providing karias. Whatever it is, the zamindars have refused to do anything with the regulating gates and they are against this proposal. I, therefore, say that it will be entirely against the tenets of administration of justice and administration of British policy in that part of the country. My honourable friend, Syed Muhammad Kamil Shah, has already complained about this new arrangement of the proposed gates ; and I have also received by telegram the opinion of the zamindars at the tail and the head against the proposed gates.

Mr. C. S. C. HARRISON : Sir, I admire the eloquence of the honourable member from Sukkur, but I do not agree with him in the facts he has placed before this House. He has tried to paint a lurid picture of gates versus modules and " chabs." There is, in the item under discussion, no question of modules ; the question is the provision of gates to replace

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"chabs." Chabing is done by means of brushwood obstructions, a very primitive method which is open to grave abuse. The operation of the gates will be under the orders of the Executive Engineer and not under those of "beldars." The actual manipulation of the gates will be under the immediate control of the Sub-Divisional Officer and the Executive Engineer can at any time, by inspection, see whether or no his orders are being carried out. This operation of the gates is simple and can be carried out very promptly. It is not so in the case of "chabs" which depend on the collection of brushwood and dilatoriness in the making of the "chab." We do not claim that these gates are a perfect method of control of supplies to karias but until the canal is modernized they are the best substitutes for 'chabs."

I will now turn to the remarks made by my honourable friend, Khan Bahadur Bhutto. He has also drawn a very fanciful picture of the state of the district officers when they come to any conference called by the Commissioner in Sind. He says that these officers know very little about irrigation. Sir, I deny this. I can say that most of the Collectors take a great deal of interest in irrigation and the distribution of water far more than they do in the Presidency proper. Having had long experience of both the Deccan and Sind, I speak not without some knowledge. So, I cannot accept that portion of his speech in which he says that the Collector is practically suborned by the opinions of the Superintending and Executive Engineers.

This matter of providing gates has been very carefully gone into, and I ask the House carefully to consider whether it is really believable that the engineer exists simply as an oppressor of the people.

I maintain that he is there to try to the best of his ability to maintain an equitable distribution of water, and I cannot see, Sir, with his knowledge of over 80 years of distribution of irrigation water in Sind, that he must invariably be written down as an ass. If he is not written down as an ass, then his motives must be dishonest. That is the point and I maintain it is untenable. The irrigation Engineer is ever striving to effect equitable distribution of water, and I say, Sir, that on this point of equitable distribution the engineer's ideas cannot always be in consonance with the zamindars' ideas. Selfish interests must be affected by any effort in trying to distribute water equitably. The aim of equity in this world is ever a thorny question. I firmly maintain that our endeavour is an honest one and it has throughout been in the interests not only of the tail zamindar, but of every zamindar. What we desire to see is that every zamindar gets his rights not his self-prescribed rights.

The honourable member from Larkana (Khan Bahadur Bhutto) also suggested that we might wait till the Begari is remodelled. If there was any hope of remodelling the whole system immediately or in the very near future, I would be at one with him. I would immediately recommend to the Honourable the General Member to accept this motion for the cut. But, Sir, the remodelling of the Begari as a *whole* will take many years to complete. It cannot be done in one season for it is a very large project.

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I am still reviewing the project sent up by the Superintending Engineer who prepared it. It is a project running into Rs. 50 lakhs, and Government will be required to give it very careful consideration before it is taken up either piece-meal or in its entirety. It will probably have to be taken up piece-meal, and it will therefore be a long time before the whole of the Begari is remodelled.

A further point that I would like to mention is that at the Sukkur Conference with zamindars in January last the question of gates *was* mentioned.....

Mr. B. G. PAHALAJANI : I am in a position to contradict it, and every other zamindar present here would do the same.

Mr. C. S. C. HARRISON : I do not withdraw the statement I have made. The question of gates *was* discussed in the conference at Sukkur. The Chief Engineer stated he would only agree to the silt clearance provided we had gates in the middle reach of the Canal.

Mr. B. G. PAHALAJANI : Where was it stated ?

Mr. C. S. C. HARRISON : That matter was discussed before the members present at the conference ; the Chief Engineer in Sind was then and there asked to submit his estimate. His estimate has now been received by Government both for the silt clearance and for the gates. It is of very little use providing a large sum of money for the clearance of silt in the tail reaches unless we have got water to send down and, I submit, Sir, that it will be in the interests of the zamindars at the tail, of the finances of this presidency, and of every notion of fair play that the grant now asked for should remain.

Mr. ALLABAKSH *walad* Khan Saheb HAJI MAHOMED UMAR (Sukkur District) : Sir, this question of distribution of water in the tail branches of the Begari is discussed since a long time. It was expected this year that the Begari would be modulled in order to supply the need of water in the two branches of Begari tail. We are very thankful to the Honourable the General Member, who during his visit gave us an opportunity of hearing us, and, then it was decided that, until the Begari is remodelled it was not necessary to put the modules. The Honourable Member Mr. Harrison has pointed out to the house that the Zamindars were informed about the question of putting the gates, but it is not so. We were neither informed, nor consulted. I do not know if it was decided between the Chief Engineer in Sind and the Honourable the General Member or Mr. Harrison. I hope the Honourable the General Member will bear me out in this that there was no discussion of any kind whatsoever about the gates being introduced. Now, Sir, the point is how the deficiency came at the tail of these branches. I only want to inform this Honourable House that about 25 years ago a portion of land which was not formerly settled on the Begari was brought on it. It was for the Public Works Department to have first arranged for this extra supply of water to Begari and then brought this area on it. They have brought it without doing that, Very well, Sir. Now that is gone,

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and we all are willing to support that the tail zamindars should get water. We do not say they should be deprived of it, although it was a mistake on the part of the department to have brought this extra area on Begari. Now, Sir, in 1911, or so, in order to give a good water-supply at the tail it was proposed that the karias at the head should be reduced to provide water for the people at the tail at the cost of the head zamindars. Well, Sir, we agreed with reluctance that our Karias should be reduced. We said it is not going to help the tail zamindars. And when it was done, it was found that the water was not reaching the tail. The reason assigned to the zamindars was, that the karias were reduced from mile 40 to mile 52 and the saving effected was all taken up by mile 52 to 76 there being no check on them from taking this extra water and, therefore it would not reach lower down. It was no fault of ours, Sir. It was a mistake on the part of the Public Works Department experts that it did not reach the tail for which it was meant. Now, Sir, the putting of gates is the third mistake going to be committed.

With regard to gates, I would wellcome this proposal from the Honourable the General Member, but the house must know that this is not going to give the tail people the necessary supply of water as proposed by the Honourable the General Member. In his note regarding his demand he says :

> " Although the full supply discharge of the Begari has gradually been increased by over 2,000 cusecs, this extra discharge has given no increased discharge to the Sirwah and Edenwah."

Sir, may I point out to the Honourable the General Member how this excess of 2,000 cusecs has been caused on the Begari ? Has Government spent money in order to bring more water to Begari ? The reply is in the negative. The Honourable the General Member has said that " Although the full supply discharge of the Begari has gradually been increased by over 2,000 cusecs, this extra discharge has given no increased discharge to the Sirwah and Edenwah."

The Honourable Sir COWASJI JEHANGIR : Yes, that is correct.

Mr. ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR : I quite agree that the discharge has increased by 2,000 cusecs. But that discharge has not increased on account of improvements carried out by the Department. Why has the discharge increased ? Because the zamindars have improved their karias in such a way that they draw from the main canal increased supply with the result that with the same level of water you find that the discharge of Begari has increased, because the decrease or increase in the discharge of the main canal depends on the drawing off the karias. Now, the department is going to put a check over the draw off which has increased the velosity of the main canal and thus caused the increase in the discharge.

The Honourable Sir COWASJI JEHANGIR : Sir, am I to understand that the honourable member intends to say that the discharge in the

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Begari has been increased due to any action of the zamindars or to the action of nature ?

Mr. ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR: Due to the action of the zamindars. Because they have improved their Karias and they have made a greater draw off and therefore the velocity in the main canal has increased. Not that the department has widened the canal or raised the banks. Now, Sir, the discharge has increased, and now they want to put a check over that. The increased supply of water will not go to the tail; it will go back to the river. The proposal of gates could be agreed to, on one condition. The present discharge of the Begari is about 8,500 cusecs. Let them put the gates and see if it is going to give 8,500. Let them put the gates. We do allow; but as soon as they put them, I assure the honourable House that the discharge will reach 7,000 cusecs and not 8,500 cusecs.

If the Public Works Department experts do not agree with me on this point, then the Honourable the General Member should give us a promise that after carrying out an experiment of using gates for two days if the discharge is actually reduced by 1,500 cusecs then the gates should be used no more.

The Honourable Sir COWASJI JEHANGIR: Where ?

Mr. ALLABAKSH *walad* Khan Saheb HAJI MAHOMED UMAR: At the mouth.

Now, one cusec of water will cultivate about 30 acres of rice land and calculating the assessment at Rs. 6 per acre you will find that Government will be loosing about two lacs of rupees as assessment. It is not that we do not want to supply water to the tail. We are quite willing to help the people at the tail, but at the same time the house must know that the assessment on the Begari would be reduced and reduced enormously.

The second point is that the gates will be introduced from mile 31 to mile 76. Formerly, as the honourable member Mr. Harrison told the house, the Chabbs Bandobast was in operation between miles 47 to 76 but now it has been extended further on from mile 31 to mile 76. The reason assigned for proposing Chabbs Bandobast from mile 31, as pointed out by the Executive Engineer and the Superintending Engineer in Sind, is that the zamindars from mile 31 to mile 40 are wasting now 1,500 cusecs of water and they will give the water which those zamindars at present are wasting to the zamindars of Sirwah and Edenwah by controlling the supply by means of these gates. I may point out to the Honourable the General Member that if that is so, then according to the theory advanced by the Superintending Engineer or the Chief Engineer, the discharge at mile 40 should be equal to the discharge at mile 31 minus the discharge taken by the Karias between mile 31 to 40. I would point out to the Honourable the General Member that practically we have found out that the discharge at mile 31, and at mile 40 including Nurwah is the same. If, as pointed out by the local officers, there is a wastage of about 1,500 cusecs there, then I think that the discharge at mile 31,

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should not be equal to the discharge at mile 40, including that of Nurwah. The Officers should have been more careful in making their calculations. It turns out that practically these people are taking no water from the Begari, and although it is a wonder to the Public Works Department experts as to how it is so, I would point out that the discharge at mile 31, is equal to the discharge at mile 40, including Nurwah. That means that it has been proved that there is no wastage of water. If there had been a wastage of water, then the discharge at mile 40, including the Nurwah would not have been the same as at mile 31. It has been said that the Kariyas between 31 and 40 are drawing excess and therefore there is wastage of about 1,500 cusecs. I may tell this Honourable House that it looks alright on paper to say that these Karias are taking excess discharge. Why? Because, when we look to the discharge book we find that a Karia which is designed to take 1 cusec is taking 10 cusecs and a Karia which is designed to take two cusecs is taking 25 cusecs. That is alright, I do admit, but I must point out that these Karias are giving water back to Begari and thus you find that the discharge at mile 31, is merely equal to the discharge at mile 40 including Nurwah. Therefore I point out to the House that there is absolutely no wastage of water in these 9 miles where the Executive Engineer says there is a wastage of about 500 cusecs.

Another point I wish to refer to is that the zamindars between miles 31 and 40 will suffer heavily by the introduction of the check that may be put on these Karias in the shape of these regulating gates, because their lands are situated just on the border of the Canal where the the water level in the Begari is about three feet higher than their lands, with the result that the sub-soil water is found only at a depth of 10 feet from the ground. This water gradually comes up. If they are not allowed to take this excess discharge and finish the transplantation before the Sub-soil water reaches the ground, then you will find that all these lands will be impregnated with "Kalar" and consequently will be uncultivable. These lands will become mere waste lands, and the zamindars will in effect be losing a property worth about a crore of rupees. I therefore request the House to be careful in voting on this motion and not to be carried away by any spacious arguments which may have been put forward by the other side.

Mr. B. T. DESAI (Bombay City, South): Sir, the way in which this debate is being carried on and the way—the precious way—in which the Honourable the General Member says he will accept a cut or not and the very grave warning which he gave to honourable members and the way he reminded honourable members of their great responsibility to their constituencies, all this gives this debate the appearance of a sham fight. Last year when the question of modules on the Fuleli Canal came up for discussion there was the same kind of show as was enacted here to-day.....

Mr. NOOR MAHOMED: On a point of order, Sir. The honourable member says that this debate is a sham fight. That throws a reflection

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on all the honourable members who took part in the debate and therefore I request your ruling as to whether those words are parliamentary.

The CHAIRMAN: (Mr. G. L. WINTERBOTHAM): I rule that the honourable member Mr. B. T. Desai is quite in order in the remarks that he made. There is really no point of order involved at all.

Mr. M. S. KHUHRO: My point of order is that the honourable member is making remarks about modules on the Fuleli canal which is not now under discussion. That was under discussion and has already been diposed of. At present we are discussing gates, which is quite a separate matter, and therefore any remarks about the Fuleli canal are not relevant in this case.

The CHAIRMAN (Mr. G. L. WINTERBOTHAM): The honourable member Mr. B. T. Desai is merely referring to a previous debate to illustrate his own remarks and he is perfectly in order.

Mr. B. T. DESAI: I assure my honourable friends and the Government that I do not mean any offence to anybody but I am giving my own impressions as an impartial on-looker on this debate. I do not think any of my honourable friends would be justified in taking any offence at what I say.

After this explanation, I say, Sir, that I was just referring to the last year's incident. I was trying to understand the remarks of the Honourable the General Member and I thought that he was attempting to make out a very very good case, a case which was not answerable, but at the end of his speech he said " Yes, I am willing to accept the cut." If the object of a speech is to drive conviction home to the honourable members who are watching and listening to the speech, certainly such things do not carry any conviction except the one that I stated in the beginning, namely, the appearance of a sham fight.

So far as this matter is concerned, what I say is this. A note in very clear terms which one can understand has been put in by the Government, and the case for the Government appears to be that there is injustice to certain persons being done for many years; Government are anxious to remove the injustice, and therefore they propose this measure. Therefore, either of the two things may be found out. Either the note is a correct one, or is not a correct one. If the note is a correct one, and if we take it so, then I think the case is unanswerable. The case made out is that an injustice is done to the zamindars at the tail, from mile 31 to 76, and in order to remove that deficiency of water and in order that they may improve their crops, a certain system of gates has been devised by Government. To that my honourable friends from Sind take objection. What is the objection? So far as I understand, my honourable friend Mr. Pahalajani says " Why do you try to have gates from mile 31 to mile 76, and why not from miles zero to 31 ? " But if we take that argument to be the right one, that gates are required from the miles zero to 31, and Government are not prepared to put them up, that is no reason why the injustice which is done to

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several other zamindars from mile 31 to mile 76 should not in any way dealt with or tried to be removed. Of course a certain amount of injustice may exist in the upper part of the canal, but to say that therefore the injustice existing in the lower part of the canal should not be removed is an argument which is not worth considering.

Then, Sir, what is the other objection that has been taken by my honourable friends the stalwart members who represent their constituents from Sind ? They say " Look here, you may try to remove the injustice, but in whose hands does the distribution of water lie ? It would lye in the hands of the lower officials." They say that the subordinates will be corrupt, there would be opportunities for them to be corrupt, and they will practise *zoolum* on the zamindars, and it is for that reason that Government should not try to remove this injustice. This argument sounds like the one which can be applied to the police force. In the police force officials high and low are engaged, and even constables on a pay of Rs. 30 a month, for the protection of the people. If the people come and tell Government " What are you doing ? You are delivering us into the hands of your subordinate officials ; they will practise *zoolum* on us, and there will be a number of them who will take bribes. We are frightened by the mere spectable of a yellow turban and black coat, or a police constable." Supposing, Sir, on that ground the people ask Government to do away with the entire police force, what weight can be given to an argument of that kind ? Government could also say that they would try to employ the proper staff, but the inadequacy of staff is no argument whatsoever for not making these gates there.

Then, Sir, the previous speaker, who is considered to be an expert on canal affairs, karias, modules, gates and what not, has assured Government that they would be starving by putting in these gates the people who are at the 45th mile, and Government would be losing its own revenue by doing so. The honourable member said something about cusecs, or something, and not being one who is connected with karias, I cannot recall the exact word. He said, take a unit of 30 acres, and supposing each acre gives an assessment of Rs. 6, that one unit would give an assessment of Rs. 180, and if Government go on putting up grain like this, they will be reducing revenue, because they will not be able-to-realise the same assessment per acre for the rice fields. I do not understand that. There has been sufficient water so far from miles zero to 31, and from miles 31 to 76 the zamindars are being starved, and for removing that starvation this remedy is suggested. In what way that is going to decrease the revenue, one cannot understand, unless the argument is that Government are taking away the proper supply of water from those who have been getting it and giving it to others. I do not think that is the argument. But even if that be the argument, is there any right for the people who are a little removed from those on the canal head to claim more water and starve the others ? But when the purpose for the removal of this injustice comes, all my honourble friends from

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Sind who have always been sweet on Government so far as voting with Government is concerned. .....

Mr. B. G. PAHALAJANI: I do not always vote for Government.

Mr. B. T. DESAI: When they vote with Government, they are sweet. My honourable friend Mr. Pahalajani is rather amused at my using the word "sweet," but he understands in his heart what I mean. Of course it is not necessary to go any more into the matter. But the point that I had first made is, when a question of removing injustice comes up, how is it that these stalwarts come in the way of removing that injustice? Do they want that this injustice should be perpetuated to the advantage of their constituents? Is it fairness? Everybody, I know, has a right to do what he can for his constituency, but he should not object to the removal of injustice suffered by others. When I rose to speak, most of my honourable friends from Sind rose to points of order, but they have not been successful. But to come to the subject under discussion. Sir, to one who is not concerned with this subject and who wants to bring an impartial judgment to bear on this matter, it strikes that the stalwart defenders of their constituencies by their own arguments have given away their case. They have not shown anything by which it can be proved that this injustice should be retained, but their strength is so formidable that Government may not be able to resist it. Perhaps, the Honourable the General Member, as he did in the case of the last item, will come down and say "If you, gentlemen, who are concerned with your constituencies, if you take the responsibility on your head, I warn you, you take this responsibility on your head in all seriousness, and if you say so, I accept your cut." I hope the Honourable the General Member will not take up that kind of attitude at the dictation of anybody. He has really to remove an injustice which is being done, and he should not listen to the combined voice of these honourable members. It may be very flattering to him, or it may be very pleasing to him. Whatever it may be, I would ask him to stick to his guns, to do the justice that is required, and not to give way as he did in the previous item.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I rise to support the cut that has been moved by my honourable friend Mr. Khuhro. It was not my desire to take part in this discussion, but since my honourable friend on my left (Mr. B. T. Desai) has spoken I do not think it would be fair on my part to remain silent, as I do not agree with him. Sir, we all know that the state of affairs that is existing at present has been existing for several years together, and if this great injustice has been going on, I ask the Government benches in all earnestness, why have they not done anything to remove this injustice before now?

Mr. B. G. PAHALAJANI: They are not sure of their position.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I am very glad to hear that they are not sure of their position. I ask Government, if they have gone on for so many years and if they have now

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found out that there is great injustice done to the zamindars at the tail, why have they not been able to place before this House a representation from the genetlemen at the tail ? Why have they not been able to convince my honourable friend Khan Bahadur Bhutto, who has got some land at the tail, and why did they not take any steps last year, when this very question was brought before this House ?

Further, Sir, there is one point which I would like to bring to the notice of honourable members, on this side. On many matters which this House has often discussed, what is the reason that some of the honourable members from Sind have been keeping away from voting on the popular side ? And is it not a fact that one and all have been telling me for the last four years that I have been in this House that it is due to the great trouble that they experience at the hands of the subordinate officers and other officers about karia heads and gates for the supply of water. We know that the condition in the districts is not the same as in the city. I have not had occasion to go to that part of the district. But I assure you that the voice of the Collector or the Superintendent of Police is much more than even that of all the members opposite. We can imagine the force and influence of subordinates referred to in a far away district of Balchuistan where I presume there is no newspaper and from where it is difficult to send immediately any information to the principal cities. We cannot accuse the honourable members like Khan Bahadur Bhutto when they seriously tell us that the introduction of these gates will give an additional handle in the hands of the subordinates to give more trouble to the zamindars. As men in public life we cannot deny the fact that in district parts these officials are a great force. Further I would like to point out that my honourable friend Mr. Pahalajani who will not yield unless he is convinced of a fact also agrees that these gates are not necessary. Above all some important facts have been placed before us by an honourable member who is conversant with the facts. Though I am not an expert I have had some experience of draw of water. If at the head the draw is smaller it is impossible to draw a great deal of water to supply to the tail. This is an ordinary thing which we have found out in many schemes. (Interruption). The honourable member Mr. Balubhai may say anything he likes ; but we ought not to be carried away by sentiment or by the fact that certain members have not voted on certain questions with the popular side although they were in the right. The whole tone of the argument shows that there was going to be trouble and because those gentlemen who have come forward to speak and happen to be interested the honourable member Mr. Balubhai does not want Government to do them justice. Then, Sir I wish to ask the Honourable the General Member why this question was not brought up at the last conference that was held ? Is he able to assure the House that the officials never thought about it then ? If it is an old question and if it was not brought before the conference, there is no necessity of this question being brought up now. If it is true that this is an important question and a great injustice is being done to people why was it kept back so long ?

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I see no justification for bringing this question now. With these words I support the cut.

Mr. NOOR MAHOMED (Hyderabad District): Sir, those who live in glass houses should not attempt to throw stones at others. I am sorry to say that honourable members who have not got the least idea as to what a sluice is or have an impression that a canal is a municipal hose pipe which can be shifted from place to place at one's own pleasure and at any moment, when they speak on a question like this they exhibit great ignorance of real facts in Sind. I wish the honourable member Mr. Ginwalla to allow me the opportunity to proceed with what I have to say and not to interrupt while I speak. Then the honourable member, Mr. Balubhai Desai, plainly said he did not know what a cusec was....

Mr. B. T. DESAI: I said that I did not know the word, but I was told that cusec means thirty acres.

Mr. NOOR MAHOMED: Cusec means thirty acres! Ignorance cannot go any further. I think this extent of knowledge creates a bewildering position for us and I would seriously request the Honourable the General Member to depute one of the executive engineers to deliver some lectures to honourable members like Mr. Balubhai Desai on the irrigation matters of Sind.....

Mr. F. J. GINWALLA: I rise to a point of order. The honourable member stated that a cusec means thirty acres.

The Honourable the PRESIDENT: There is no point of order in it. The Honourable member Mr. Noor Mahomed is suggesting to the Honourable the General Member to hold a lecture on the subject and to teach what a cusec means.

Mr. NOOR MAHOMED: Then only, Sir, will we be able to have a more satisfactory assistance from such honourable members as do not come from Sind.

The honourable member Mr. B. T. Desai said that we had failed to make out a case. He does not know anything of the subject; he does not know the law. Yet, he says that we have failed to prove our case! We say it is no use pleading before a judge or a jury who do not understand the language or the law. Another grievance of the same honourable member was that we have had a sham debate on the previous motion. I seriously thought over the use of that word by him, and I honestly think by saying what he did, he made a groundless and baseless attack on his colleagues. If I may return the compliment to him in the same word, I would say that nobody was more surprised than myself to see the shamness of the debate yesterday, the sham nature of the fight which ended yesterday, after a debate lasting for a day and a half, in the absolute and complete withdrawal of the motion of censure on the Government for the Back Bay Muddle, a motion which was brought forward in apparent seriousness and with all trumpeting. I think that honourable members who were keen about it are feeling a little irritated over it.

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Therefore, they are using explosive language which perhaps they would not use in ordinary times.

Sir, the position is this. The honourable members, Mr. Ginwalla and Mr. Balubhai Desai have always made it a point of not trusting Government in what they say. That is the attitude consistently taken up by them in this House. Whenever the Honourable the General Member or the Government said anything in regard to the Barrage or in regard to the Back Bay or anything else, they have refused to believe him and the spokesmen of Government. But I find both these honourable members Mr. Ginwalla and Mr. Balubhai Desai referring to-day to the pages of the Blue Book with piety and stating that Government have said this and that; and taking it all as the gospel truth, merely to oppose this motion.

(At this stage Mr. B. T. Desai made an interruption which was inaudible at the reporter's table).

Then, Sir, the honourable members Messrs. Ginwalla and Desai said they were representing the cause of the tail zamindars of Sind, as their voice was unrepresented in this House. That is not a fact. So far as I am concerned, I am interested in the cause of all the sections of zamindars, whether they be at the head or the tail. (Interruption). Certainly they cannot be better pleaders of the cause of the people of Sind (Interruption). Certainly they have no right to speak on their behalf or in their name. At any rate I refuse to believe that the honourable members Mr. Ginwalla and Mr. Desai have better right to speak on behalf of the people of Sind than myself. (Interruption). I cannot be silenced in this manner. I have the experience of vaster and more angry meetings and audiences than my honourable friends near me. So I request that I may be forgiven if I do not yield to interruptions.

Now, the position is this. The object of Government in bringing forward this proposal for constructing gates is to make a saving of water, for the benefit of lands at the tail. But that it is not to be. The gates will merely serve to decrease the water supply in the canal, they will only serve to make the water flow back to the river. The zamindars being hereditary cultivators sometimes know much more than our engineers: and many a time when engineers have not listened to the advice of zamindars and have pushed forward their projects, their efforts have ended in complete failure. This is one such instance of the blunders of the engineers.

The other point which I would like to urge before this honourable House and the Honourable the General Member is that this sum of Rs. 60,000 which is going to be spent from the capital account will be wasted, because Sirwah and Edenwah, the distributaries which this scheme is intended to benefit, will be transferred to the Barrage canals within three years; and thus there will be no return from the sum of Rs. 60,000. Therefore, my submission is that this expenditure is not justified. The Honourable the General Member may pursue his policy and have his way, but I assure

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him that it is not going to do any good to the people ; only the money will be wasted. If in spite of our protests, the Honourable the General Member proceeds with the construction of gates, Government will be doing so entirely on their own responsibility.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I congratulate the Honourable the General Member on the additional support which he has to-day received from benches which are usually opposed to his policy. However, I may add that the honourable members who have supported Government and opposed this motion have broken every principle and every canon of democratic Government.

Mr. B. T. DESAI : Sir, I have not supported the main scheme.

MOULVI RAFIUDDIN AHMAD : I do not think the cap fits you.

The Honourable the PRESIDENT : I think most of this is a digression from the subject before the House. I know references have been made, attacks here and there have been made, and therefore they are being met. At the same time all that may be said hereafter may be said briefly and decorously.

MOULVI RAFIUDDIN AHMAD : Sir, I wanted to say that the first canon is this : that popular representatives ought to support popular demands. The second is that if all the representatives of a particular province or district put forward a claim, it ought to be taken as the demand of the province and it ought not to be disputed. I think it should here be noted down that the honourable members that have in season and out of season cried for popular rights are now going entirely against the wishes of popular representatives. The cat was taken out of the bag by the honourable member Mr. Hooseinbhoy Lalljee. I should like to know what principle is followed by the honourable member.

Coming to the speech of my honourable friend the Chief Engineer, he says either the engineers are fools or they are knaves. I do not think they are either. There is even a thing as self-delusion ; they may be mistaken. In Sind, the engineers and the zamindars are like the muleteers and the mules. I think the mules, in this instance are more reasonable than the muleteer. Is it not right for the engineers at times to consider that the people after all may be right and they may be wrong. Here, almost every member from Sind, not only big zamindars like my honourable friend Khan Bahadur Bhutto, but persons who are opposed to them like my honourable friend the member for Sukkur (that is to say, Hindu and Mahomedan members of Sind), are agreed about this. It is not for any member from Gujarat or from Bombay to say that these people do not understand their own interests and we understand their interests better. These honourable members are trying to create bitterness between Government and the Sind members. So that Government should be deprived of their support in future.

[Moulvi Rafiuddin Ahmad]

In conclusion, I would request the Honourable the General Member to accept this cut.

Khan Bahadur JAN MOHOMED KHAN (Sukkur. District): Sir, I support the motion and take this opportunity to state that every zamindar holding land on the Begari Canal is opposed to the introduction of gates on the Begari, for the simple reason that they will do no good at all either to the zamindars of either the upper or the lower reaches. In fact they will do more harm than good. This is not the first time that an experiment has been made to spare some water from the upper reaches for the tail lands. As long back as 1907, one such experiment was made; and it ended in complete disaster both for the Zamindars of the upper reaches as well as of lower reaches. Mr. Robertson the then Executive Engineer called a conference of the zamindars and put forward the proposal of reducing Karia heads from mile 38 to mile 70; and the "Karia" heads were actually reduced. But the result of this reduction was that the surplus water, instead of flowing into the tail of the canal, flowed back into the river and was lost even to the zamindars of the head. All this because Government does not spend money on silt clearance. If silt clearance were regularly and thoroughly done, if the canal, towards its tail, were to be widened, I am confident there would be no necessity whatsoever of either "chabs" or the gates that are intended now to be introduced; and the water would flow to the tail. I repeat that "gates" are going to do no good to any one; and all this expenditure will be wasted away. The nett result of their introduction will be greater harassment of the zamindars than ever before, at the hands of the Public Works Department subordinates. The circumstance of Begari are peculiar. Its flow from the river is so sensitive that even a slight obstruction in its way will send back the water to the river, as has always happened in the past. Moreover, wherever gates have been tried, they have always resulted in the frivilous prosecutions of the zamindars by the Public Works Department subordinates; and such prosecutions have created great discontent, mainly owing to the fact that they were launched without any sufficient cause. Leaving aside all considerations of zamindars, Government will only be saving its money if it gives up the idea of gates, which are not going to improve matters. So far as I am concerned, I wish to be very clear that I am against the gates in any shape or form; and I wish to be also clear that no assurances from Government will lessen the injury that these gates will do both to the zamindars and the Government. I therefore support the motion that the money asked by Government for putting gates on the Begari be not given.

Khan Bahadur SHER MUHAMMAD KHAN BIJARANI (Upper Sind Frontier District) (Addressed the House in Sindhi): Sir, I belong to the Baloch zamindars of the Upper Sind Frontier District whence the Begari in the main flows. This lock and key arrangement that is proposed will be highly detrimental to the interests of all the Zamindars whose lands lie on the Begari Canal. The honourable member, Sir Cowasji

[Khan Bahadur Sher Muhammad Khan Bijarani]

Sahib has to take into consideration the inconvenience that this locking of the gates will entail. We have remained faithful with the Department and if gates are put, the difficulties it will lead to, will be a source of oppression to the Khatedars (occupants), the Daroghas and overseers will oppress us, on the Begari; the lowest officials connected with the supply of water will open and close at their pleasure. I, as a zamindar of that District and possessing lands there, assure Sir Cowasji Sahib that these gates will make no improvement whatever but introduce discontent. He should be therefore kind to the Zamindars and have more excavation and not resort to gates.

Mr. N. A. BECHAR (Karachi City): Sir, it was not my desire to take part in the discussion on this subject at all and my intention could be proved from the fact that I did not take part in the discussion on the last more or less similar item, because I know there are persons, not outside but in the very precinct of this building, who have sharp differences on the subject and as one coming from Sind, a province, I could not suppress my feelings which were roused by the hectoring, bullying, and scoffing manner in which my honourable friend, Mr. Noor Mahomed, told this House that the people who do not come from Sind and do not understand technical terms are not entitled to vote. ....

Mr. NOOR MAHOMED: On a point of explanation, Sir. I did not say that the honourable members have no right.

The Honourable the PRESIDENT: The whole thing is clear before the House.

Mr. N. A. BECHAR: The vote can be given only on the intelligent understanding. On these premises, my honourable friend must know that it is impossible for anyone to vote on either side without an intelligent understanding of the question. In view of this fact it is very offensive for my honourable friend to say that some honourable members are in favour of the Government proposal without trying to understand the subject.

Sir, it was in order seriously to avoid that feeling of suspicion that I particularly made it a point not to speak on this subject. But our friend the leader of the opposition gave us a very big description or rather dissertation upon the functions and the principles of a democratic government.....

MOULVI RAFIUDDIN AHMAD: I never gave, Sir, a description of the democratic government.....

Mr. N. A. BECHAR: The honourable Moulvi Saheb said that the friends who seem to have supported Government were going against the very principles and canons of democratic government.....

The Honourable the PRESIDENT: All this is foreign to the subject under discussion.

Mr. N. A. BECHAR: I do submit, Sir, that I am replying to the Moulvi Saheb's remarks.

The Honourable the PRESIDENT: Let the honourable member's remarks be brief.

Mr. N. A. BECHAR : If you will analyse the speech of my honourable friend the Moulvi Saheb, you will find, Sir, that he did not speak one point on the merits of the motion and he continued for ten minutes, Sir, without any interruption, and I may crave same indulgence (Laughter).

The Honourable the PRESIDENT : There are only ten minutes to time, and there is the mover's reply and the Government Member's reply still to come. I do not know what the honourable members wish to do.

Mr. N. A. BECHAR : All right, Sir. In deference to your wishes, I resume my seat.

The Honourable the PRESIDENT : Does the honourable member think he can finish his reply within a few minutes ? Otherwise, if he is agreeable and if he would take long, I would adjourn the debate till to-morrow, as the House must adjourn at 4 strictly ?

Mr. M. S. KHUHRO : I will finish, Sir, in about 15 minutes. Sir, the honourable member the Chief Engineer said that this matter of gates was discussed at the time of the conference and that the zamindars were informed by the Chief Engineer for irrigation. But, Sir, to our knowledge, nobody can say that this particular question was discussed. I for one am very much against these gates and do not agree with this viewpoint that any statement will satisfy us. This is a very important matter and should be discussed with the people there and they must have a fair chance of stating their objections and the Honourable the General Member should know what the objections are. Therefore, it is very necessary to examine the case before coming to a conclusion. I would request that the Honourable the General Member should go through the whole thing very carefully before coming to a final decision, and it will be better if he defers this matter to some future time and in the meantime people's opinion should be ascertained. I would have replied to so many other honourable members' arguments. But, on account of shortness of time now, I will conclude at present.

The Honourable the PRESIDENT : Before adjourning the House, there is just one little matter which I have been asked to announce to the House, for the benefit of such honourable members as would like to study the question, that there is a barrage map in the committee room outside, kept there for inspection and study for such honourable members as may like to see it, and it would be there till 6 o'clock to-morrow. So, such honourable membrs as may wish to take advantage of it may do so.

The Honourable Sir COWASJI JEHANGIR : What will happen to this debate now ? The only thing left now is for me to reply, I presume ?

The Honourable the PRESIDENT : Yes ; there is the reply of the Honourable the General Member to be made, and that we take up to-morrow. The House is now adjourned till 1 o'clock to-morrow, Friday, the 2nd March 1928.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Friday, the 2nd March 1928

The Council re-assembled at the Town Hall, Bombay, at 1 p.m. on Friday, the 2nd March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULI RAFIUDDIN
AMBEDKAR, Dr. B. R.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHOSLE. Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.

JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao BAHADUR R. R.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
METHA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.

WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT : Order, order. Before we proceed to the regular business of the House, I have to read a letter in reply to the letter of condolence which was sent on behalf of the House to the family of the late lamented Mr. Harchandrai Vishindas. This is the reply I have received from his brother Mr. Shrichand Vishindas :—

"I beg to offer thanks on behalf of self and the family of my brother, the late Mr. Harchandrai Vishindas, for the kind sympathy of the Bombay Legislative Council and the references made by the Honourable the President and other members of the Council, a copy of which was enclosed in the above letter."

The honourable member Mr. Khuhro yesterday, immediately after the House was adjourned, came up to me and said that he had misunderstood the whole situation and that he thought that the debate was going to be completed yesterday, and that he, therefore, gave up a few points he had to make. He asked me whether I would give him an opportunity to state those points. Under the circumstances, I give him that opportunity now and I trust that he will refer only to points connected with the debate and not to any other foreign matters outside the subject.

Question again proposed.

"Omit item 70—Providing regulating gates to Karias Ex-Begari Canal Rs. 60,000."

Mr. M. S. KHUHRO (Larkana District) : Sir, I thank you for giving me this further opportunity and assure you that I will not detain the House a moment longer than what I think to be absolutely necessary. I do not propose to indulge in any personal attacks as unfortunately was the case yesterday. I only wish to refute the arguments advanced against my motion.

The honourable member Mr. Swaminarayan said that there was a great cry of deficiency of water on Edenwah and Sirwah at the tail of the Begari canal and that Government were right in trying to remove that injustice by taking suitable measures to distribute the water on an equitable basis, but that we are the obstructionists. I am sorry to say that though the honourable member was sitting so near me, he, it appears, has not been able to follow me at all. It is evidently due to his ignorance of the knowledge of the state of things there. Every one of us admits that the zamindars at the tail are suffering acutely from shortage of water and all of us wish that their grievances should be removed. But what we object to is that the introduction of gates will place in the hands of low-paid servants of the department considerable power for evil, because the opening and closing of the gates will necessarily have to be done by persons drawing Rs. 25 to Rs. 300 or so, such as beldars, Daroghas and S. D. Os. and so on and they will seize every opportunity to extort money from the zamindars concerned.

The honourable member Mr. Ginwalla's remarks were quite beside the point. He does not seem to have known that the question of modules is quite foreign to the question of the proposed gates and therefore the two different factors of irrigation have perhaps confused him. So, I need not trouble the House by taking any further notice of his remarks.

[Mr. M. S. Khuhro]

My honourable friend Mr. Balubhai Desai also made remarks which were contrary to facts. He stated that the honourable member Mr. Pahalajani's suggestion was, why the gates should not be provided between mile zero and mile 31 instead of between mile 31 and mile 76, thereby suggesting this good to be done to the head zamindars and not the tail people, who are suffering, *i.e.*, between mile 31 and 76. He evidently considers gates to be a great boon to the zamindars in whose karias they will be provided. My honourable friend does not appear to realise that the gates are intended not to give any extra water to the zamindars between miles 31 and 76 but to cut off a certain proportion of the water that they are, it is believed, drawing in excess at present to the detriment of other zamindars at the tail, that is, in the area covered by Sirwah and Edenwah. So much for the remarks of my honourable friend Mr. Balubhai Desai, in so far as they related to these gates.

The second argument which Mr. Balubhai Desai made was that he thought that the Sind members were opposing the construction of gates because they could not get as much water as they desired, regardless of the wants of other zamindars. I say he is wrong there. What we fear is the likelihood—certainty I should say—of rank corruption which is bound to prevail among the lower subordinates such as the daroghas, sub-overseers and S. D. Os. and so on, who may be counted upon to make the life of the zamindars miserable. I may inform the honourable member that the lock and key system is an entirely unheard of thing in the history of Sind irrigation and naturally there are grave suspicions against the lock and key system in the minds of the people directly affected that it will operate very harshly upon them.

None of these honourable members is acquainted with methods of irrigation and the wants of people in Sind and I am surprised that they venture to offer remarks which are not only not relevant but are very misleading in their character. The third point mentioned by the same honourable member was that the mover of the motion (namely myself) is against the gates because of the apprehension of corruption to rise because of low-paid officers being tempted. Then he referred to a funny simile that because a police constable who gets Rs. 30 or Rs. 40 as pay, all the low-paid police staff should be done away with and high paid officers be substituted. This was indeed very queer on the part of the honourable member to have mentioned. I have very explicitly mentioned that these honourable members can't possibly imagine what an enormous power is going to be wielded by low-paid officers of the Public Works Department on the Begari Canal, by the introduction of these gates. They will hold the fate of very big zamindars possessing thousands of acres each in their hands, a power which will be beyond any proportion and infinitely greater than could be conceived of by the gentlemen of his mentality.

I would like to say a word about what the honourable member Mr. C. S. C. Harrison, the Chief Engineer for the Sukkur Barrage, said. He told the House that it will be the Executive Engineer for the Begari

[Mr. M. S. Khuhro]

Canals who will be opening and closing the gates after studying the water level and the requirements of each karia.

Mr. C. S. C. HARRISON: I did not say anything of the sort, Sir.

Mr. M. S. KHUHRO: That only strengthens my argument that the opening and closing of the gates will be done by low-paid subordinates of the department, and this is just where our objection comes in. I am prepared to accept the honourable member's assurance that he did not say what I attributed to him, but any way that was the impression left on my mind when I heard his speech, namely, that the Executive Engineer will be present on the spot and will regulate this new system. All of us, Mr. Pahalajani included, object to the low-paid subordinates controlling the proposed gates for the reasons I have already enumerated.

The second point that the honourable member the Chief Engineer made was about the remodelling of the Begari. The Chief Engineer is of opinion that remodelling cannot be taken in hand for a long time, and it will be many years before the remodelling is finished, but when we were present in the conference that was held in January last by the Honourable the General Member, the Superintending Engineer, Mr. Satarawalla, announced that the plans and estimates were almost complete, and the remodelling will be taken in hand shortly and probably will be completed in two or three years. It is to my knowledge that it was expressed there that in about two or three years' time the remodelling will be finished.

Mr. C. S. C. HARRISON: Sir, may I correct the honourable member? I did not say so. I said it would take a good many years to complete such a big scheme, as it would probably have to be taken up piecemeal.

Mr. M. S. KHUHRO: "A good many years" is an indefinite vague term; it may mean two or three years or even ten years.

Then my honourable friend Khan Bahadur Bhutto said in his speech that the Collectors were being called to attend the conferences, occasionally called by the Commissioner in Sind to decide about irrigational problems, but they had no potential voice in the affairs of the Public Works Department. Whatever the P. W. D. officers suggested was final. I also hold that view, though the Chief Engineer does not agree with us there. My knowledge is—and that is the knowledge of every one of us—that if any Collector happens to oppose the view of the Executive Engineer, the Collector's view is simply thrown to the walls. It is always rejected on the plea that he does not possess sufficient technical knowledge. It is assumed that the Executive Engineers are the right persons who know the technicalities of the problem, and, therefore, the Collector's view is not accepted.

The Honourable Mr. J. L. RIEU: I regret I was not able to hear exactly what the honourable member said, but I am informed that he stated that in conferences presided over by the Commissioner in Sind, at which Collectors were present, the Collectors were not allowed to express their views. I do not know whether that is what he said.

The Honourable the PRESIDENT: He did not say that. He said that the Collectors, although they were called, had no potential voice as Collectors in the matter of bringing things to the notice of the P. W. D. and seeing that their voices prevailed on behalf of the zamindars. That was what he meant.

The Honourable Mr. J. L. RIEU: Will you allow me to deny that statement altogether. I have myself presided at joint conferences of revenue and irrigation officers, and I know that the Collectors on those occasions were given every opportunity of stating their views, and it is not a fact that these views were necessarily overruled in favour of the views of the irrigation officers. They represent their views on the revenue side of questions. The Commissioner in Sind is there to hold the balance between the two departments, as being responsible for the general administration of the province, and he naturally would do so.

Mr. M. S. KHUHRO: What I said was probably not properly understood by the Honourable the Revenue Member. I meant that the Collectors did get a chance to express their views, but that their views were not adopted for the simple reason that they were considered to be laymen, and the views of Executive Engineers prevailed because they are supposed to have technical knowledge about irrigation problems. In most of the cases—and there are living examples of it—the officers of the P. W. D. have made mistakes. The public have opposed them, even the Revenue officers have opposed them, but they have been given the upper hand, and ultimately they have failed in the excavation of so many feeders and in the excavation of so many canals. There are instances in which the engineers have not come out successful. But, Sir, we object to the procedure of the conferences from a different point of view. What we say is that the Commissioner in Sind, while holding such conferences, ought to invite the representatives of the people as well to represent popular view on matters directly affecting zamindars. The people should have a voice, and they should be represented in these conferences. Whenever any conference is held to decide the fate of agriculturists of any part of Sind with regard to irrigation, the Commissioner in Sind ought to inform, in all fairness, the people belonging to that part, and know their views and then come to a final decision. Unless the people are properly represented, it literally means holding enquiry in camera and they remain quite unaware of what has been decided about their fate. That is the main ground on which we most seriously object to such conferences.

The other controversial point is this: the Chief Engineer said that the gates were mentioned in the conference at Sukkur; our view is, and we firmly believe, that they were never mentioned in the conference. None of us heard anything about it even in private conversation. We were sitting very near to the Honourable the General Member, the Chief Engineer, and the Secretary to Government for P. W. D. but we heard no mention of the gates at the time, and I make this statement with full sense of responsibility that all the zamindars do say that they never heard of the gates then. It is much afterwards that we heard of the gates. These gates are very much resented by the people

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there. I say that, in all fairness, those people who were not informed of the conference and of these gates and who did not get a chance to express their views should have been given a fair chance to express their views and to discuss the question with the Honourable the General Member. when the conference was held for discussing the questions of the Begari canal, when this question is undoubtedly one of vital importance.

There is a great apprehension about one point that my honourable friend Mr. Allahbaksh raised that the velocity of the water of Begari will considerably be diminished, say by about 2,000 cusecs. This will entail a loss of approximately 1½ lakhs or two lakhs of rupees to Government every year, besides the great loss to the people. This is a matter which should be seriously considered by Government. The Honourable the Revenue Member is taking a great responsibility if he allows this system to be introduced. I hope that the honourable member will realise it. The zamindars with one voice opposed this system and in spite of that the Honourable the General Member has taken the responsibility upon himself to enunciate this policy.

I have not brought this motion before the Council of my own accord, but I have done so with the unanimous and anxious desire of the zamindars and after having fully discussing it with them. We are of opinion that this amount need not be wasted and can be profitably saved. I hope the Honourable the General Member will re-consider the whole question and will make a statement about it.

The other point is about the *chabs*. These *chabs* are only used for short periods as a temporary measure in order to supply water to the tail in bad inundation. If they are permanently and rigorously enforced it will do great harm to the cultivators. If gates are at all used, I want to make it clear, they should be introduced in the place and in the manner these *chabs* are used. With these remarks I support my motion for omission of this demand for grant.

Mr. J. ADDYMAN : I rise to offer a word of explanation. Yesterday in the course of the debate there was a great deal of confusion about the word "cusecs." The Honourable Member Mr. Noor Mahomed suggested that it might be explained to the House.....

The Honourable the PRESIDENT : What is the point of explanation? If it is an explanation of the word "cusec" the Honourable the General Member will probably explain it in his reply.

The Honourable Sir COWASJI JEHANGIR : Mr. President, if honourable members desire, I shall ask the Chief Engineer to explain it scientifically. Otherwise I shall explain it to the best of my ability.

The Honourable the PRESIDENT : It is enough if the Honourable the General Member does so.

The Honourable Sir COWASJI JEHANGIR : Mr. President, I am sure it will be admitted that quite unexpectedly we have had rather a lively debate on the amendment moved by my honourable friend. Government has received support from quite unexpected quarters but it must be admitted that that support was tainted with a considerable amount of bitterness. It is being stated that Government climb down.

[Sir Cowasji Jehangir]

If accepting the assistance of a small committee of this honourable House to obtain further evidence of corruption and taking their views on one particular issue, *viz.*, as to what steps should be taken in connection with such allegations of corruption, is climbing down, then my honourable friend the Swarajists are welcome to that consolation. I will repeat that if accepting the suggestion of my honourable friend, on one particular issue, namely, to take their assistance to obtain further evidence of corruption and then advise as to what steps Government should take, and that was the only issue accepted by Government—is climbing down—my honourable friends may be consoled by that fact. (An Honourable Member : Is it wise to climb down ?)

. Now, let me come to my honourable friend Mr. B. T. Desai. If Government accept a cut it is showing strength. But if the honourable Swarajist member advices Government not to accept a cut—it is a very rare state of affairs in this honourable House—and if Government still feel inclined to do so, it is climbing down. Now, Sir, I emphatically state that taunts of this character are not going to tempt Government to accept a cut or to oppose it. They will accept or oppose, not because certain members asked them to accept or oppose but on the merits of the case. In this case I regret I have to oppose the cut.

Mr. President, so much time of this honourable House has been taken up with this amendment, that I feel rather guilty in taking up more time. You will excuse me if I attempt to explain and clarify the atmosphere to some extent. I went to Sind last cold weather—I think it was in January.—My honourable friends from Sind met me and urged upon Government the necessity of further clearance in the Begari. The honourable member Mr. Pahalajani has kindly admitted that we gave them a very patient hearing. I could not then commit either myself or Government to the further expenditure but I was prepared to consider the arguments placed before me and if money could possibly be found I myself made up my mind that further clearance should be effected on the Begari. At the same time the engineers told me that if Government was going to incur this extra expenditure it would be advisable to have gates on the Begari. They explained to me very clearly the reasons for their suggestion. I do not know whether all honourable members know what are *chabs*. Chabbing is a system that prevails in canals in Sind when there is a scarcity of water. *Chabbing* is closing a karia head with brush wood or earth temporarily in order to prevent that karia from taking as much water as it ordinarily does. On the Begari canal chabbing has been prevailing for the last three or four years. I am informed by the Engineers that it is as unpleasant to P. W. D. officers as it is to zamindars, to go in for this method of regulation of water supply. It is true that it entails a considerable amount of work on the P. W. D. staff and a considerable amount of anxiety to the zamindars. It might also become necessary on occasions to enforce these *chabs* by a little more than gentle persuation. I was also told that if money on silt clearance was to be spent it would be better to have some other method of regulation than *chabbing*—a

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method which could be more easily brought into effect and more easily looked after. If Government were agreeable to incur this expenditure Government would naturally wish that such expenditure was incurred both for the benefit of the zamindars as well as of Government. Therefore I agreed to the extra expenditure on gates.

Now, Sir, I was clearly given to understand then, and I am clearly given to understand now that gates are to take the place of *chabbing*. If my honourable friends have accepted *chabbing* as a necessity for the last three or four years, I do not see why they should not accept gates which are a better substitute than any other we can improvise in this case.

Now, Sir, my honourable friends are apprehensive of great powers being handed over to subordinates, powers which these subordinates may use to harass them. But if I can assure my honourable friends that these gates will be used for no other purpose than for the purpose for which *chabs* were used, I hope I will get the support of all reasonable zamindars. I will repeat that gates are provided merely to serve the purpose of *chabs* which are used in times of deficiency of water and such supply of water as is secured by the operations of the gates will be utilised for the benefit of the tail, including Edenwah and Sirwah. The Executive Engineer will, as was done in the past, consult the zamindars of all the reaches of the canal as to the periods of rotation. All information about the number of days and the time at which the chabs have been used during the three years preceding the year 1927-28 will be carefully collected and the average of these three *abkalani* seasons will be taken as a guide to determine the number of days on which the gates should be put into operation. I will assure honourable zamindars that the number of days on which the gates will be used will not, as far as possible, exceed the average number of the days on which the *chabs* have been used during the three years preceding 1927-28.

Khan Bahadur S. N. BHUTTO: Sir, I would like to know what the honourable member means by "as far as possible."

The Honourable Sir COWASJI JEHANGIR: I will explain. The gates will be used for the same number of days as *chabs*, but if there are unforeseen circumstances, if the *abkalani* happens to be worse than in the last four or five years, it might be found necessary to use the gates oftener than the average of the *chabs*. "As far as possible" here means "except in exceptional circumstances:" I cannot limit the discretion which is given to all executive engineers in such matters. These will be the instructions given to the Executive Engineer, but if the circumstances of a particular year are different from the circumstances prevalent during the previous two or three years, the Executive Engineer must have discretion to adapt the use of these gates according to circumstances. But I can assure the honourable zamindars that by "as far as possible" I refer only to exceptional circumstances and to the fact that I am reluctant to deprive the Executive Engineer of any discretion that vests in him at present. Take the case of *chabs*. He consults the zamindars and *chabs* are put in certain karias, but if the next *abkalani*

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happens to be a disastrous one, no zamindar will come forward and contend that *chabs* should not be used more frequently than in the previous years. That discretion at present is given to the Executive Engineer. If we substitute gates for *chabs*, I do not see any reason to deprive the Executive Engineer of that discretion. Now, Sir, I trust my honourable friends the zamindars will realise that I am quite sincere when I say that Government have no intention to use these gates more severely than *chabs* have been used for the last three or four years.

Mr. B. G. PAHALAJANI: May I ask for information, Sir? The *chabs* are removed immediately their work is over; will these gates be removed as soon as their work is over?

The Honourable Sir COWASJI JEHANGIR: The gates, as my honourable friend ought to know, can be opened and can be closed. They can be left open if they are not required.

Mr. B. G. PAHALAJANI: But the key will remain with the subordinates.

The Honourable Sir COWAJI JEHANGIR: The gates can be closed to a certain height. Supposing, for instance, that it is found unnecessary to close the gates, they will be left open. *Chabs* are put in temporarily for one particular occasion and have to be cleared off again. The gates can be raised. The *chabs* can be only temporary; you may put in a *chab* and it may be surreptitiously removed. But the gate can be locked.

Mr. B. G. PAHALAJANI: With whom will the key remain?

The Honourable Sir COWASJI JEHANGIR: The key may remain with the subordinate, but it is the Executive Engineer who will decide as to the height at which the gate should be fixed. In the same manner *chabs* are being put in by the subordinates. It is the subordinates who have to look after the *chabs*, and I am informed that there is more scope for corruption and for harassment in *chabs* than there is in gates.

Mr. M. S. KHUHRO: Will these gates be used with the co-operation of the zamindars as in the case of *chabs*?

The Honourable Sir COWASJI JEHANGIR: I have just now made a statement which I had drawn up for the satisfaction of the honourable members, but I am sorry that my honourable friend did not follow me clearly. I have clearly stated that.

My honourable friend Mr. Allahbaksh, whom I am pleased to regard as one of those zamindars in this honourable House who takes a keen interest in irrigation and who tries to study all questions on irrigation has brought forward an objection. He has stated that by these gates the discharge at the head of the Begari will be considerably reduced. He asked me to give an undertaking that if the operation of gates reduces the discharge from 7,500 to 6,000 cusecs at the head, they will cease to operate. I am prepared to give an undertaking to the effect that if the discharge at the head of the canal is so reduced after the gates operate, they will be removed provided the gauge reading at Bukkur and at the head regulator are the same for purposes of comparison. When my

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honourable friend made that statement, I naturally turned round to my honourable friend, the Chief Engineer for Lloyd Barrage for confirmation and he very clearly explained to me under what circumstances the discharge at the head might be reduced. As a layman I may try to explain the position to my honourable friends. If the gates at the head are closed, it would mean that less water would pass through the karias at the head and a smaller quantity of water would be admitted through the canal ; if the gates to be closed are in the middle of the canal, the water will pass on from the mouth and there will be little risk of the discharge being decreased. After this assurance that I am prepared to give, I am confident that my honourable friend, Mr. Allahbaksh will accept it.

Mr. M. S. KHUHRO : If the discharge of the Begari has been increased by 2,000 cusecs, will it not happen that this discharge will decrease by 500 or 1,000 cusecs ?

The Honourable Sir COWASJI JEHANGIR : If it decreases by about 50 or 60 cusecs, I do not think my honourable friend Mr. Allahbaksh will complain.

Mr. ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR : I do not mind if it decreases by 400 cusecs.

The Honourable Sir COWASJI JEHANGIR : My honourable friend, Mr. Khuhro, in his reply made a very surprising statement which I feel inclined to contradict. He states that the collectors of districts as laymen had little information about the question of irrigation. I do not pretend to have a great deal of experience of Sind. My connection with Sind only began since I took over charge of the Irrigation Department. I may assure my honourable friends that the Revenue Department is consulted on all vital questions. When I say Revenue Department, I mean the collectors are consulted on all vital questions and they are asked to express their opinion, although they may be laymen. If the opinion of laymen is not to carry weight and if it is alleged that their opinion does not carry weight, I ask my honourable friends how the opinion expressed by them will carry weight. If we contend that the opinion of the collector is the opinion of a layman, I repeat that the same argument could be used against me, it could be used against my honourable friends, Messrs. Pahalajani and Khuhro. But it is not used. I may tell this House that the opinion of the collector and the Commissioner carries the greatest weight with Government. I have very often heard that a Collector of a district has expressed an opinion contrary to the opinion expressed by the engineers. But on making enquiries I have personally found that there was little or no difference of opinion. Therefore, when I hear that a Collector in a certain district is not in agreement with the irrigation policy, I make fullest enquiries in the matter, not verbally but in writing.

Mr. B. G. PAHALAJANI : May I know if in this case an enquiry was made ?

The Honourable Sir COWASJI JEHANGIR : In this particular case I am not able to say. But in two cases I can assure my honourable

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friends that when I have been told that the collector has been in disagreement, I have taken care to see that the collector's opinion has been reduced to writing. Sir, I have given this House two important assurances. I trust that the House will accept these assurances. There is no desire on the part of Government to enforce any measures which would give harassment. It is the desire of Government and the sincere desire of Government that whatever steps they take the zamindars should be as little harassed as possible and these gates are one of those measures. I admit that *chabbing* does entail harassment both to the zamindars and to the Government officers, but I contend that these gates will be a less source of harassment both to the zamindars and to Government officers. Under the circumstances I would appeal to my honourable friend, after the assurance I have given him, to withdraw his demand for a cut.

Mr. M. S. KHUHRO : In view of the assurance given by the Honourable the General Member I withdraw my motion.

Question put and leave granted.

Rao Bahadur R. R. KALE (Satara District) : Sir, I beg to move :

" Reduce by Rs. 10,00,000—Total Demand—Rs. 2,61,43,000. "

I wish to take this opportunity, Sir, of discussing the policy that is being carried on. I do not mean the engineering or the technical aspect of the question, which I leave to others, especially to those who have recently visited that province, and who have made an inspection. But I am referring to that matter which has formed the subject of Government Resolution No. 1348 dated the 14th November 1927, which has been placed on the table of the Legislative Council, in regard to the policy to be followed in the matter of the sales of land. A reference to page 121 of the Blue Book will show that it is stated there in the introductory note that " the scheme (Sukkur Barrage Scheme) will also bring under cultivation an additional area of about 33 lakhs of acres." That is a statement intended to show what revenue is going to be derived from making the sales of land. Now, Sir, it has been stated during the course of the enquiry by the revenue officer that the prices realised for the land will be about Rs. 300 an acre. If that is so, Sir, the total approximate value of the sale of these 33 lakhs will be Rs. 9,900 lakhs or nearly Rs. 10 crores. Now, when the original project (Sukkur Barrage) was under discussion in 1923....

MOULVI RAFIUDDIN AHMAD : You were in this House then.

Rao Bahadur R. R. KALE : Yes, I was in this House ; and the projected estimates that were given were something like Rs. 18 crores, and it was stated that the cost will not exceed those estimates. Of course, these are projected estimates. But, Sir, from a statement made by the Honourable the General Member yesterday, I think, one has reason to fear that these estimates may exceed, and hence it is the duty of this Council to draw the attention of the House to the fact that we should try to see if the sources of income which will be derived owing to this scheme are also not fully utilised. Now, Sir, the anxieties of

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the members, the zamindars of Sind, is to secure lands at concessional rates, and the resolution which has been placed on the Council table deals with the claims put forward by the zamindars. I only appeal to the honourable members of this House who represent the zamindars not to grudge the payment of the full price in the interests of the general taxpayer by putting forward particular claims on the ground that they have been entitled to such since in the past they enjoyed them. The resolution under consideration, Sir, has very properly held that the two rights, namely, the mohag right, as well as the right to forfeited fallow land, have no legal existence. The mohag right seems to be something analogous to the right which we have in the Deccan when alluvial land is found adjacent to the land of a holder; and the other right is fallow forfeit right. That is to say, when a land is allowed to remain fallow owing to lack of water, then it is liable to be forfeited. But as soon as it is again brought under cultivation, it is given to the former holder although in reality he has no legal right to it. In both these respects, the memorandum of the Commissioner in Sind, which is attached to that resolution, has discussed this question at great length, and they have come to the conclusion, and have rightly come to the conclusion, that there is no legal right in the zamindars on either of these scores. But Government have considered their case from an equitable point of view. I have no objection, Sir, to a man who comes to claim equity being given equity, provided also he does equity. The further part of the resolution, by which 3½ lakhs are promised to be given at concession rates, assumes, I submit, two things which I shall endeavour to show are not correct. The reason given for the assumption is that when this resolution asking for sanction to this Sukkur Barrage Scheme was under discussion in 1923, during the course of the debate, a statement was made by the Honourable Sir Chimanlal Setalvad, who was then the General Member in charge of the department, and it is supposed a sort of right is derived from that statement on the contention that there has been a sort of promise or undertaking on the part of Government to give 3½ lakhs acres at the very concessional rate of Rs. 15 per acre. When the market price is Rs. 300 an acre, the concessional rate is stated to be Rs. 15 an acre. Further, Sir, it is stated in the Government Resolution that to this promise or undertaking, as it is said, the Legislative Council has given its approval. The wording of the resolution is that "this promised grant of 3½ lakhs of acres at the concessionary rate of Rs. 15 per acre was enunciated by the Honourable Sir Chimanlal Setalvad in the Legislative Council and approved by that body." I want to show, Sir, that really speaking, this has not been the case. If we refer to the proceedings of the Legislative Council of that year, it will be seen that the proposition, the actual resolution, that was put before the House was merely in the form of a recommendation to Government—rather a curious resolution, that is to say, a resolution moved by a Member of Government asking this House to recommend to the Governor in Council that the scheme of the Sukkur Barrage is approved. That was the wording of the resolution. Then, in dealing

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with certain claims or objections the Honourable the General Member made a statement which, as I have said, is the foundation of this claim. In the first instance, Sir, I may state that a statement is not an undertaking or any promise as such. Further, when the debate followed upon the opening speech, several members took part in it and they criticised the scheme and also expressed certain apprehensions.

Then in replying the Honourable the General Member said :—

" I will say at once, Sir, that the honourable member was perfectly right in his statement that because this Council adopts this resolution it is not bound hand and foot for all time to the manner in which the scheme should be carried out. Year after year the Member in charge of the department, who wants to expend the necessary money during that year on this project, will have to come to this Council for its vote and get its approval ..... If this project is sanctioned, whenever any budget provision is presented to the Council in any particular year, the Council will be free to cut it down or to alter it. If the way in which the scheme is being carried out during the previous year justifies them in doing so, this Council has and will have throughout the construction of the scheme complete hold over it. I may assure the Council that if they pass this resolution they will have power from time to time to control the working of the project."

I submit with regard to the sale of land, that it is a part and parcel of this project and hence it is that, when we find that these sales are going to be profitable, we should see if it is not within the competency of this Council to ascertain whether what is proposed to be done is really in the interests of the general taxpayers.

With regard to the value of the land, it was further stated that it had something to do with the Government of this presidency as well as the Secretary of State to whom the scheme was forwarded. The opinion of Sir Chimanlal Setalvad was based upon certain action which the officers of Government had taken in formulating the scheme. We must therefore go to that portion of the statements of facts which were formulated by the revenue and engineering departments.....

MOULVI RAFIUDDIN AHMAD : Does the honourable member disapprove of the scheme ?

Rao Bahadur R. R. KALE : As I say, I disapprove of the scheme so far as it proceeds upon the assumption that $3\frac{1}{2}$ lakhs of acres have been promised to be given at the very low concessionary rate of Rs. 15 per acre. So far as that part of the resolution is concerned, I do say that I take exception to it. I am endeavouring to show in the first instance that there has been no undertaking of any kind nor has there been any approval of this Council to this kind of a measure which is said to have been given. As I said, it is open to the Legislative Council, when now for instance at this stage a demand is made for a large amount to meet expenses, to ask whether, as was stated during the debate on the first motion, it is possible to realise sale proceeds after two or four or six years or to effect sales in advance. I am now therefore endeavouring to show that when the Honourable the General Member is coming to this Council and asking for an additional grant, that it is open to every member of this House to ask him whether it is not possible for him to raise the money by resorting to the sales of land in a manner which will result in the interests of the general taxpayers and at the same time safeguard the rights of zamindars. I do not for a moment suggest that if there are any rights as such that

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they should be invaded, but if a simple attempt is made to put forward a claim on the ground of equity, as I said, then certainly it is open for us to meet that claim by asking the zamindars to come to a settlement by which small landholders (by " zamindars " I do understand even small cultivators) can have conceded to them their rights of frontage and the rights of forfeited lands so that there will be no cause for complaint. What I mean to say is, not that the whole of the 3½ lakhs of acres which are said to have been kept apart to meet these equitable claims should be exhausted, but what I suggest is that claims of small holders may be met with, but in the interests of the general taxpayers, if there is no legal right we can justly refuse to comply with the larger claims. That is the submission which I am placing before this House. The memorandum of the Commissioner contains the history of these claims and we have also certain statements which really could have formed the foundation of the statement of Sir Chimanlal Setalvad. If those statements which have been incorporated in the Commissioner's memorandum are examined, we will know how the reservation of 3½ lakhs of acres came to be made. When the general debate was on, a general statement may have been made which does not amount in my humble opinion to any binding contract so to say. The 3½ lakhs matter is stated to have arisen only by way of an estimate. The Government Resolution says in paragraph 16 :—

" It is necessary to examine how the misunderstanding that undoubtedly exists has arisen. In a report dated 5th November 1922 the then Revenue Officer, Mr. Hey, while mentioning the importance attached by zamindars to ' mohag,' stated there was no legal right whatever and that, in order to carry out a programme of sales it was necessary to sweep aside all claims of mohag, ' except in the case of small plots and fragments of land islanded amid existing occupancies or needed to round off holdings or secure direct access to roads, wells, water channels or the like.' Mr. Baker, in a report dated 19th January 1923 suggested Rs. 15 as an *average* rate for concessionary land. As he has explained in his evidence, the average was to include allowance for land given free. But there was no suggestion that the concessionary land need be ' mohag ' land : the word does not indeed appear in Mr. Baker's report. In Mr. Musto's pamphlet ' The Future of Sind ' published in 1923, pages 47 and 48, the nature of the ' mohag ' claim is explained and it is pointed out that only small areas could properly be given on this ground. Mr. Musto, however, goes on to say that ' to provide for all such claims on a very liberal basis ' an area of 350,000 acres consisting of small blocks had been reserved ; and, for estimating purposes only, it had been assumed hat this area will be granted at an average rate of Rs. 15 per acre."

It will be seen from a perusal of this that the acreage of 3½ lakhs has not been agreed to be given away to whomsoever a claim is made by. So, my submission is that in considering this resolution in so far as it relates to two assumptions made by Government, which as I said, are based (1) on the statement of Sir Chimanlal Setalvad and (2) on carrying of the resolution by this Council, the position must be examined. If, on an examination of the position it is found and I hope and trust that it will be found that really there has been any binding agreement or even any sort of a binding promise on the part of Government, then certainly the Government is bound to give at the concessionary rate of Rs. 15 an acre all this valuable land, namely 3½ lakhs acres. This is a matter which I submit is important for the purpose of deciding once for all this question as it affects this Council because the resolution proceeds on the opinion or rather the approval of the Council as stated in this resolution, and

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therefore it is high time that the Council must enter its strong protest against their opinion having been quoted in support of the concessionary grant of 3½ lakhs of acres. I have moved this motion for a cut of Rs. 10 lakhs, in order to raise a discussion upon the policy. But this Council can refuse to sanction the moneys that are required for the purpose of carrying on this construction work on the ground that the Government should meet the wishes of the Council on this particular point, namely, that they should decide this question of land sales before they ask the Council to grant the demand. I therefore submit that honourable members of this House would be pleased to see the necessity of considering this question, and I appeal to my honourable friends from Sind to look at this question not from a narrow point of view, but from the point of view of the general taxpayer. If land which was fallow, if land which did not yield anything is now going to yield an income owing to water being available, no doubt the cultivators will be entitled to make use of the land and the water. But certainly, is not a person who wants to buy land adjacent to his land expected to pay something more than the ordinary purchaser in the market, or is he bound to pay less? If land is put up for auction, a person in the market may offer Rs. 200 for it, but an adjacent owner will offer something more, because it is convenient to him to cultivate it by joining it to his original land. Therefore, for these lands, the people who are claiming these rights of mohag really ought to pay more than the ordinary market prices. All that I can submit in their favour is that they may claim a right of preemption. I quite agree that persons who are owners of adjacent lands should be given first preference for buying the land, but beyond such a right of pre-emption, to put them into a better and more advantageous position will be putting a premium on the right of pre-emption, because you offer them pre-emption and you also offer them land at less prices. I submit that the question is really worth being considered, and I hope Honourable Members of Government will also be pleased to consider this question from that point of view. We have not had before us any other correspondence, but judging from the memorandum of the commission, which is a very exhaustive document, I do feel that there is room to consider whether this theory of there being 350,000 acres of land absolutely kept for being given away at this concessionary rate is really correct. Of course, the zamindars want 470,000 acres more. From the memorandum and the resolution I know Government have decided to meet them half way. The zamindars wanted that the mohag and the fallow forfeiture should be mutually exclusive. They said "These mohag rights you have already provided for by keeping 350,000 acres, but we have got a separate fallow forfeiture right to the extent of some 4 lakhs of acres. Therefore, in addition to the 350,000 acres give us 470,000 acres more," as if these are mutually exclusive. As a matter of fact, they are not mutually exclusive rights at all. They may interlap each other, and, really speaking, if there is any equity, it must be in favour of persons who have forfeited their holdings and who claim it back. However, it is a question which really, to my mind,

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is capable of being further considered, and I do hope that Government will give us, not exactly at this stage, a definite proposal, but if I hear from the Honourable the General Member the desire of Government to reconsider this question.....

MOULVI RAFIUDDIN AHMAD : Without moral turpitude ?

Rao Bahadur R. R. KALE : Certainly ; there should not be any moral, or legal turpitude either. However, as I said, if I hear that Government desire to reconsider this question, then we shall be in a position to judge whether this full grant should be given.

Question proposed.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I must first seek the permission of this House to address it at some length on the important questions which are involved in this demand and the cut moved. I think that the finances not only of the presidency proper but also of the Sind division are involved in the questions which are now before us. When the estimates for the Sukkur Barrage were first framed (as they are given in the report issued by Messrs. Baker and Lane) the expenditure amounted to Rs. 14 crores. Certain changes were later on made in the project, and when the matter was brought up to this Council the estimates had risen to Rs. 18·35 crores. Last year the figure was put up to Rs. 19 crores, and the Honourable the General Member has come out now with an estimate of over Rs. 20 crores. This does not of course include the arrears of interest, which will probably come to something over Rs. 4 crores. The mere interest charges which this House is asked to sanction in this year come to Rs. 46½ lakhs, and it appears to me that, before this House sanctions the extra expenditure now demanded, it ought to go into the receipt side of the question and see whether the estimates which are being prepared as to the revenue to be derived have full justification or not. When Sir Chimanlal Setalvad put his resolution about the Sukkur Barrage before the Council in 1923, he made it clear that Government expected to realise a certain amount from land sales, and that the interest on that amount would be utilised to pay the interest for the Sukkur Barrage expenditure. As honourable members are aware, he said that the interest charges are proposed to be met as follows : firstly, by an assignment of Rs. 10 lakhs out of the famine grant ; secondly, by the sale of land as water is available, or in advance if required ; and thirdly, out of capital, if necessary. In the course of his very able speech, Dewan Bahadur Harilal Desai, in moving his amendment on that resolution, quoted the Secretary of State on this particular question. The Secretary of State, in his telegram to the Government of India, says " I note that Government of Bombay adhere to the view that construction estimates are adequate and that land sales may be confidently expected to yield 12·60 crores spreading over 25 years allowing for certain concessionary grants to local zamindars. I understand that your Government accept Bombay Government's views on these matters." It was on the basis of these estimates that the Secretary of State sanctioned the project. Sir, I wish now to discuss

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this matter in some detail, and give to the honourable members of this House some idea of the exact type of zamindars who will secure the largest benefit from this project, and as to what should be the best lines to be followed by Government with regard to the sale of land, so as to benefit every class, and, at the same time, yield to the State sufficient revenue. In discussing these matters, I must refer to certain matters of detail, and I would crave the indulgence of this House to bear with me patiently as I deal with those details.

Sir, I am not one of those who think that the honourable members of this House do not or cannot take a sufficiently active, sympathetic and intelligent interest in matters relating to Sind. I do not think we can forget the remarkable debates of 1923 in which I find that members from Bombay had studied the details of Sukkur Barrage probably far better than members from Sind, some of whom may not have even opened the large volumes which Government was good enough to supply them. Further I find that members from Bombay who have taken an interest in Sind, as was witnessed even to-day, deal with the matter from the larger stand point. Sir, it is thought by some as if like the presidency divisions Sind also has got a large number of small holdings. But the opposite is the case. Sind is predominently a land of big holdings. As much as 36 per cent. of the agricultural land in Sind is held by a small group of 2,000 zamindars. Out of the total of 2,00,000 of zamindars—owners or occupiers of land—about 2,000 zamindars hold as much as 36 per cent. of the agricultural land ; and each one of these 2,000 men owns 500 acres and more. If we compare the statistics of Sind and the presidency proper the contrast becomes clear ; and in deciding upon the policy to be followed in regard to the sale of lands Government should see that the small as well large holders—probably small holders more than the large—get the benefit of the crores which the presidency is going to spend on the Sukkur Barrage. As I said, in Sind 36 per cent. of the land is held by land-holders each of whom holds more than 500 acres. If the Honourable Sir Ghulam Hussain's definition that occupiers of more than 100 acres are large holders, then 63 per cent. of the land in Sind is occupied by large holders. In the presidency proper about 17 per cent. of the land is held by such large holders. But if we take 500 acres as the minimum for large holdings then 36 per cent. of land is held by those big holders, while in the presidency proper only 4 per cent. is held by such big holders. If we compare the holdings of Sind with those in an agricultural province like the Punjab we find that the average holding in Sind is five time as large as it is in the Punjab. I give these figures from official publications in order that the House may have a correct idea as to the agricultural holdings in Sind.

Government have decided as a result of certain practices which prevail in Sind that 3½ lakhs of acres should be given on concessionary rates. This action has already been touched upon by the speaker who preceded me and I do not propose to repeat the discussion. But I leave it at this that out of a total of 33 lakhs of acres which, according to the average

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rate of Rs. 300 per acre given by the revenue officer of the Lloyd Barrage, is valued at Rs. 100 crores.....

The Honourable Mr. J. L. RIEU: I think that the honourable member is speaking on the assumption that this figure of 33 lakhs of acres represents the area of unoccupied land available for sale. But the figure is only 15 lakhs. The figure of 33 lakhs represents the additional area of cultivation resulting from the Sukkur Barrage.

Mr. JAIRAMDAS DOULATRAM: I was coming to that. The new land which is to come under cultivation for the first time whether it belongs to Government or private zamindars is 33 lakhs of acres. Of this only 15 lakhs of acres belong to Government and the balance of 18 lakhs of acres belongs to the existing zamindars. What I wish to bring before the House is this. As a result of the expenditure of over 20 crores of rupees from the public revenues 18 lakhs of acres of land already owned by the existing zamindars are going to rise tremendously in value. The expenditure of 20 crores of rupees by the public taxpayer is giving an advantage to the existing zamindars to the tune of 40 crores of rupees fixing the value of an acre at even Rs. 250. In addition to the automatic advantage thus conferred on the existing zamindars there is a concessionary grant to be allowed. When it is realised that 36 per cent. of land in each district, is normally held by very big zamindars, an idea will probably be formed of the substantial share of extra wealth which is transferred to a small class of people who are not more than about 300 men in each district. About one-third or 36 per cent. of the land in each district is held by big zamindars. One-third of the 18 lakhs of acres already owned by zamindars comes to 6 lakhs of acres. The value of this will be 18 crores of rupees if the rate is Rs. 300 per acre. In addition to the advantage thus given by the taxpayers to these large zamindars a concessionary grant is being allowed to them. It appears to me that far more important than this question of automatic advantage given by the taxpayer to the large holders by increasing the value of their land tremendously and giving them a perennial supply of water and the question of the concessionary grant of 3½ lakhs of acres is the vital question of the disposal of the remaining 11½ lakhs of acres of Government land.

And it is with regard to this matter that I would expect that Government should at as early a stage as possible declare its policy, because it has not only to realise Rs. 12,60,00,000, according to the estimates of 1923, but it has not to lose this wonderful opportunity of removing starvation from the home of the poorest of the poor. It should not happen that the public taxpayer not only to-day but for forty, fifty or sixty years more, should have to make a sacrifice for the sake largely of a few very big zamindars. Perhaps the honourable members of this House will be surprised to know that under the economic bondage of these two thousand big zamindars live five to six lakhs of tenant population, who are tenants in name but who have no economic interest in the land except that of being labourers who can be kicked out to-morrow.

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It is a very perverted economic condition, which enables a small group of very big zamindars to hold in perpetual economic bondage lakhs and lakhs of men who can be thrown out any day.

Besides these, there are also in Sind those depressed classes whose problems are being dealt with by every department in the presidency proper. I hold that these seventy-five thousands or one lakh of depressed classes, whose claims I would put first, ought to be transferred from mere landless labourers into peasant proprietors. Government ought to earmark a substantial share to be sold to these people, at full market value if necessary (but I would say at concession rates), to be recovered in convenient instalments so that these landless cultivators might be turned into peasant proprietors. One important method of social uplift of the depressed classes is to give them an economic position in life. And I do contend that so long as the economic condition of the depressed classes remains what it is and so long as they are not given the status and position of peasant proprietors, who have some interest in the land they own, the path of social progress, so far as these classes are concerned, will not be clear of thorns and free from serious difficulties.

The Honourable Mr. J. L. RIEU: Sir, on a point of information, may I enquire of the honourable member what classes he was referring to by the term "depressed classes?"

Mr. JAIRAMDAS DOULATRAM: I am referring to the large class of Kolis, Bhils and Meghwars, many of whom are to-day landless farm labourers and sometimes work even under the tenants-at-will in many a field in Sind. They have come from Rajputana, Marwar, Kutch and Gujarat in the course of the last sixty or seventy years and settled down in Sind; they speak the Sindhi language and sometimes adopt the Sindhi dress.

Next to these classes are what in Sind are called peasants, but miscalled peasants, because they are merely farm labourers. It is the average Sindh Mussalman who comes under this category. For years and years this class of people has remained without any interest in land, and whatever my friends may say, I think it is the duty of every Indian irrespective of his religion to support the class of landless labourers. And I would ask this honourable House not to be carried away by the potent or potential voice of any zamindar members of this Council, but put in a strong word of protest against any policy of land sales followed by Government which does not raise the social and economic condition of this vast peasantry, these landless labourers, whose population in Sind is not less than fifteen lakhs.

Next to them, in my opinion, come the middle class agriculturists—not the big land-holders. Among "middle class agriculturists" I include that agriculturist, who is miscalled "non-agriculturist" that agriculturists who for generations has been pursuing the profession of agriculture and who has probably no means of livelihood other than agriculture or whose main means of livelihood is agriculture, that agriculturist who passes the greater portion of his time, probably ten out of the twelve months

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of the year, on his land superintending and supervising the various processes of agriculture.

And last, not first, will come the large landholder who may get the benefit of these twenty crores of rupees out of the public revenues both of the presidency and Sind. Sir, I will urge Government to see that no one who already has more than a certain maximum of land in the Barrage area gets an inch of ground on the Sukkur Barrage. There are landlords in Sind who own 20,000 acres; there are landlords in Sind whose annual income will probably be two lakhs of rupees, say 50 per cent. more than the salary of the head of this province. I do not think that such landlords have any right to fatten on the public revenues gathered from the general taxpayer. (An honourable member: Question). (An honourable member: How many?) Sir, I am asked how many, and I will say 36 per cent. of the land in Sind is held by them, and if holdings over 100 acres in extent are taken into consideration then 66 per cent. of the land is held by them. Sir, I would further state that those zamindars, or agriculturists,—call them what you like—who have not sufficient capital to invest in the development of the agricultural wealth of Sind, these zamindars who allow a large portion of their land to lie fallow, not only on account of lack of water, but sometimes through lack of capital and sometimes through lack of energy, ought not to be given any more land in the Sukkur Barrage area. I shall quote here the opinion of a revenue officer who has served in Sind for twenty years: He says, in the course of his evidence before the Fallow Rules Committee:

"Sind has several zamindars, who are very large landholders, and these at times have neither the means nor the energy to bring sufficient part of their holdings under cultivation every year, yet for the habit of land grabbing would like to see more and more areas in their hands simply for the purpose of holding it and no better."

(An honourable member: What is the name of the officer?) And Mr. Musto, who was in 1923 a member of this House and who has done a great deal of propaganda for the Barrage Project has said in one of his pamphlets that many large landholders have more land than they can cultivate. I therefore expect that Government will lay down a strict policy and see that only that section of the population which stands in the greatest need of social and economic uplift gets the benefit of the Barrage lands.

At the same time, I expect that if this policy is to be followed then the policy of getting the best price from those who can pay it ought to be followed. And to me it appears that only a system of auction will enable the land to be taken up by the man who can invest more capital—and it is only the man who can invest more capital who can develop the land properly—or to be taken up by the man who can make the most out of a small holding, and cultivate the land most intensively. Only if the land passes to these two classes of people, whose interest it is to see that land is cultivated as intensively as possible, that the Barrage project will be a financial success and Sind will gain adequately from it. If land is given to those who do not cultivate it intensively, then the annual land revenue suffers and the future value of the land sufferers. I think, Sir, that it is to the interest of every part of this presidency

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that this principle ought to be followed when Government lay down their policy.

The Honourable Sir GHULAM HUSSAIN : Sir, I must make my position very clear. I hold my seat in this Council as the representative of the rural constituency of Hyderabad where I have the honour to represent a large section of the smallest possible zamindars such as those who pay Rs. 36 as assessment. I had the honour of representing big zamindars in the pre-reformed Council.

I quite agree with my honourable friend, the previous speaker, (Mr. Jairamdas Doulatram), that it is the duty of everyone to ameliorate the conditions of the poor zamindars. His solicitude for the depressed classes is not more than mine. I have actually shown that by giving them representation on the local bodies. A few months ago, when I made enquiries about the depressed classes, and asked for their nomination on the local bodies in Sind, my honourable friend from Sukkur, Mr. Pahalajani and others said that there were no depressed classes in Sind. I have received official and non-official reports from Sind stating that there were no depressed classes there. But to-day I am told that there are depressed classes there.

Coming to the argument of my honourable friend, he said so much about the bigger zamindars. He says there are not less than 2,000 of them, and each of them holds not less than 500 acres of land. But the honourable member did not inform this honourable House that in Sind we have an inundation canal. It is not the case that the whole land is cultivated every year, as in the presidency which depends for its water supply on rain. In Sind, they do not cultivate more than one-third of the land. I challenge my honourable friend to dispute that point. There are experts in this House, there are Revenue Officers on this side, and they will tell you the same thing.

Mr. B. G. PAHALAJANI : Are there no canals in the presidency ?

The Honourable Sir GHULAM HUSSAIN : There are few canals in the presidency, but it has to depend for its water supply on rain. Now, Sir, I may state that the bigger zamindar, who is represented so much here in this House, cultivates not more than 170 or 160 acres out of the said 500 acres and my honourable friend should consider what the income must be on that. According to my honourable friend, there are 2,000 such zamindars, and others own less than 500 acres. So, I ask : " What must be the condition of these people ? " Their condition must be worse than that of the others. My honourable friend thinks that this concession is proposed to be given to those who will hold land on the Sukkur Barrage. But this is not the case. There are other canals in existence where the zamindars have land.

Now, coming to the argument of my honourable friend, Rao Bahadur Kale, what does it amount to ? He says that this concession should not be given effect to. But the predecessor of the Honourable the General Member gave an undertaking in this matter. It was accepted.

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by Government and was sanctioned by this honourable House. Is it fair now to go back on that undertaking ?

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Sir, may I know if the Honourable Minister is right in traversing the whole ground ? The question of cut is before the House and he is having a general discussion.

The Honourable Sir COWASJI JEHANGIR : I rise to a point of order. My honourable friend is speaking in Urdu. I cannot understand his speech. Yesterday he was speaking in Gujerathi.

The Honourable the PRESIDENT : Order, order. Only one point of order can be raised at a time. The first one has not yet been disposed of. As regards the point of order raised by the honourable member Mr. Baloch, the cut has been moved to raise a general discussion of the Barrage. So, the Honourable Minister is perfectly in order.

The Honourable Sir GHULAM HUSSAIN : Sir, as I have told you, an undertaking was given by the predecessor of the Honourable the General Member. On that undertaking, the scheme was sanctioned. Does my honourable friend now suggest that we should go back on that undertaking ? If we do that, I am afraid nobody will rely on the promises of this Government in future. Further, my honourable friend, Rao Bahadur Kale, made it clear to this House that Government do not admit the legal claim of the zamindars to the mohag and fallow forfeited lands but admit their claim in equity. I do not want to deal with the legal aspect of the question, but I say that Government fully realise their responsibility in this matter and propose to give land on concession. If my honourable friend is so anxious.....

Mr. A. D. SHETH : Let the honourable member in charge say that.....

The Honourable Sir GHULAM HUSSAIN : The resolution was read out by the honourable member, Rao Bahadur Kale. Now, my honourable friend Rao Bahadur Kale and my honourable friend from Sind are very anxious about the taxpayer. But I would remind my honourable friend Rao Bahadur Kale that we are paying interest to the tune of Rs. 50 lakhs on unproductive works of irrigation in the Deccan. In the first place, he should make them pay, before he comes forward in this House to talk of the zamindars in Sind and of the taxpayers' money.

Rao Bahadur R. R. KALE : That is no answer to my point at all.

Mr. M. S. KHUHRO (Larkana District) : Sir, during the course of the debate on the cut proposed by my honourable friend Rao Bahadur Kale on the Sukkur Barrage, the remarks that have been made by the honourable member himself and by the honourable member Mr. Jairamdas Doulatram from Hyderabad have been mostly with regard to the sales of land. Sir, the other day there was some discussion to the same effect in which the honourable member Mr. Lalji Naranji

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from Bombay indulged, and that was to the same effect. Sir, I find that efforts are being made to mislead the honourable members here and to make statements which are, in fact, not only incorrect, but contrary to the actual facts. Sir, it has been argued out at great length by the honourable member Rao Bahadur Kale that the zamindars have no lien on the lands that are said to be fallow forfeited, and it is probable he meant that it is a matter of favour or that Government wanted to pocket them; therefore, the Honourable the General Member at that time made that assurance. Sir, that question has been dealt with by the committee appointed by Government on the fallow rules in 1925, on which there were four non-official members and three official members, and I had the honour of being one of the members. We had witnesses both officials and non-officials, and there were elaborate enquiries made and a report submitted, which was unfortunately not unanimous. Sir, there are two issues. One is about the *mohag* rights of the zamindar, and the other about the fallow forfeited land. Fallow forfeited lands include lands voluntarily relinquished by the zamindars as well. Some lands were relinquished by zamindars on some understandings. The terms of reference to that committee were very clear about the question of restoration of fallow forfeited land, which, any honourable member who may have cared to read the report must have seen. One of the terms of reference is :

"More particularly to consider the question of the restoration to the original holders of land forfeited under the fallow rules, the conditions under which such restoration should be made and to what extent zamindars have a lien on lands so forfeited and what interpretation has been placed upon the rules by successive Commissioners in Sind, and to submit a report to Government."

Sir, honourable members of this House are aware that the Commissioner in Sind exercises the powers of local Government, and the circulars issued by the Commissioner in Sind every time with regard to land and other matters are considered as valid as any Government Resolution. Sir, even in 1887, when for the first time the fallow rules were introduced,—I may be excused if I indulge a little bit in the question of fallow rules as it has arisen during the course of the debate,—in 1887 when for the first time the fallow rules were sanctioned by Government, they were sanctioned because the apprehensions were that the land was not being properly cultivated. Sir, various British officers examined the question and there have been various reports, for instance, of Mr. Erskine and others, who have had very great experience of the settlement and the Sind revenue system, and they have made reports from which it would be clearly understood that the zamindars are not solely responsible for not cultivating land, because there were difficulties which were beyond their power, for instance, the deficiency of water and paucity of manure and absence of such other facilities, and therefore, zamindars are compelled to leave land fallow for two years. Ordinarily, Sir, any person who knows anything of the agriculture of Sind will bear me out that it is not possible to cultivate every land every year with the crop of wheat, cotton or jowari.

Mr. JAIRAMDAS DOULATRAM : With perennial water ?

Mr. M. S. KHUHRO : With perennial water there are many difficulties which are expected. There will be waterlogging, which is apprehended ; there will be paucity of manure which is still there at present ; there will be drainage and other facilities necessary, and one is not certain whether they will be adequately provided. And even at present there is no perennial supply of water. My honourable friend from Hyderabad knows that the Jamrao canal which was intended at first to be a perennial canal and was designed also in that consideration has not been supplying that water as a perennial canal should, throughout the year. Land on that side can be cultivated hardly once a year and that also few small pieces, it can be cultivated sometimes once in three years and sometimes once in two years. I would like to read a paragraph from the official report about fallow land. Apart from the non-official view, I would like to say something of what the officials have mentioned about it. I am referring to page 21 of the report.

This is what they say :

" On the other hand we readily admit that as a result of these instructions there grew up an almost universal belief that forfeited lands would be restored to the original occupants on payment of fallow assessment, and a general, if not universal, practice of restoration to any former occupant who applied. It was not until after 1915 that district officers began to recognize even 10 years' forfeiture as extinguishing a claim to restoration on payment of fallow assessment. Before that time therefore land was allowed to be forfeited in the belief that it would be restored on application, and there can be no question that general practice justified that belief. And in these circumstances, although we hold that there is lien in the sense of any legal claim, and that not one of the orders of any Commissioner from the very beginning can be regarded as a pledge, yet the practice of restoration was so general for the period of at least 25 years that the zamindars quite naturally came to regard it as a normal part of the system and to arrange their cultivation accordingly. And as Government, and its officers encouraged them to do so it is not possible for Government now to refuse to admit that a lien, in the sense of an equitable claim, does exist."

Now, Sir, from this paragraph also it will be seen that the lien has been admitted, because of the fact that the practice has been there for a long time and zamindars have very clearly understood that the lands that are being fallow forfeited would be restored to them on payment of single assessment. I would, for instance, quote one passage from a circular of the Commissioner in Sind, Sir Evan James, who knew more of Sind, than any Commissioner has ever done—he was an authority on the revenue and agriculture of Sind—and he had very carefully studied Sind conditions. A suggestion was made to him by officials that the period of four years fallow assessment according to Rule 4 of Sind Fallow Rules should be extended from 5 to 10 years and the lien of zamindars should once for all be done away with. While describing the suggestions made by Collectors and officers, he makes this remark in the year 1900 :

" A suggestion has also been made that the fallow period should be extended from five to seven or even ten years with a forfeiture of any lien on the land such as exists at present. But the Commissioner does not consider any change in the period prescribed by the present rules at all advisable and is not prepared to recommend to Government any alteration of the existing system. Although 13 years have passed since fallow rules were made, the people in many places have not yet realized fully their object and force. It would be in the Commissioner's opinion, impolitic in the highest degree to alter what is now one of the most essential incidents of land tenure in Sind, and one of the wisest

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measures devised by Mr. Erskine (on the advice of a strong committee of Sind officers) to adjust the Bombay system of settlement to this province. Even if changes were supposed to tend to theoretical perfection (and that it would do so the Commissioner does not believe) any change now would perplex and disturb the whole of the land owning classes, who are extending cultivation very satisfactorily. However whatever rules may be made on paper the sense of proprietorships in fallow forfeited lands would still remain, and the ignoring of it would be practically impossible or at least appear an outrage on the cultivators' sense of what is just. The Commissioner will therefore leave it well alone."

When a Commissioner like Sir Evan James expresses in such emphatic terms that there is a strong belief that the zamindars have got a proprietory right in fallow forfeited lands, is not Government bound to-day to recognise all that the Commissioner in Sind said fully realising his responsibility in 1900, and is not Government bound by the conclusions come to by the Fallow Committee (official and non-official members) and by what Government themselves have ultimately acknowledged in the resolution issued in November last ? It is most unfortunate for Sind to have been annexed to the Bombay Presidency. The fact is that Sind agriculture and Sind revenue system is absolutely different from that of the rest of the Presidency and the Deccan. A Deccani agriculturist can never understand the Sind system just as a Sindhi agriculturist can never follow the agriculture system of the Deccan. Sir, it is not only myself that express this opinion but it is the opinion expressed by the whole intelligensia of Sind. One very learned. and experienced witness like Rai Bahadur Hiranand Khemsing while giving evidence before the Fallow Committee said.....

The Honourable the PRESIDENT : Is the honourable member going to read the whole of it ?

Mr. M. S. KHUHRO : I request permission to read a few lines. Sir. I will now refer to page 17 of the Fallow Committee's report. He says :

"Government was not and is not the owner of the soil in Sind. It is the zamindar who is the owner. The Government of Bombay at the time Sind was annexed to Bombay committed an act of spoliation when they constituted themselves as owners and reduced the Sind zamindar to the level of a Deccan Rayat, and styled him in the language of the Bombay Land Revenue Code as "occupant" which is defined as holder in actual possession. The connection of Sind with Bombay has been and will remain an unfortunate one, until this wrong has been righted."

It was not his original opinion but this is the opinion which was even maintained, by very learned, experienced and statesmanlike officers of the British Government who made thorough investigation of the land revenue system in Sind and had studied the conditions there in early days of the British rule in Sind. If honourable members care to read the non-official report of the Fallow Rules Committee, they will come across various quotations drawn from their reports to that effect. There is only one which I want to specially mention and that is the letter from the Government of India to the Government of Bombay, in which they say that "The Governor General is anxious that the tenure of land in Sind should be carefully ascertained and settled on their merit both as regards the conflicting interests of the different parties and their connection with the state. It is also stated therein "that he has little doubt but that proprietory rights in the soil do exist throughout that province

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(*i.e.*, Sind) and that it only requires the application of knowledge and experience of the subject to develop and record them." In view of all this it is most unfair at any time that any land forfeited should not be restored to the owner precisely when the land was taken up on the clear understanding that it would be restored to him any time that he was in a position to cultivate it and pay the fallow assessment due from him which was equal to one single assessment Rs. 3 or 4 per acre.

There is another issue involved in this, namely, the question of Mohag. Mohag, the honourable member Rao Bahadur Kale explained, should be recognised when it is a portion of alluvial land which has been annexed to the holding of an owner forming his Mohag, owing to the River's change in course, etc. Mohag is in certain cases very necessary for the purposes of forming economic holdings in order to do profitable cultivation. It is considered a most essential feature of the land revenue system in Sind. It is essential for this reason that in Sind there is no monsoon. Lands are irrigated by the river water which is brought to the land by means of karias and water-courses. If for instance certain zamindars have holdings on a certain karia and if there is a small strip of land lying between them which cannot be given away to a foreigner without seriously affecting the interests of those zamindars and if there is the fear of inflicting an inconvenient neighbour on them, it should be given to the one among those zamindars already settled on that karia, and who has a superior claim to make his holding an economic one. There are very often disputes arising over the distribution of water and over the engagement of labour (which disputes at times lead to bloodshed even). Under such circumstances it is necessary to recognize Mohag rights and to give to the zamindars having adjacent holding to that Government waste land under a concessional rate. This system has been recognised by the officers themselves as conducive to administrative convenience. Mohag in Sind is not to be understood in the sense in which it seems to have been understood by some of the honourable members here, that it consists of vast areas of land. The Government Resolution itself makes this point clear. The conditions laid down are so very strict, that have yet to be authenticated by the Land Revenue Officer, Barrage, that very strong claims will have to be made out by zamindars to stand that taste. Mohags have got to be taken in consideration in order to render peace of mind to zamindars who otherwise stand exposed to the risk of such apprehensions that I have enumerated above.

Sir, the statement made by the Honourable the General Member in 1923 was with reference to the mohags alone because at that time there was a fear in the minds of honourable members from Sind that all the claims and the rights of zamindars which are vested in the lands may be violated and frustrated. In order to give an assurance to them that such will not be the case, the Honourable the General Member has very clearly stated that there is anxiety in certain quarters about what is known as the mohag rights of the Zamindars. It is far from the intention of the Government to ignore these traditional rights in the policy of land sales to finance the project. All genuine cases where inquiry would be

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done by selling lands adjoining present holdings will be and are being fully considered and Government have set aside no less than 3½ lakhs of acres or 25 per cent. of unoccupied land to be sold at the extremely low figure of Rs. 15 per acre "Halkans." Ever since it has been a very strong belief of the zamindars in Sind that these 3½ lakhs of acres referred to mohag alone having fallow forfeited lands. We got the statistics from Government officers according to whom during the last 20 years about four lakhs acres have been forfeited to Government within the area that will be commanded by the Barrage alone, and as a matter of fact, a total of six lakhs has been forfeited within these twenty years in the whole of Sind. The non-official report puts down 3½ lakhs of acres as mohag *plus* four lakhs of acres of fallow forfeited land, recommending thus the restoration of 7½ lakhs of acres on a concessional rate to the zamindars.

The honourable member from Hyderabad has tried to show that there are very big zamindars in Sind and that it will be unfair to give more land to them and that this concession is probably going to be made with a view to give more and more land to big zamindars. If we were to go through these figures that were collected with great labour and trouble by Dr. Mann—and they are in the possession of the honourable member Mr. Dow, and I hope he will enlighten the House on that subject—I can safely say that it will be found that about 75 per cent. of the zamindars are holding land less than 100 acres. The honourable member Mr. Otto Rothfeld, the then Registrar of Co-operative Societies while the discussion on the Barrage was going on in 1923, quoted some very interesting figures which I wish to repeat here for the knowledge of the honourable members here. He says about the extent of the holdings of the zamindars as follows:

"There are at the present moment 208,000 cultivators in Sind. Out of these 208,000, 67,000 own holdings under Government of less than five acres, and 64,000 own holdings under Government of between 5 and 15 acres: that is nearly 132,000 are cultivators in Sind—Government occupants of land—own lands under 15 acres, and roughly 90,000 of these may be assumed to own holdings of less than 10 acres each. Sind is not entirely a land of large zamindars. There are in Sind large state owners only 2,251 in number."

But, Sir, within the period of the last five years, that has lapsed since these figures were collected, I can safely say that the number of small holders must have considerably increased. These figures show that the large holders, that is people having more than 500 acres, are mostly in Jacobabad and Upper Sind Frontier District alone. Unfortunately, I do not possess now the figures for other districts, but hey were given to me from the figures worked out by Dr. Mann, and I found that in every district the average is much less than what has been described here to-day by the honourable member Mr. Jairamdas. For him to say straight away that this land will be given away to the big zamindars is unfair and doing a great injustice.

Then, Sir, the point about showing sympathy to the depressed classes and the labouring classes, which was brought up by the honourable member to-day caused me some surprise. He says there are Kolis, Meghwars and Bhils, but I would like to inform him that these castes only

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exist in Thar Parkar District, where probably the honourable member has remained for the last two or three months in connection with the flood relief work. He has come into touch with all these people there, and he is bringing up their cause. But the main point here is whether we are going to sympathise with the agriculturists, or whether we are here to oust the agriculturists and substitute non-agriculturists to take the place of the agriculturists. The crux of the whole argument of my honourable friend Mr. Jairamdas was that agriculturists should not be encouraged any longer, and non-agriculturists should be substituted in their place, or should at least be transferred into agriculturists.

Mr. JAIRAMDAS DOULATRAM: Kolis are agriculturists.

Mr. M. S. KHUHRO: He said in very clear terms that the depressed classes and those labourers who are doing other labour should be made to do agricultural labour, and should be encouraged to do agricultural labour. Thereby he clearly meant that those who are not agriculturists should be made agriculturists, and agriculturists should cease to be agriculturists.

Mr. JAIRAMDAS DOULATRAM: On a point of personal explanation Sir, I made it clear that I was speaking of farm labourers belong to the depressed classes, the Kolis.....

The Honourable the PRESIDENT: Order order. Two honourable members cannot be on their legs at the same time. The honourable member apparently does not yield.

Mr. M. S. KHUHRO: I have got very limited time, and I do not want to be interrupted.

Sir, it creates grave suspicions in the minds of the representatives of agriculturists from Sind that arguments of this kind are brought forward here with some ulterior motives. We do not know what they are, but there is some sort of propaganda being carried on in certain quarters in Sind that there are educated persons who are not employed, and being unemployed they should be encouraged to get lands to maintain themselves. Sir, it is very unfair that, at the cost of agriculturists, non-agriculturists who are educated, who may be graduates, should be benefited. Sir, this is the primary right of the agriculturists. If these educated persons have got scientific knowledge of agriculture why do they not come forward and cultivate with their hands? Why do they consider it below their dignity to go and cultivate themselves. Sir, great, honourable and respectable people in other countries, in England and on the Continent, consider it their pride to plough themselves, but here are our friends who want lands to begin with as landlords which will be by depriving the agriculturists of their legitimate rights but who do not want to cultivate themselves. It is for this object that these arguments are brought forward here, and I for one protest that this kind of argument should be brought forward in this House. These, are, Sir, the reasons why we suspect and feel that Sind is not being properly treated by being a part of the presidency. The problems of irrigation in Sind are not understood here, and when there was a discussion about irrigation in

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Sind there were funny statements made here, and when questions about agriculture of Sind are discussed, funny statements are made here. I know the honourable member from Hyderabad Mr. Jairamdas who spoke on behalf of the agriculturists does not hold any land; he is not an agriculturist. But let him ask his own relations and friends what they say about the vested rights of zamindars in the Government waste land. For all these reasons, I hope that Government will be very fair and just in considering the claims of the zamindars, and not deprive them of their rightful dues. They have got genuine claims, and they should be considered.

One argument was advanced by my honourable friend Mr. Jairamdas that 18 lakhs of acres of lands were given away to the zamindars before the inception of the Barrage, and of this 6 lakhs of acres were possessed by big landholders, *i.e.*, about 36 per cent. and he says that it is worth Rs. 18 crores. (Interruption). He again said that there are 33 lakhs of acres that are coming under the Barrage including the Government waste land 15 lakhs of acres, and all this land will be improved and rise in price, hence it is an unearned increment, for which the zamindars must contribute proportionately. The land that will be actually sold is very clearly given here; it is only 15 lakhs of acres, of which 11½ lakhs of acres will be sold to the highest bidder, as decided by Government. If he accepts the figures that have been worked out by the revenue officer of the Barrage, Mr. Baker, and by the present revenue officer, they say that the average price will be from Rs. 50 to Rs. 100, Rs. 150 to Rs. 250 an acre, and even if we take the normal price at Rs. 100 an acre, about Rs. 11 crores, to Rs. 12 crores will be realised by that calculation. Therefore, there need be no apprehension on that point; and even supposing that the prices estimated will not be realised, it does not mean that the zamindars' claims should be thrown away without being considered, and I submit, Sir, that there is absolutely no case made out for that. With these remarks I resume my seat.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the reduction. Before taking up the Sukkur Barrage I would like to take up the land question as my honourable friend had referred to it at length. The discussion that followed gives me a little bit of surprise. Honourable members from Sind including my honourable friend Mr. Jairamdas are inclined to have these lands for their own benefit, whether they be big or small zamindars matters little provided they are Sindhis; and that the presidency should pay for it. I have already pressed the point that in order to make the area commanded by the Sukkur Barrage agriculturally successful you must make ample provision of money for colonisation from the Government Funds. I say this from experience extending over years. The colonisation of such a big area is not an easy thing. The capital that would be required by the agriculturists will be enormous. It is a small thing for this Government to spend 18 crores of rupees, borrow it from the Government of India and spend it. But it must be very difficult for an agriculturist whether big or small to bring under plough a new land. At the initial stage at least it would cost Rs. 30 per

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acre ; so Government should in the first place provide 30 or 40 crores of rupees to be given to the agriculturists through banks or some other agency ; otherwise the Sukkur Barrage scheme will never prove a success for years to come. The agriculturists may in the initial stage commit blunders, the lands may change hands and others may find success later on after 20 or 30 years. Colonisation must be helped by funds. With that in view I had tabled certain questions. Again the lands commanded by the Sukkur Barrage should not be given to the Sind zamindars whose hands are full with too much land. As has been pointed out by my honourable friend Mr. Jairamdas, there are 18 lakhs of acres of fallow land in the occupation of the zamindars and when the barrage is completed they will have to bring these 18 lakhs of acres under cultivation. I do not think that the zamindars will have as much financial facility to bring these vast lands into cultivation. In bringing under plough a new land the cost that will be necessary ought to be taken into consideration, for if a land remains on hand fallow for two or three years it makes a lot of difference in the business of cultivation. Suppose a man takes up 200 acres of this land. He can at the most put under plough 30 acres in the first year, because there will be the difficulty of labour, of money, implements and so on. For the remaining 170 acres he will have to pay assessment from his pocket, which is now fixed at the rate of Rs. 5 and more per acre and this adds to the capital cost. There is also the risk to crops on account of locusts in Sind. If there is damage by locusts then he will have to pay the whole assessment from his pocket. So for an ordinary agriculturist it is very difficult to get success out of new lands for years to come. Again, as to their occupancy price I may state in the presidency lands on canals fit for sugarcane cultivation are available at Rs. 121 or Rs. 200 per acre. If that is so, nobody would like to purchase lands at a heavy price and go to Sind for cultivation and work in a very uncongenial climate of a desert in strange surroundings. My view, therefore, is that the true value of the land should be assessed. Government might have put Rs. 200 and Rs. 300 per acre to please the Secretary of State in order to get his sanction or to please this House for the same purpose. In my own district lands are being sold at Rs. 30 to Rs. 40 paying an assessment of Rs. 4 an acre. When such lands are available quite in the neighbourhood, nobody having capital would like to remain for years and work under 130° of heat under going all the difficulties of finding money to build a house, get labour, cattle and so on. I think that the value should again be revised, and the whole unoccupied area that will be commanded by the barrage should not be given away to the zamindars but to the best of the agriculturists in the presidency. In the first place if some provision is made by this Government to start co-operative societies or other organizations, they can take away the agriculturists from the Ratnagiri and Kolaba Districts which are very heavily assessed and very thickly populated at the rate of over 400 per square mile. Now, in Sind the population is only 75 per square mile. If you want to bring under cultivation the lands having a perennial supply of water, it requires more men and more labour.

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Whether you raise rice or other crops, intensive cultivation requires a population of at least 250 per square mile as in the Punjab. With a population of 75 per square mile no big zamindar will be able to bring under cultivation these new lands especially as he has got to cultivate the waste lands already in his possession. So, they will not be able to cultivate the new lands successfully, and when such irrigated land is not handled carefully, the inevitable result is deterioration of the soil. If that land is mishandled, the alkali comes to the surface. For the safety of the Barrage itself, it is better, therefore, to leave the Sind zamindar to himself, and import people who know intensive farming from the rest of the presidency, from areas where the population is above 300 per square mile, and settle them in Sind. They can be induced to go and settle in Sind by the advance of a sufficient amount of cheap loan. Again the fact is that the people of Ratnagiri and other Deccan districts as also the cultivators of Sind are very poor. So if Government advance them money and, as the honourable member Mr. Jairamdas suggested, recover it by easy instalments, and at the same time reduce the present value of the land (Rs. 75 to 250), which was placed before the House only to induce it to sanction the project, then they will go and settle in Sind. (Moulvi Rafiuddin Ahmad: Not from Kaira?) I do not think Kaira men will go; otherwise, I would have brought in the name of Kaira also. The Kaira man will try to get land round about his own district. Instead of going to Sind and carrying on an unbusiness-like farming, he will go to a neighbouring district or Indian State and get land there. He knows his business; he is all right where he is. The names of Ratnagiri and other Deccan districts were suggested to me by the fact that a large number of them come to Bombay and work as labourers here in the railways, in the Port Trust, in the building trade and in the mills. I say that there are two lakhs of people with their families doing labour work in Bombay, who will thank Government if they take them to Sind and give them their legitimate business.

Now, I come to the Barrage itself. By the end of 1928-29, we shall have spent more than half the estimated expenditure on the Barrage and the canal system—about nine crores—but I do not know whether we shall have done half the work. We have been supplied with the Blue Book and the White Book and other papers, but it is not quite clear to me that we shall have done more than half the work. So far as I can see we shall not have gone half way and we have a long way to go. The Honourable the General Member stated yesterday that the estimates might be exceeded to some extent. May I know whether this excess in estimates of expenditure will bring in an increase in revenue and whether the saving in reduced prices of materials, etc., will counterbalance the excess? Or will the Barrage be a huge blunder like the Development Department? That is the great question that has occurred to me in the past and occurs to me now. As a matter of fact when this very Barrage project was brought before the House I had grave doubts about its success. In my private conversation with Members of Government and others I was told that it was going to be a huge success. Yet, I

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failed to understand how it was going to be a success. I find that the whole success depends on one factor, namely the sale of land. The sale of these lands, according to my calculation can never realise 12 crores. If Government cannot realise 12½ crores from the sale of land, what will be the fate of the Sukkur Barrage ? Twelve and a half crores gone ! Then I do not know if the whole thing will not be a Development affair or something bigger than the Development affair. The whole of this Barrage is based on that one speculation. I do agree that the Barrage proposal has raised the value of land in Sind. Yet, I do not believe that you can get Rs. 250 an acre. It must be borne in mind that all the best lands in that area have already been taken up by the existing Sind zamindars. The Sind zamindars knew that the Barrage was coming, and from 1910 to 1920, they must have taken up all the best lands leaving inferior ones. May I enquire since when Government stopped giving lands in the Central Sind ? So far as I can see, from 1909 to 1920 the whole area was open for anybody in Sind to purchase. There are 1½ million acres, including the malkana land to be given to zamindars; nobody will give money for some of these lands which are already impregnated with alkali. The honourable member the Chief Engineer says that it is not a fact. I may say that out of this 1½ million acres, there is a large portion which is already impregnated with alkaline matter. Is that not a fact ? How can these lands find purchasers ? Then there are lands which are situated far away without communications. I do not think you can find a purchaser at such prices for those lands.

In any case, the policy as regards the giving of land should be made clear by Government. I have been putting questions as regards this matter for some time now, but no definite reply has been received. I also put questions regarding fallow rules, as applicable to the Barrage zone, as to whether they will be observed and given effect to, but no clear reply has been received. This Council has a right to know what Government are going to do. The Secretary of State gave sanction to this Barrage on condition that Government would get the sanction of the House : he assumed no responsibility for it himself. In his telegram sanctioning the Barrage project he clearly asked Government to get the sanction of the House before launching the scheme. He gave sanction also on the clear understanding that 12½ crores would be realised from land sales. This Council as the sanctioning authority has every right to influence its policy. As regards the retrenchment to be effected in the Barrage Department, I may state that a cut of Rs. 16 lakhs is not much. And I request the honourable member the Chief Engineer to accept this cut. It is not much and he can reduce some expenses in establishment and other charges. I trust he will accept this small cut of 5 per cent. or so.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, during the discussion on the budget I mentioned to this House about the disposal of valuable assets, in the form of land which will be supplied with perennial water supply that this presidency holds, and I am glad to find that some interesting debate on this question has

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arisen to-day. At the outset, I should say that some of the Sind members have expressed their views that the Bombay people are not competent to speak on the Sind questions, because they do not possess the same knowledge that the Sind members possess. It was shown to this House yesterday on one or two small points. It was said that because Bombay members do not study the questions connected with Sind, it was not worth while for Sind to remain with the Bombay presidency. But I should say, Sir, that a Sind member is administering the whole of this presidency and that is with great success; it is most surprising that such a remark should be made by Sind members, and I say that if the rule is applied, and if Bombay people are not competent to deal with the problems of Sind and Sind people are not competent to deal with Bombay problems does he mean also that there should be no member of Sind on the cabinet of this presidency. It is a false analogy. Therefore, most of the Sind questions are submitted to criticism by the Bombay presidency members after close study and about which there is nothing particular that cannot be considered by both.

Sir, I raise a very broad question and that broad question is this, I want to know whether Government have any right to dispose of their very valuable assets of land at concessionary rates of Rs. 15 or practically at no rates—when you consider the present value to be Rs. 150 minimum —not owing to any efforts of the Sind zamindars, but owing to serious risks of investing 20 crores from borrowed capital on the credit of this Presidency for improving the estate, *viz.*, all lands commanded by the Sukkur Barrage, the land no one would lay claim to but for assured perennial water supply.

I was very anxious to hear the Honourable Minister who represented Sind give some important solid information, but he has failed to enlighten us on this question by his to-day's remarks. What arguments does he bring ? He says that he is representing the small zamindars, but he should not forget that he is keeping his seat warm on the open benches as Minister in the Council, by the help of the big zamindars.

Another point he made was that he has been very concessionary to the depressed classes. I think even there he will see that giving of voting power for local bodies does not give everything to them, but to maintain themselves, I am sure those who represent depressed classes will always like land for cultivation as a means of livelihood to enable them to use the right of giving votes with some good practical results.

The Honourable Sir GHULAM HUSSAIN: They have been greedy for land now.

Mr. LALJI NARANJI: I may submit, Sir, that the honourable member Mr. Jairamdas from Hyderabad has placed before this House the facts which are very instructive. I say his figures are nearly correct, after hearing another Sind member, who differs widely from him. There is nothing to dispute about those figures. So far as I understand, the honourable member, Mr. Khuhro, has not followed the facts. What he stated was that out of 31 lakhs of acres 18 lakhs are already owned

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by the Sind zamindars and the remaining 13 lakhs will have to be disposed of by Government. I expected him to reply if it was correct, but he has not replied. I also expected some remarks from the honourable member who represents zamindars, but nothing was done. From the figures that are placed before this House we find that 18 lakhs of acres are already going to be benefitted by the Sukkur project for no price and we should not grudge that. We have not undertaken the scheme for a few zamindars, but by that scheme the whole presidency expects to be benefitted to a certain extent, firstly by improving the lot of the holders of 18 lakhs of acres and secondly by recouping the cost of Sukkur Barrage from the sale of 13 lakhs of acres at good price.

There is another point raised by the Honourable Minister. He says that out of 500 acres that each zamindar possesses, he is only able to cultivate 150 acres. That is his argument and I think it is sufficient to convince the Government benches that if those zamindars are not competent enough to cultivate 500 acres of land, already owned by them, why should they ask for more land and why should Government entertain their claim at the concessionary rate of Rs. 15 by doing which Government will deteriorate and lower the prices of land which must be sold at the highest price.

The Honourable Sir GHULAM HUSSAIN: They cannot cultivate more on account of lack of water.

Mr. LALJI NARANJI: I was saying that when the zamindars cannot cultivate whatever land they at present possess, why should they ask for more land? Government's object is that they should see more land cultivated by giving more land to them and their object will be frustrated. Now, what are the reasons advanced in connection with the land which remains uncultivated? The reasons are given in the Resolution of 14th November 1927 to which the note of the Commissioner is appended. They are:

(1) holding by zamindars of land beyond their capacity,
(2) lack of labour.
(3) uncertainty of water.
(4) lack of water.
(5) need of soil for fallows.

These are the five reasons why the cultivators or zamindars cannot bring the land to cultivation. The Honourable Minister admits that the difficulty of getting sufficient water will be removed by the Sukkur project. But I do not understand how they will cultivate land if other causes are not removed by them. What about other difficulties? If they have neither more spare capital nor more labour, why do they not give up land grabbing.

Further the Honourable Minister said that there is a loss of Rs. 55 crores on the Deccan agricultural scheme. I say if that is so, why should we try the same thing elsewhere. I trust he accepts the principle "that two wrongs never make one right." Therefore, it is not proper that if there is a loss of Rs. 55 crores, no further steps should be taken.....

The Honourable Sir GHULAM HUSSAIN: I did not say Rs. 55 crores. I said "50 lakhs recurring."

Mr. LALJI NARANJI: I thank the Honourable Minister for the correction. If there is a loss of Rs. 50 lakhs recurring on that account in one part of the Presidency, *viz.*, Deccan, why this Barrage scheme should be undertaken in a way which will also make it a source of loss by wasting away its assets at cheap prices?

He says that because the schemes in the Deccan are not productive in this presidency, we should undertake a scheme in Sind which must also be unproductive, and for that reason, to make it unproductive, the land must be given as a present. It is not a question of a few thousand rupees or a few hundred thousand rupees, but it is a question of—at least the minimum sum is—5 crores. And are Government entitled to waste away their resources from this source in the fashion they have been doing? I would refer to one point as a layman. I should refer to the Government of India Act, page 20 of the Council Manual, where you find under the heading "Property, Contracts and Liabilities" it is said:

"The Secretary of State in Council may, with the concurrence of a majority of votes at a meeting of the Council of India, sell and dispose of any real or personal estate for the time being vested in His Majesty for the purposes of the Government of India."

Then, in the same clause, clause 28, it is stated:

"Any assurance relating to real estate, made by the authority of the Secretary of State in Council, may be made under the hands and seals of two members of the Council of India."

Now, if the Secretary of State cannot give an assurance without the assurance being signed by the two members of the Council of India, I want to know whether any such assurance, about which much is made and on which the claim is made, without going into the merits of the words used by the Honourable Sir Chimanlal Setalvad on that occasion, without the seal of the two members, can ever be given and whether it can be binding. Even assuming that such undertaking is binding, I will now ask whether the words that are referred to in that resolution are in any way binding. The words are very clear. They are:

"There is anxiety in certain quarters about what is known as the *mohag* rights of zamindars. It is far from the intention of Government to ignore these traditional rights in the policy of land sales to finance the project. All genuine cases where injury would be done by selling lands adjoining present holdings will be and are fully considered, and Government have set aside no less than 350,000 acres or 25 per cent. of the unoccupied land to be sold at the extremely low figure of Rs. 15 per acre."

The only assurance that is given is that if there are any rights of other zamindars, they will be considered and land will be reserved. But nothing is said that the land will be given away to them. And I am sure Government Members will throw more light on this question, whether it is a sort of binding without going into the question whether there are any genuine cases and whether injury would be done by selling land adjacent to their land. I should also like to know from the Government Members what sort of enquiry Government are going to make to ascertain genuine cases and as to whether any injury is done by selling land to any zamindar. It is very important for this House to know what will be the Government machinery on this point, because it is a matter which is not so small, but it is very vital to the further economic interests of this

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presidency already heavily loaded with debt. The honourable member Mr. Khuhro referred to the opinion of one of the members of the Fallow Committee, I believe on page 17 of the report, and he quoted one Rao Bahadur Hiranand. I will refer him to the reply given by the Commissioner in his note in which he has discussed this whole question about the proprietary rights of land and land tenure, which is given on page 9 of the resolution, in which he has referred only to the customary rights. He has referred to the rights of the Talpurs, which were the original rights then the rights that exist to-day in Khairpur, and has also referred to the Mahommedan law, in which he makes it quite clear that they have no right on this land which they are claiming. I do not wish to quote all these long paragraphs, but certainly I would commend to the members of this House to study this resolution, and if they think fit, they must express their opinion on this question, because it is not a question, as I said, so small as to be ignored. It is not a question that concerns only the members of Sind. It is a question that concerns the betterment of the economic prospects of the whole of the presidency. Then, he also referred to the traditional rights. To that question also, a full reply has been given in that portion of the resolution. Nobody denies the traditional rights of a zamindar as well as of a man who occupies land or who is a landholder in cities. He stated that the suggestion of the honourable member from Hyderabad was to deprive agriculturists of land and to give it to non-agriculturists. May I know from him or those who represent Sind, how do they mark a line between an agriculturist and a non-agriculturist? Agriculturist people, I think, are those who are cultivating land, and those who also own the land. Zamindars themselves do not cultivate, but they always employ labourers. And that is a very big question to me and I should want more information on that point, how the Sind landlords make their case different from the presidency when it is clearly stated that the revenue code of the Government is the same for the whole of the presidency including Sind. Here, every time I see the discussion, the argument is brought that those who cultivate the land are the real proprietors of the land and Government have always to look to them, because it is no use getting satisfaction that the land is sold, but it must be the very keen desire of Government to see that every land that they give, if they can supply water, if they can remove all those five disabilities which are referred to in the Commissioner's letter, then they should certainly see that every acre which is given is cultivated by one who gets possession of such land, and not profiteered. For that, I will refer to the second page of the resolution, in which Government have recognised that the province is on the eve of momentous development. They have also said that the financing of perennial irrigation will raise a large number of problems which would have to be decided, and one of them will be the necessity or otherwise of fallows in perennial irrigated land. Now, this is a question, Sir, which shows that after the inception of the Sukkur Barrage scheme the question takes an absolutely different turn because of the perennial supply of water that was guaranteed to these portions of lands which were still unable to get water, and on that I

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believe the whole argument of the Government Members lies, and the argument that is brought on the other hand, by the zamindars is only under the universal belief that fallow forfeited land would be restored on payment of fallow assessment irrespective of the period for which assessment is not made.

The Honourable the PRESIDENT : Is the honourable member likely to take much longer ?

Mr. LALJI NARANJI : I will require a few minutes more, Sir.

(*After recess*)

Mr. LALJI NARANJI : Sir, this whole difference of opinion has arisen only on one point and that point is clearly stated in the official members' report on page 22 in which it is said that the enhancement of value will be due almost entirely to the construction of the barrage and the introduction of an assured and, in most cases, a perennial supply. The question that has arisen is about the restoration and lien. About this, the resolution says " Upon this both the officials and non-officials are agreed ," *vide* paragraph 4 of the resolution. If they are agreed on the point. the real difference is as regards how the claim of restoration or lien should be put into force. Here I refer to page 7 of the Government Resolution, paragraph 9. Government come to one conclusion but act in quite a different way without giving any explanation. In paragraph 9 Government say :—

"Government are in entire accord with the view of the official members that a zamindar's claim in respect to the recently fallow-forfeited numbers is much stronger than his claim to numbers which were forfeited many years ago and that although the non-official members seek to dispute this view, there is no doubt that it is the generally accepted one and is recognised by current administrative practice. Among other considerations, it derives justification from the fact that a survey number which has remained fallow-forfeited over a long period of years owing to the omission of its former occupant to cultivate it or to pay the fallow assessment has involved Government in a proportionately larger loss of revenue. The line of distinction has usually been drawn at ten years. The official members would maintain this line ; the non-official members on the other hand would fix a flat rate for restoration irrespective of the age of the forfeiture."

The conclusion that Government come to is :—

" The Governor in Council while accepting the official view as correct, is prepared to go as far in the direction of meeting the non-official view as is compatible with the financial stability of the barrage scheme and the necessity of meeting other claims to concessionary grants."

I wish to know from Government, when they come to the conclusion that they are in entire accord with the official view, what leads them to go, in the financial interests of the barrage scheme, to meet the non-official view. I cannot for the life of me understand that. What is the non-official view and how it is compatible with the financial stability of the barrage scheme ? It will be found on page 53 of the report of the Fallow Rules Committee in paragraph 3 as under :—

" The benefit proposed to be given by the Government in meeting the non-official view is to all the classes of zamindars, zamindars who themselves believe that they are the proprietors of the land and the cultivators, the labourers who were brought to work on the land by the zamindars. "

Their theory is to keep these labourers who cultivate the land always as perpetual labourers and not as people who will acquire a permanent

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interest in the land when they themselves do nothing to make the land productive to them either by paying good market price to Government or working and cultivating the said land by themselves. They say in that report that the cultivators are mostly tenants at will and receive as their wages a share of the produce from the zamindar and owe nothing directly or indirectly to the State. By giving the concession. Government agree to the theory and Government want to make these people permanently "Haris" as they are called, *vide* paragraph 5, page 54. I cannot understand why they maintain one theory and practise another.

Then again, though Government have come to one conclusion ; they are making such terms to the zamindars as to water away the resources of this presidency.

In conclusion, what I wish to say is that, as this asset has become valuable on the credit of this presidency, Government should satisfy themselves and this House in future from time to time or that they must create the machinery which will give to this House all the information for every acre of land that is given as a matter of concession, both as to whom and why and after what enquiry the land is given or whether it is given under the assurance given by the Honourable the General Member in 1923. If that is done, and if they satisfy the House that there were good reasons for making the concessions, or that the considerations that led the Honourable the General Member to make this assurance have been fulfilled, then I think Government will be justified in giving these concessions. I would also like to know from Government what will be the maximum period which will be required to give away these $3\frac{1}{2}$ lakhs of acres under this resolution, and what will be the number of people who will be entitled to it, whether big landholders or small holders or only cultivators. My honourable friend Mr. Jairamdas has stated that there are only 2,000 zamindars who will be benefited ; I should like to know from Government how many persons will be benefited by the distribution of these $3\frac{1}{2}$ lakhs of acres at concession rates, which is, I believe, a gift to them. With these words I support the motion.

Khan Bahadur S. N. BHUTTO (Larkana District) : Sir, the case on behalf of the zamindars has been put before the Council very ably and fully by my honourable friend from Larkana (Mr. Khuhro). It is therefore that I do not desire to go into details regarding the merits or demerits of this question except this that I am forced by circumstances to put bluntly before the House, the interior object with which the present motion has been moved and the atmosphere that has been created in the House to-day as a result of it.

Sir, my surprise has no limit when I find that this motion which ought to have been moved by my honourable friend from Hyderabad (Mr. Jairamdas) has fallen to the lot of my honourable friend Rao Bahadur Kale. As it can apparently be seen from the eloquent speech which my honourable friend from Hyderabad made, he is really more anxious than any member of this Council to see that this motion is passed.

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Sir, the fact really is that their anxiety is simply to keep the Mussalman agriculturists out from acquiring any land in the Barrage area at all. I will just explain to my honourable friends the facts. I do not blame them ; I see some of them, not knowing the circumstances, are shaking their heads but they will soon see through it. Sir, these 3½ lakhs of acres out of about 7 to 8 lakhs of acres which have been forfeited to Government by the Sind zamindars have been forfeited mostly by the Mussalman agriculturists, being hard up for funds they could not conveniently spare large sums of money to continuously pay fallan assessment for the land for which no water was available, and they allowed it to be forfeited to Government on the clear understanding given by the Government that when circumstances proved more favourable and water was available the zamindars had to pay only a single assessment, and the fallow lands would be restored back to them. Under these circumstances, the class of people to which my honourable friend from Hyderabad belongs, cannot expect to get much of the land out of these 3½ lakhs of acres, under the heading of fallow-forfeited land. Most of this land has been forfeited by the Mussalman agriculturists and must go back to them.

Now, Sir, we come to mohag, that is the frontage right, which Government have been pleased to recognise. Most of my friends, particularly Amil class in Sind, have acquired agricultural lands only recently. They now possess about 40 per cent. of the land in Sind, and a further more about 15 per cent. is mortgaged to them, but as it did not originally belong to them, and they have not acquired by fair means Government have decided to show this concession only to those agriculturists to whom these mohags originally belonged, if they are left with some of their holdings not otherwise. Now, I can give living instances in which, for instance, some of the Hindu zamindars in Jacobabad and Shahdadkot who 10 years back were not worth Rs. 10 a month now have lands worth a crore of rupees. All this land they have not acquired by open competition or by a market value but, by unfair and foul methods ; I need not go into these foul methods in details here as I have got no enough time at my disposal. The area, they possess now is about 40 per cent. but they are not the original owners of this land, and therefore Government perhaps will not recognise their right to mohag. Therefore, my honourable friends see it clearly that if this land is distributed, it will be distributed mostly among those people whose lands have been forfeited to Government and also mohag to those zamindars who have got some of the original Kabuli land left with them with frontage. Those zamindars who have sold away all their original land are not entitled to claim any mohag and therefore such mohag lands will be sold by the revenue officer of Lloyd Barrage by auction. Therefore, the attempt is made simply with a definite object that those people who can claim this privilege, by legitimate right, or whatever you may call it, should be deprived of it. If such an attempt were to be made in a place like Bombay, I think there would be a hundred and one threats to Government, of filing civil suits and all kinds of different threats. This explains so far these 3½ lakhs of acres are concerned.

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Now, with regard to the remaining 11½ lakhs of acres which are to be sold by open auction or otherwise let us consider for a moment whether the Mussalman agriculturists stand any chance at all to acquire land in open auction or otherwise. Now, some of these so-called big zamindars who had got large holdings of land have been hard hit by the Mahomedan law of inheritance, and I hope before long Mussalmans will realise that they ought to have this law amended to some extent to at least guarantee their existence, otherwise, in a very short time most of these ancient families are sure to disappear. The distribution of land according to the Mahomedan law of inheritance has reduced a large number of zamindars to poverty, and from day to day, in the course of a few more years, I am afraid we shall see none of them existing.

Even those few that are at present existing we fully know have not got ready money at all. They will not be able to acquire the land in open auction unless they sell all their existing holdings. Let us consider the case of small khatedars and agriculturists for whom my honourable friend Mr. Jairamdas pretends to plead. Are they not in hopeless state ? Who is responsible for reducing these agriculturists and zamindars to this plight ? They are people belonging to the community of my honourable friend from Hyderabad, being capitalists they charge 36 per cent. interest on the advances they make and Muslim zamindars and khatedars, who are further forced to execute in writing cent per cent. more than what they actually received and thus are reduced to nothing in a short time of two or three years, when they cannot claim even their soul as their own. How is this class going to acquire land by open auction or even by easy instalments if they are expected to give securities or earnest money in advance, unless some special facilities are offered. So as the circumstances are they have very little chance to go in far Barrage lands.

The other point that was raised by my honourable friend is that 18 lakhs of acres of Kabuli land belonging to agriculturists in Sind is going to be benefited by this scheme. Quite so. It will be benefited but I would like to know whether the Government has introduced this Barrage scheme in the interest of these people ? Government is introducing these improvements in the interest of the state and the people of the province as a whole, even lands in Baluchistan are to receive the water—the province outside this presidency. Our Government is a very liberal and hospitable Government. (An Honourable Member : No.) Last year I made just the same remarks. I do not know what they have done. Originally they had provided schemes for irrigating lands in Baluchistan.....

The Honourable Mr. J. L. RIEU : The Government of India as representing the Baluchistan administration they will pay the proportionate share of the cost of the project.

Khan Bahadur S. N. BHUTTO : I am glad that the Government of India has after all consented to it.

In the Deccan, Government have spent from 10 to 12 crores of rupees on irrigation. They expect no return from it. But they have incurred the expenditure in the interests of the people of Deccan from whom not even

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2 per cent. they are getting as a return. In Sind they can at least expect to have a decent return on their investment. I think the same argument can be used that the landlords of Bombay who acquired property cheap and for nothing in begging when British Government came into India, ought to be deprived of their lands, because Bombay city has developed and the prices of land have gone up very much due to the blessings that British rule had bestowed on the people of Bombay city. How Bombay people will take it I would like to know ?

Now, I may say a word about the barrage and its work to progress. Before I submit my views a word of explanation is necessary to this honourable House from me. I understood from the discussion that we had the other day in this honourable House that the committee that was asked to go and inspect the working of the barrage was expected to submit its report. Unfortunately we members who were appointed were under the impression that no regular report was expected of us. Since the discussion we have prepared the report and I shall be able to hand over the report to the Honourable the General Member shortly. I consider that the value of Rs. 300 per acre is rather too much. I am afraid the dreams of the Honourable the revenue officer in charge of the Lloyd Barrage will not be realised. If a zamindar had to develop new lands of this nature and bring them into cultivation, dig wells, build villages, it will cost him Rs. 200 per acre at least in addition to what he has to pay for it to Government ; so to realize Rs. 300 for an acre is only a hope, though I believe, Government may realize Rs. 11 crores as shown in the original scheme if all things go right. The best rice lands are available at Rs. 300 per acre in Sind producing two crops annually. A month ago I purchased lands worth Rs. 60,000 and my cousin purchased lands worth Rs. 1,60,000 at Rs. 300 an acre. For these lands there is abundant water supply and there are all the other facilities available. I fail to understand how Rs. 300 per acre can be realised for undeveloped lands that are now lying fallow and will be commanded by the barrage water after its completion. As for the barrage works we will submit our report as stated above. For the present it is enough to say that we are quite satisfied with the work which is now in full progress. We have made certain suggestions for the consideration of the Chief Engineer and the Government. As far the excavation work is concerned, it is most satisfactory on right bank. But the work on the left bank is not equally satisfactory, although the cost on left bank is said to have gone comparatively very high in access. On the whole we are fully satisfied and the Government is very fortunate in having the honourable member Mr. Harrison as our Chief Engineer, who is doing his only best to save every pie he can safely do and is a most competent administrative Engineer ; We are equally fortunate to have most energetic, hardworking and competent Superintending Engineer in Mr. Musto, who is in charge of the Barrage itself, lent to be on the safe side and avoid all apprehensions, I think Government ought to secure the services of an expert, having previous practical knowledge of a gigantic scheme of the nature to advise the Barrage officers occasionally.

Mr. H. DOW : Sir, I should like to suggest in the very beginning that I think this interest in Sind on the part of non-Sindhi members is not a thing to which objection ought to be taken. Indeed, I myself think that it is a gratifying feature of this debate ; and I am sorry that any member should have in any way resented it. This problem of the Sukkur Barrage is a very difficult one ; and I think I can say not only on behalf of myself, but on behalf of every officer of Government who is connected with it in any way, that we are only too grateful for any help we can get in the solution of this problem from any quarter of the House and if any suggestions are made we are willing and anxious to consider them, in whatever spirit they are made. We are willing to get all the help we can, even from people who have no desire to help us : and I believe that in this matter there is no one in this House of whom that can be said. To a very large extent the interest which is taken by the Presidency members is, I think, a repercussion from the affairs of the Development Department. We have all learned that it is impossible for these big schemes to be undertaken in one part of the presidency and for the rest of the presidency to take no interest in them. The fact that we have now to pay year by year a large subvention from general revenues to meet losses on the Development Department sufficiently indicates that such schemes are the business not only of the local area concerned but of every member in this House. And I think the Sindhi members particularly should show their gratitude in kind for this interest in Sind. In a very few years we shall be seriously considering the question of making Deccan irrigation pay, and I have no doubt that when my honourable friend from Satara realises the necessity of spending more money both in maintenance and in development of the Deccan canal area, he will welcome the co-operation of the Sindhi members in helping him to make Deccan irrigation pay and to see that the landlords who are at present getting away with the unearned increment shall be made to pay their due share, so that Deccan irrigation will cease to be maintained for the benefit of a few landlords at the expense of the rest of the presidency.

Now, to take first of all the points which have been made by some of the previous speakers. There were two principal points made by the honourable member from Satara. The first was to the effect that this so-called promise of 3½ lakhs of acres to local zamindars was not really a promise to which Government stood committed, but that it was in fact only a suggestion for future consideration. Well, Sir, the actual words of the Honourable Sir Chimanlal Setalvad have been read out by more than one speaker, and it seems to me that they were sufficiently clear. It is not an uncommon thing in this House for a motion to be withdrawn on an assurance given by an Honourable Member of Government ; it is not at all an uncommon thing for an Honourable Member of Government in the course of his speech to make a promise which certainly has a great effect on the way in which members on the other side of the House vote. And it seems to me to be a dangerous principle for the honourable member from Satara to inculcate that promises of this kind can be lightly broken. Now, in this case, the matter stands on an even firmer footing. It is

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now nearly five years since this undertaking was given. From that time down to to-day I have never heard any member of this House, or any member in Sind or out of Sind at any public meeting, say that this promise ought not to be kept; and in fact the statement has been repeated with authority on more than one occasion. I have not looked up any of these references, but I do happen to have with me a speech which was made by His Excellency the Governor to the Sind Muhammadan Association two years after the promise was given by Sir Chimanlal Setalvad in this House. This is a speech which was made to a responsible public body and was printed *in extenso* in all the leading newspapers of the province. His Excellency stated then quite categorically:

"In our proposals for the disposal of land in the Barrage area, we have already made provision, which I think may be regarded as generous, for the existing zamindars within the area. Three and a half lakhs of acres are to be reserved for them at a concession rate."

So the statement made in the Legislative Council does not stand alone. It has been before the public for at least four years and it has never received any serious hostile criticism before to-day, and I think that Government stand definitely committed in this matter.

The other point made by the honourable member from Satara was with reference to immediate sales. His point was, I think, that we are at present undertaking this expenditure and we are paying interest on it; and that, as far as possible, we ought to meet the annual expenditure on the actual execution of the project by the receipts from the sale of land. Well, Sir, I think that is a very sensible suggestion if it can be carried out. I have given a great deal of thought to this matter and I have come to this conclusion: that, if you sell land to-day, so many years before water is ready on the Barrage, there is not the slightest doubt that the prices obtained will be very much lower than they would be if you waited a few years until water is ready. Honourable members from the Presidency must remember that irrigation in Sind is a very different thing from irrigation in the rest of the presidency. In Sind without irrigation you can expect no crop at all. And people who have not seen a good canal in operation cannot understand the difference it is going to make. By waiting for two or three years you will get far better prices for land. I am quite confident that when water is flowing it will be possible to get much more than the price which could be hoped for to-day with interest to date on that price. Therefore, it would be thoroughly bad business to sell these lands so long in advance, before the people can have any true idea of the profits which successful agriculture under the Barrage will make possible.

I come now to one or two points made by the honourable member for Hyderabad. He gave us some figures which showed that large zamindars held a great part of the land in Sind. That is perfectly true, and I believe those figures are roughly correct. But statistics can be arranged in various ways, and that he told the House was only a part of the truth. It is also true that Sind is very largely a country of small zamindars. There are very large numbers of zamindars in Sind whose holdings are

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less than five acres; something like 32 per cent. is the figure under 5 acres. The number of zamindars having holdings under 25 acres is about 75 per cent. of the whole number of zamindars in Sind. Now, I admit that the question of the actual size of the holdings of the few zamindars who have more than 500 acres is a very important one. But what was the honourable member's practical suggestion? Was it that we should expropriate these large zamindars? (An honourable member: No.) I do not think that was what he meant, but he created an impression—it may have been unintentional—that the whole of the benefit, or the greater part of the benefit, of this scheme was deliberately designed to increase further the prosperity of the bigger zamindar, and that nothing was proposed to be done for the small man.

I can assure honourable members that it is not so. The presence of big zamindars in Sind is very largely due to historical causes, and it is no use talking about this scheme, as if we were starting with an absolutely a clean slate. The Punjab irrigation schemes have usually been mainly concerned with the development of large areas of waste land: the object has been to develop that waste land as profitably as possible for the benefits of the people of the Punjab as a whole. In Sind it is quite a different problem. No where else in India has there ever been devised a scheme of this magnitude, which has been undertaken primarily for the benefit of the people already holding land inside in that area, both small and big zamindars.

My honourable friend from Hyderabad said that in the first instance the land in the Barrage should be given to the depressed classes. He has used that word "depressed classes" somewhat loosely and I think it is a pity that in doing so, he gave rise to apprehensions on the part of the Mussalman members of this House, which I do not think he intended to arouse. These so called depressed classes—Kolis, Bhils, and Munghwars—come from Cutch and Rajputana. These people are all Hindus and come from parts of the country which are poorer still than Sind. They form an important part of the immigrant population by which Sind is recruited year by year. It is rather unfortunate that my honourable friend forgot to mention the largest class of people from outside who come to reinforce the population of Sind, a class equally poor and deserving who come down from the hills of Baluchistan. The largest section of people by which the population of Sind is recruited from outside is the Mussalman Baluchis, who come down from Baluchistan. It was therefore, perhaps, natural that some honourable members thought that by his omission the honourable member from Hyderabad intended to convey that he wanted to give the land only to Hindus....

Mr. JAIRAMDAS DAULATRAM: What I said was that those Mussalmans, who are merely agriculturist labourers—and Mussalmans from Baluchistan are included in this—should be given preference to those who are already landholders.

Mr. H. DOW: The honourable member mentioned two distinct classes. The agriculturist labourers were his second class. I am now discussin his first class, which was that of immigrants. In this class he included

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only the Kolis, Bhils and Menghwars, who are not Mussalmans but are Hindus. Now I submit, Sir, that this question cannot be a Hindu-Moslem question. I would, therefore, draw the attention of this House to the fact that this Government has no intention at all to import such considerations into this matter.

With regard to making these people into colonists we have to remember that this scheme has to be financed and a certain amount of money must be raised from colonisation operations. I think the honourable members will realise that these so-called depressed classes, which are largely men from the cities, are not the best material for starting colonies. I have got some little experience in this matter, when I was working on the Jamrao Canal in the earlier years of my service. When the Jamrao was colonised, a certain number of these depressed classes were settled there. These colonists had nothing to pay for their land on the Jamrao. The land was given to them absolutely free of charge. In spite of this fact, most of the people were perpetually in debt and eventually the greater part of their holdings had to be cancelled. Even after many years' experience they were unable to maintain themselves as cultivators, simply because they were not used to that kind of work. Now to ask Government to finance the Sukkur Barrage mainly by grants to this class is clearly asking for something which is quite impossible. I do not say it is impossible that these people can be made good cultivators. That may be an ideal to which we may aim, but we cannot start on a large scale with anything of the kind.

I would now like to refer to one or two points raised by the honourable member from Kaira. I always listen with great attention to speeches from him. If you want to know the worst about anything, you can always rely on getting it from the honourable member from Kaira. I have heard him make speeches for the last eight years, and I have never heard him do anything but draw the gloomiest pictures of the failures of the past, and make the saddest prognosis of everything that is to happen in the future. He has told us he has no *faith* in the scheme; he has also no *hope*; but perhaps he will have a little *charity*. It does not surprise me that he suspects the scheme may not be successful, because he knows nothing about it. He had never been to Sind. I think Bacon says somewhere: "Nothing makes a man suspect much more than to know little." At the same time I should like to say much of his criticisms as were based on his own experience elsewhere were valuable, and in pointing out the fact that my honourable friend has no personal acquaintance with Sind, I hope he will not think that I am making a remark derogatory to him in any way.

He spoke of the necessity of a detailed classification of the quality of the land. Government has considered time and again this very question. It is not possible to make a detailed soil survey except at a very great cost, because the kind and quality of land in Sind vary so much within a small area, and it is very difficult to assess the quality of the land merely from looking

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at it. Although he has much inherited experience in regard to estimating the quality of land, a Sind zamindar will seldom give his considered opinion about the quality of land unless he is allowed to dig pits in this land and see the quality of the various layers of the soil which compose it. In Sind the soil is alluvial and has been deposited by the river in successive layers over a long period of years and these successive deposits vary much in character and composition. It is very difficult, indeed, impossible, to make an absolutely correct valuation of this land. But I may say,—and I think the honourable member does not know this,—that such soil survey as was possible has been made, and it was carried out from about 1917 to 1918 with a view to ascertain the approximate quality of the land and the amount of Government land that was available. So that we have this rough classification of land. We know that it is not a very accurate classification and I should not be at all perturbed by having it pointed out to me that some of the land which is classified as being very good is really not good or is only moderately good, or that some of the land which is classified as not good or moderately good is really very good. But what we could do with the staff and the skill that we have available in this matter has been done.

The honourable member has also pointed out that we should want very much more labour and very many more men on the land when the scheme comes into operation. Well, we count on a considerable increase of population no doubt. But I think the honourable member perhaps exaggerated that. Much of the land at present is lift land, which requires a great deal of labour, both of men and for bullocks, to cultivate a very small area. Now, this land is being turned into flow land, and every zamindar here knows perfectly well that with the same amount of labour and bullocks he can cultivate a very much larger of flow area than he can cultivate of lift. Also, we do not expect that immediately the water begins to flow in the barrage canals, the whole of Sind is going to blossom as the rose. The highest intensity of cultivation is a thing which will be worked up to over twenty or thirty years, and the estimates that have been made take that into consideration. There is, even now under present conditions in Sind, a very large possibility of extension of cultivation with the existing material in men and bullocks if only there is a good inundation. You will find cultivation in the same talukas varying tremendously from year to year without any great immigration into the taluka. Simply let there be a difference in the set of the river, increasing the flow of a canal, and you will easily double the cultivation in a taluka by merely getting a good inundation instead of a bad. Under the Barrage you are going to have these conditions of a good inundation perpetuated all over the area. So that, quite apart from any increase of population, a very large increase in cultivation can immediately and very reasonably be looked for.

The honourable member from Bombay asked me to give an answer just on one point. I think he wanted to know the period which would be occupied in giving out these 3½ lakhs of acres. Well, that is very largely

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a financial question ; but it is partly a question of administration. From the financial point of view, since Government have not definitely stated that they would give these 3½ lakhs of acres at a definite price of Rs. 15 an acre, it is quite obvious that the sooner the Government sells this land and gets the money, the larger the return that Government will receive, because it is much better that Government should have Rs. 15 in its pocket to-day than it should have Rs. 15 in its pockets in five years' time. So that, as far as possible, I shall try to get that money in as quickly as possible. But there are various difficulties in the way. In the first instance, it will be some years before water is available, and it is not much use a zamindar taking up additional land,—fallow forfeited land,—by paying Rs. 15 an acre for it two or three years before he has any hope of cultivating it. I am already in correspondence with the Chief Engineer,—not the Chief Engineer, Barrage, but the Chief Engineer in Sind,—on this matter, and with regard to lift land, I am pleased to say the Chief Enginner has already agreed to my giving out this land at once. With regard to flow land, various difficulties arise with other zamindars, who fear that by giving out this land the supply of water for their land will be curtailed. But these questions are being gone into now with the Irrigation Department, and the general principle will be to give out that land as quickly as possible, if zamindars are willing to take it up.

Mr. JAIRAMDAS DOULATRAM : On a point of information. Is the Rs. 15 the average price or the fixed price for every acre sold ?

Mr. H. DOW : Rs. 15 is not an average price ; it is the actual price per acre at which these fallow lands are to be restored or these *mohag* lands are to be given.

Mr. JAIRAMDAS DOULATRAM : Irrespective of quality ?

Mr. H. DOW : Irrespective of quality.

Then, the honourable member Khan Bahadur Bhutto said that all the rest of the land would be sold by public auction to the highest bidder. There is no authority for making that statement. It is quite premature. Government, as the honourable House is aware, have not yet formulated their definite policy for disposing of the rest of the land. Probably a good deal of land will be sold by public auction, but that does not by any means dispose of the whole of the rest of the 15 lakhs of acres. He also seemed apprehensive that, even though liberal instalments were allowed, it would still be quite impossible for any of the Mussalman zamindars in Sind to take up land. I think I can reassure him on that point. He said they could have no security to give, and therefore they could not take up the land. It must be quite clear, I think, to honourable members that the land itself is a valuable security and, if a system of instalments is sanctioned, the zamindar would certainly have to pay an initial instalment, and if he did not pay up further instalments, then the land would be forfeited. So, there is really no question of his not being able to produce sufficient security. This is a system with which all Revenue officials in Sind are already familiar.

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As regards the rates paid in compensation for land acquired, I was rather pleased to hear reference made to this because it is a point on which otherwise I should have forgotten to touch at all. I am at present responsible for acquiring the land in which the canals are dug, and that, in a scheme of this size, comes to a very large area. For some three or four years the Revenue Officer has had a large staff working under his control and his acquisition officers have been acquiring this land. There has been a certain amount of public criticism of his activities and there has been in the past some little criticism in this House. All this criticism has been devoted to showing that the Revenue Officer is "snatching away" the lands of these poor agriculturists and giving them practically nothing in return. Well, Sir, there have been many thousands of these cases, but in the very few references that have been made to courts, generally the awards have been upheld; but the point I wish to invite attention to is that the average price being paid by the Revenue Officer for lands which at present have the admittedly unsatisfactory system of irrigation which the Barrage scheme is to improve, is about Rs. 120 an acre. Now, that in itself is some indication to the honourable members opposite, I hope, of the value that we may expect these lands to acquire when, instead of being able to be cultivated once every three years, they will be able to be cultivated in every one of those three years; when, instead of not knowing when he is going to get water or whether he is going to get it at all, the zamindar is going to know from year to year that water is available all the year round; and when he can make up his mind a long time ahead whether he will cultivate a particular field, the very date he will begin to sow, and what he will sow. It seems to me that this fact disposes at any rate of the contention that we are over-valuing our lands for the purpose of estimating.

As for the cases of five rupees and ten rupees to which the honourable member referred, the honourable member is well aware that those lands to which he refers are lands which have never been cultivated or at any rate have not been cultivated for at least ten years and have at present, apart from the barrage, no value at all because they can produce nothing: and purely agricultural land, in Sind as elsewhere, as honourable members are aware, is worth nothing if it produces nothing. This land, it is perfectly true, is sometimes quite good land and in future it will fetch large prices. Now, when we remember that only a few gunthas are usually acquired from an individual zamindar, it seems to me that he has not much of a grievance when he says "you are not giving the full price for this land." Even if it were true, I should think it is not much of a grievance because all the rest of his land—may be 500 acres—will increase enormously in value as the result of this canal going along his land. He has 500 acres of land now worth ten rupees an acre and it is going to be worth perhaps two hundred rupees an acre, and, therefore, it seems to me no great hardship that he should be asked to give up one acre merely for the purpose of bringing the life-giving water to the rest of his land which at present is giving him no return at all.

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Now, I come to a few general remarks on the subject of the revenue position with regard to this barrage. There are two very distinct schools of thought, and I do not suppose that there is in this House any member who belongs to either school in its extreme form. There is a certain school that says "Here is a very valuable property in Sind; let us get the uttermost farthing out of these lands; let us bring in all the revenue we can and if we find that we make a handsome profit, it will go to relieve taxation in the Presidency and Sind as a whole." There is a certain school—there is much to be said for it—which acts on the principle that Government has this valuable property and they should make everything they can out of it. That seems to me to leave out of consideration the fact that we are not, as I said before, starting with an absolutely clean slate. We must take account of the history of Sind and its people. There are claims of local landholders—whether legal or equitable—over large areas of this land; and I think that the fact that these people have been always generously treated in the past does raise a certain legitimate expectation that they will be also generously treated in the future. Government has already agreed to give 3½ lakhs of acres to people who have had land which has been fallow-forfeited and to people who have well-defined equitable claims to get land in their frontage, and I do not think it is possible, having regard to the history of Sind and the system of irrigation which we have at present, to get away from the fact that it is necessary, from every point of view, to show a good deal of consideration to people who are already settled in the province. Government cannot regard its business as a mere business of buying and selling to the highest bidder. The business of a shepherd is not merely to shear his sheep but to feed them, to look after them; and the Sindhi has, I think, a very legitimate expectation that this great scheme, which is being undertaken in his province will be undertaken largely for his benefit, not for the benefit of any particular community in Sind but to advance the general prosperity of Sind as a whole.

Then, we have the other extreme school, which again I do not think is represented by any one even in Sind, which will say "Let us throw away all this land for nothing; let us give it to local zamindars, or give it to anybody for next to nothing; let the whole thing be a loss and let the loss fall on the general revenues of the Presidency as a whole." These are two extreme cases and you will see at once that between those two extremes, there is room for an infinity of schemes, and the examination of these is a task which will take a long time. But it is perhaps desirable that I should say a little, in general terms, of the way in which lands will be disposed of. The matter of concessionary grants has already been referred to at considerable length.

As regards peasant grants, there is no doubt that the peasant who not only owns his own land but who is a good cultivator is a source of strength both to the community and the State, and Government have everything to gain from encouraging peasant cultivation in Sind on the right lines, but there is no point in encouraging anybody but the right cultivators. I am afraid that some people think that the quality of

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cultivation in Sind is very bad and that the only way to improve cultivation in Sind is to get people from outside to show the Sindhi how to cultivate, and, in fact, to colonise the land wholly from people outside the province. I do not think that is true. If you go to Jacobabad district, you will find people growing wheat as skilfully as it is grown in any part of the world. You may go to Hala and you will find people who have very little to learn from people in any part of the world as regards cotton cultivation. You may go to Larkana and you will find rice-growers who can give points to other rice-growers in India or outside Yet, it does remain true that the general level of cultivation in Sind is not very high, and I think the explanation is this, that the river Indus dominates the whole situation ; the river is very wayward and capricious, and nobody knows from year to year what it is going to do. Wherever you get more or less stable conditions, you will find that the cultivation is better than elsewhere in Sind. It is very little use, under present conditions in Sind, when the zamindar does not know at the beginning of the season when he is going to get the water or whether he is going to get the water at all, to go to him and tell him that he should prepare his seed properly, or that he should spend a long time getting his soil properly tilled. It is giving him advice which he is very often not in a position to take. For when the water comes, whether his land is as ready as he would like is to be or not, he knows he must put in his seed at once or run the risk of the water going down and not being able to cultivate at all. It is very natural, under these conditions, that land should not be properly prepared for cultivation and that the cultivation should in consequence be bad. But cultivation where these conditions do not apply is very much better, and I do not think that it is an unreasonable hope that the Sind zamindar, when he finds, under the Barrage, that he has a stable water supply, will rise to the opportunities which he has never had before, and that he will improve his cultivation. And I think in planting peasant colonists in Sind that we must first of all see that we get a nucleus of people from Sind who are good cultivators, people who have cultivated well, perhaps as haris for zamindars, or as small peasant colonists elsewhere, and we must get these people settled on the land. It is no use simply choosing people who have no knowledge of cultivation, simply because they are poor people and we want to make them rich. We should not make them rich, we should simply reduce them to misery if we tried to start peasant colonies with such people.

In connection with this, I might perhaps touch on a matter which is a little controversial. There has been a good deal of newspaper criticism about the necessity of giving land to educated men and setting them up as peasant colonists. I spoke at some length on this question before the Royal Commission on Agriculture, and I should like to say a word on it. This is an ideal with which I am in sympathy. During the time that I have been in Sind, I have seen considerable alteration in the attitude of the educated young men with regard to avocations which are not purely clerical. Seventeen years ago, when I went to Sind, these people would not take up trade. Now you will find these educated young men who

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could not find opportunities in the services have taken to trade, and I do not think it is impossible to hope that they will take to agriculture in the same way ; but I do want to add that the latch is on their side of the door. There are three years before land will be ready for cultivation, and it is for them to qualify themselves in the meantime by learning something about agriculture. There is plenty of opportunity for them to work as haris to zamindars. The zamindars are only too anxious to get haris who will work for them. There is great scarcity of haris in some parts, and I think these " educated young men " have now the opportunity of really getting some practical knowledge of agriculture. It is no use settling them on the land, unless they do first get practical knowledge of agriculture and do give an earnest of their sincerity and willingness to work. I do not think there is any place in this scheme for setting up a new class of people, who are going to be merely landlords living on the rent of the land, but for people who are willing to work with their hands, I think there is room on the Barrage.

Then, as regards the policy of auctions, I hope honourable members will see that it is impossible, at this stage, to give a detailed plan of sales. If we are going to take the view of what I have called " the uttermost farthing school," and intend merely to make as much profit out of the Barrage as we can, then there is not the slightest doubt in my mind that it is perfectly easy to make a return of 20 per cent. or more than 20 per cent. on our capital, even though my honourable friend the Chief Engineer's estimates go up by 20 per cent. That is, as I say, if I am given a free hand, and can dispose of this land without consideration of the effect on the people of Sind. Now, I shall not be given a free hand ; I do not expect to be given a free hand, and I think it is quite wrong of the House to take the view that a free hand should be given. There is no doubt that if you take the extreme view, that all you have to do is to make as much money out of the scheme as you can, the scheme can be made to pay very handsomely indeed. There is equally no doubt that, if you take the other view, that you should give away land for nothing, that you should give everything for nothing, you can make a dead loss on it; you can make a very great loss. And so, I think honourable members on the other side will see that any detailed plan of sales must take account of the expenditure which we are going to incur, and that this policy of Government must, to a very large extent, be moulded by the necessities of the financial situation. Government must see that this scheme pays for itself, and I think that that can be done very easily, and yet entail no hardship on the people of Sind, but instead of entailing hardship on them confer a great deal of benefit on all classes in the province. I do not think that it will be necessary to sell, as my honourable friend from Larkana said, the whole of the land by open auction. There will be certainly a great deal of land in Sind which, while it is not in large enough blocks to sell to outsiders, will be in very great demand by the people in the locality, and that, I think, gives scope for limited auctions amongst people in places where it might be impolitic to introduce strangers. A good deal of the land, I think, in the early stages may

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more profitably be leased. After all, these sales must even from the administrative point of view, be spread over a great many years. It is not a practical proposition to expect one or two Government officers to sell anything like a million and a half of acres of land in a few years; it must be spread over a great many years. I would like to draw the attention of the House to the fact that this in itself is a great margin of safety—the fact that you will for 20 or 30 years still have large areas of land in hand which can, if necessary, by a change in the policy of Government, be made to produce a larger sum than at present it seems necessary to produce.

Mr. L. M. DESHPANDE (Satara District): Sir, the honourable mover has brought in this cut to invite general discussion on the policy of Government with regard to the Sukkur Barrage. As regards this both sides of the House have put in their views and it is now for Government to come to a decision. Under head 55 it is not only that there is the barrage but there are other irrigation works which are charged to capital. Out of the total cost of Rs. 2,75,00,000 nearly 20 lakhs of rupees are spent on irrigation works in the Deccan and Gujarat. Though only 20 lakhs of rupees are to be spent still these works are brought under the major head 55. The sum to be spent towards this from the ordinary revenue amounts nearly to Rs. 20,00,000. We have to pay Rs. 10,00,000 from the ordinary revenue and Rs. 6,85,000 from the general balances. To this is to be added Rs. 1,25,000 which is kept apart in 34, Agriculture and which is for the development of Barrage agriculture. So nearly the whole sum that is spent on the Deccan and Gujarat irrigation works is the sum we are spending from the ordinary revenue and general balances. The Deccan and Gujarat are to be charged with the interest on their works which they can easily have done from their ordinary revenue. Besides this year there is an additional cost on their works and that is the pension charge. I may point out that this year only the expenditure on pension charges is increased from 9 per cent. to 14 per cent. It is not known why this increase is made. Besides these figures of pension charges is not so small as it may appear. Last year Rs. 4,00,000 were spent on this head and this year we find that Rs. 8,00,000 is provided. But we are not even given to understand under what orders this increase has been made, who made it and what led to this increase. The other departments of the Public Works Department are not charged so much pension charges. Why this irrigation department is made to pay this increased rate of pension? I do not know why this should have been made. But it has always been contended that the Public Works Department has not been divided so exactly that a particular portion can be put down to a particular department. It is not known why the pension charges has been increased; but there is this circumstance that a large sum is spent on the Sukkur Barrage and it is because of that that the pension scale has been increased. I hope the Honourable the General Member will enlighten the House on this point. These pension charges have made the budget figures alter so largely that in the budget estimate for 1927-28 a provision of Rs. 6 lakhs nearly was made

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for tools and plants and in the Revised budget we find that a provision of Rs. 1,87,000 is made. When there is an excess in works why the provision under tools and plants should have been decreased ? For the payment of the pension charges this sum has been decreased. From the year 1926-27 to 1928-29 there is increase of work but still there is a decrease in plants and tools. All this is to meet the charges on pension.

I wish to point out one thing more. The Honourable Minister for Local Self-Government referred to unproductive irrigation works in the Deccan. I will show what productive and unproductive irrigation work means. The Sukkur Barrage is taken as a productive work, because it is stated that it will yield sufficient income within ten years after its completion. I will quote the instance of the Krishna Canal in the Deccan and Gujarat circle which is called unproductive. Uptill now the total interest paid on the Krishna Canal project is Rs. 12,74,000 and I may tell you, Sir, that the total charges on the project up to the end of 1925-26 are Rs. 9,44,789. The original cost is Rs. 9,44,000 while the interest that has been actually paid after deducting the ordinary expenses is Rs. 12,74,000. This is what is called unproductive while works that are before us are called productive because we have to spend crores of rupees over them.

There is other thing. Out of the money so spent under different heads there is something more spent under 41, Civil, under High Commissioner in England chargeable to this head. Had it been charged the total amount that has been spent on this particular work would have been clear. Now, I understand what the previous speaker said that the Deccan and Gujarat will get their fair share when the time comes. I hope the precarious rainfall and scarcity that visits these districts will draw the attention of Government to this at an early date.

The Honourable the PRESIDENT : The House is now adjourned till 10-30 a.m. to-morrow, Saturday, the 3rd March 1928.

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Saturday, the 3rd March 1928

The Council re-assembled at the Town Hall, Bombay, at 10-30 a.m., on Saturday, the 3rd March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED

JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PETIT, Mr. J B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order.

Question again proposed:

"Reduce by Rs. 10,000,000,—Total Demand—Rs. 2,61,43,000."

Mr. S. A. SARDESAI: Sir, there is no quorum.

(The bell was rung.) (After a recount the House had full quorum.)

The Honourable the PRESIDENT: There is a quorum. There is one important matter which I have to bring to the notice of the honourable members before they go on with the debate. I suppose the House is aware that discussion under this head began day before yesterday, a few minutes after one. According to Rules, as every honourable member knows, the debate under a head has to stop after two days. A day is a working day, which means 4½ hours, so that nine hours are to be taken for the debate. Therefore, the discussion over this demand can go on up to quarter past twelve. I see several honourable members wishing to speak. They must, in consideration of the number of speakers, limit their remarks to a very few minutes, hardly more than ten minutes.

Rao Bahadur B. R. NAIK (Surat District): Sir, I had no mind to take part in this discussion, as I am one of those in this honourable House who does not know much about the agricultural conditions in Sind. But after listening to the able and instructive speech of the honourable member Mr. Dow for which he deserves congratulations of the House, I wish to say a few words. The honourable member Mr. Dow has advocated the cause of the Sukkur Barrage with admirable ability. Throughout his speech he showed optimism, and he even went to the length of saying that if the disposal of the whole area of land which is to be brought under the Sukkur Barrage were to be left to his discretion he would be able to realise 20 per cent. on the capital outlay. I hope, Sir, that this is not a prospectus issued by a joint stock company promoter. Sir, in taking into consideration the value of the land several other factors have to be taken into consideration. As one connected with agriculture, though not in Sind, yet in another part of the presidency, I know something about this. An agriculturist, before he takes up a piece of land, has not only to take into consideration the purchase value of the land but also other capital outlay which he will have to incur for preparing that land for cultivation. Besides the purchase value of the land, he will have to take into consideration several other things, such as manure, labour, preparing the waste land fit for cultivation, assessment, etc., etc. That will come to about Rs. 40 per acre. Now, the honourable member Mr. Dow says that the average value of land in Sind is about Rs. 120 per acre at present, but that it will be increased tremendously after the construction of the Sukkur Barrage is completed. The honourable member Khan Bahadur Bhutto, who is a big zamindar in Sind and is therefore supposed to know the value of land in that part of the country, says that the value of most of the land is Rs. 10 or Rs. 15 per acre. It is difficult to know which is the truth. Well, apart from that, my point is this: that all these 15 lakhs of acres will not be put into cultivation so easily as has been anticipated. Much depends on the supply of labour and capital. Every honourable member knows that there are hundreds and thousands of acres in other parts of the country lying idle,

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although they are as fertile as Sind land, and they are not cultivated on account of want of labour and capital. My honourable friend Rao Saheb Desai was I think right in a sense when he said that it would not be possible to realise as much as is anticipated from sales of land. All this agricultural land cannot be auctioned and sold at once. The price of agricultural land, as that of anything else, depends on supply and demand. Land is not like gold or diamond, which is easily marketable and yet its value also depends on demand and supply. The Union of South Africa had to impose restrictions on the output of diamonds by keeping the diggings of diamonds into their own hands, because even diamonds are governed in their value by supply and demand. Therefore, the land cannot be sold as we anticipate. These Government officers take the average of the value of five or ten acres sold in the locality and if they find that the value, say, is Rs. 200 per acre they apply the average of Rs. 200 so found, to the whole lot of 15 lakhs of acres and expect to dispose of the whole lot at this price. But when you have to sell 15 lakhs of acres, it will be very difficult to realise the average price based on the sale of a few acres of land. We have been told that already 14 crores of rupees have been spent on irrigation works in Sind, in addition to the amount spent on the Sukkur Barrage project. I do not know what return Government get for the former outlay. It was stated here by one honourable member yesterday that the population in Sind is 75 per square mile whereas that of Punjab is 245 per square mile. It is therefore obvious that the population in Sind is very thin and under these circumstances it will not be possible to get labour sufficient to have the land cultivated. You know, Sir, that the cultivation of land largely depends on labour not only in India, but in any part of the world. If you just look at South Africa or Australia, what do we find? We find that although there are people richer than in Sind, a large number of acres of land there better in fertility than that of Sind have been lying idle. And what is the reason for that? The reason is that they cannot develop the land on account of want of labour. I personally do not know the situation in Sind, but I have heard one remark made yesterday in this House by one of my honourable friends that the agriculturists in some cases have to pay 36 per cent. interest to a savakar. If that is the case, I think the agriculturists in Sind must be very poor, and it will be difficult for them to raise money to take up this land. If, on the other hand, the capitalists come forward for the purchase of land it is possible. But I think that they are not fools to invest their capital in a land without any sufficient return. So, I submit, Sir, that I am not so optimistic as my honourable friend, Mr. Dow, is about the realization of the value of land. It has also been stated by him that "we shall have to spread over the disposal of the land for 30 years." I do not understand that argument. The capital outlay will be about 20 crores on this project, the interest charges will, no doubt, come to about 12 to 15 crores. So by the completion of this project the total outlay on it will be about 32 to 35 crores and the return that has to be realised will have to be for this amount.

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We are told, Sir, that the then Honourable the General Member and the head of the presidency had made a solemn declaration about granting 3½ lakhs of fallow-foreited land at concessionary rates and they cannot go back on that declaration. I submit, Sir, that we know how these declarations are made by Government. I doubt whether these are always made for observance. Government make declarations which are observed by them when they suit their purpose, otherwise instances are found when these are not observed. Anyhow, supposing this declaration was made by Government, we do not find anything stated in it about the value of land to be given away. Nothing has been stated whether the value of land will be charged at Rs. 15 per acre or Rs. 20 per acre. No definite figure has been stated there. The honourable member Mr. Dow told us that the average value of the land is Rs. 120 per acre. So, if Government want to give them at a concession rate, they may give them the concession of, say, 50 per cent., that is to say, Government should charge them Rs. 60 per acre of land. But, on no account, the land should be given away at the rate of 12½ per cent. of the real value of the land.

Now, Sir, we also find stated in this House that on the Deccan Irrigation schemes an unproductive expenditure of Rs. 50 lakhs has to be incurred every year. My honourable friend Mr. Dow referred to an unearned increment on this item. But I find that the sugarcane area in Deccan is charged at the rate of 40 to 45 rupees per acre for irrigation purposes. Moreover, the agriculture of sugarcane is not an unearned increment as it requires great deal of labour and capital with little or no return. Hundreds of acres, which were formerly under sugarcane cultivation, have now turned into dry crop cultivation in Gujarat.

When on this subject, I would remind this House that a large expenditure has been incurred for the purpose of irrigation in Sind and the Deccan, but nothing has been done in this respect for Gujarat. The population in Gujarat is very thick. In Gujarat we find that the average holding per head is 1·4, in Deccan it is 2·4 and in Sind 2·5. So, it can be easily seen that if anybody is in need of irrigation, it is the agriculturists of Gujarat, who stand in the greatest need of intensive farming and greater yield. Although I brought this fact to the notice of Government last year, I find that nothing has been done so far. I was then assured that Government has under consideration a scheme for Gujarat and it will be taken up and surveyed as soon as possible. But when I turned the pages of the budget, I find that nothing has been provided for in connection with the irrigation work in Gujarat. What we find is that there is a small item for irrigation in Ahmedabad only. I think that if there is any field for greater activities now in this connection, it is the Gujarat. But it is most surprising that the Gujarat has been neglected so far.

I am sorry that the Honourable the General Member is not present here. Otherwise I would have liked to bring to his notice some facts. In the Olpad taluka in the Surat District, a great necessity for

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water-courses (kahdas), not canals, is felt. Hundreds of acres of land have been neglected on account of this necessity, as water-logged area An application has been sent to the Honourable the General Member in this matter from the people of Anbheta and others but to no result as far as I know. There are water-courses in the Olpad taluka which require great repairs, and in order to carry out these proposals Government should allot funds and carry out the works without losing time.

Coming to the main subject, Sir, I say that Government will reconsider their decision about granting this 350 thousand of acres of land at concession rates. If they say that a solemn declaration has been made, there is no difficulty in observing that. We have no objection for that. But what we want is that Government should not fix the concession rates so low as 12½ per cent. of the total value, but they should at least fix them at 50 per cent. or thereabout.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, one important factor that has to be borne in mind is that the unearned increment is not allowed by the State to be wholly appropriated by the people. When the value of land or some property rises by no effort on the part of the persons occupying it but increases on account of the action taken by the State, then the State has a right to a portion of the unearned increment. This principle is incorporated in the town planning schemes. There also, if by having roads and having other facilities the value of land increases in value, then 50 per cent. of the unearned increment is taken from the owners of the land or property which has appreciated in value on account of that particular scheme. Here, we have been told that about 18 lakhs of acres of land which are already in the possession of zamindars will appreciate in value on account of the Sukkur Barrage. The general taxpayer is financing the scheme of the Sukkur Barrage by sinking crores and crores of rupees, and on account of this work undertaken by Government the value of these 18 lakhs of acres will appreciate by the action taken by Government. And, therefore, just as in the other schemes it is right for Government to take a portion of this unearned increment brought into being by this scheme. If they do not take this unearned increment, then they will be bringing the general taxpayer to grief, because ultimately the scheme will be unproductive. Therefore when these 18 lakhs of acres of land will appreciate in value by the Sukkur Barrage, which has been financed by the general taxpayer, when the interest on that is paid by the general taxpayer and when towards the financing of that scheme the general taxpayer is made to pay Rs. 10 lakhs from the very inception of the scheme to make the scheme productive, under these circumstances, it is necessary that this unearned increment should not be wholly given away to the zamindars of Sind without the State taking a portion of the unearned increment for themselves.

There is also another thing that is to be borne in mind. There was a question about the *mohag* rights. The honourable member Mr. Khuhro said that if these *mohag* rights are not recognised there will be quarrels and bloodshed. This is nothing but intimidation of Government.

[Mr. J. C. Swaminarayan]

Because of this intimidation Government should give these *mohag* rights because they are threatened with quarrels and bloodshed! I think if Government yield to such pressure, then certainly Government ought to abdicate. They have to take into consideration the important fact that the general taxpayer of the whole presidency is being made to bear the burden of this scheme which is to benefit only a portion of the presidency. And, therefore, if such rights are recognised and if such consideration is taken into account about proprietary rights extending over lands which do not belong to them because they have forfeited them on account of not paying their assessment and keeping them fallow, then certainly Government are not bound to recognise such rights. If they recognise such rights and give away these 3½ lakhs of acres of land, then certainly they would be doing a great injustice to the general taxpayer whom they are asking to finance this scheme. Sir, it is, therefore, necessary that Government should take into account all these factors and they have to try their best to make this scheme productive. Five or six years hence or ten years hence, this House should not be placed in a difficulty like the one in which they have been placed by many failures on the part of Government and the general taxpayer is being made to pay Rs. 32 lakhs every year as a subsidy owing to the failure of Development Department, and I do not know, perhaps that may be still further increased. The honourable member Mr. Dow said that if a free hand is given to them, they would make the scheme very productive and make it yield a 20 per cent. return. Certainly we should not mind giving power if the honourable member Mr. Dow is capable of relieving the general taxpayer of this presidency by getting the maximum income that can be derived from the Sukkur Barrage. But when the whole scheme is brought into being at the expense of the general taxpayer of the presidency, it is necessary to see that the scheme is made to pay its way. We should not have other failures like the Bombay Development, and if there is a failure in this matter, and if the general taxpayer is made to lose crores and crores, I predict that another failure like the Sukkur Barrage will bring this presidency into a state of bankruptcy from which it will not be able to emerage unless it has got the capacity of refusing to pay the debts the liability of which it has incurred by borrowing from the Government of India. Sir, these are important factors which have to be borne in mind and I hope Government will pay serious consideration to these factors. Government are very careful about the value of land when making revision settlements, and here also, zamindars admit that the value of lands which they possess will appreciate because of the barrage conditions, and this is a matter which should be thoroughly taken into consideration by Government while taking their decision in this important matter about the disposal of land. Sir, unless such considerations are properly attended to, there is a grave doubt whether the scheme would be successful. Therefore, Government should be very serious in taking all such considerations in their mind when they arrive at decisions in the matter of disposing of lands in this scheme.

Mr. ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR (Sukkur District): Sir, I must express my gratitude to the honourable member Rao Bahadur Kale for bringing this motion for cut. What I find during the lengthy discussion that has taken place is that there are two important points: (1) regarding the land given to zamindars as *mohag*, (2) that the scheme will bring an automatic rise in the value of the zamindars' lands which are uncultivated at present. Of course, I admit what the honourable member Mr. Lalji Naranji said yesterday, that since there is going to be so much rise in the value of land, they should share something towards the cost of the Barrage construction and I think there is force in that. If the price of the land which is at present Rs. 15 or Rs. 20 an acre is going to rise up after the completion of the barrage to Rs. 200 or Rs. 300, I see no reason why these people should not pay for it, and I think they are actually going to pay. They have lost sight of the real issue. As a matter of fact, the assessment which they now pay is at the most about Rs. 5 per acre. In order to make the scheme productive they will have to pay a very high assessment which will be about double of what they are paying now. That means Government have asked them to pay by way of assessment for the rise in the value of their land. Government have said to them that after four or five years the value of their land would rise to Rs. 300 per acre and therefore it is necessary that they should pay towards the cost of the scheme something out of profit, as the whole scheme has been undertaken to make the land more productive and valuable. I quite agree to that, but Government cannot have it both ways. They should either take in a lump sum or recover by increased assessment. What I contend is that actually the zamindars of Sind have to give a substantial amount by way of enhanced assessment on the barrage area and this enhanced assessment they will pay for ever. I think that is not right. The enhanced assessment should be charged only up to the time the initial cost of the construction is recovered and thereafter the present ordinary assessment should be charged. All over the province, in the Deccan and other divisions of the presidency, where such irrigation works are being constructed or have been constructed, no extra assessment towards the cost of the construction is charged. I do not think these irrigation works yield more than six per cent. in the beginning and fourteen per cent. after completion of the project as Sukkur Barrage. I think it is unfair to Sind that they should pay enhanced assessment and not the other parts of the presidency. If the standard of assessment is proposed to be increased, then it should be increased throughout the presidency and not in the case of the Barrage area only. I claim that in order that the general taxpayers do not have to suffer, the enhancement should be made applicable to the whole of the presidency.

Another point which the honourable members have tried to lay stress on is that the zamindars are benefited by this project.

The Honourable the PRESIDENT: The honourable member is not audible on this side of the House.

Mr. ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR: Sir, I say that the zamindars of Sind have been giving sufficient

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towards the construction of the project in the shape of enhanced assessment.

Another question is about the sale of land. On the contrary, I think some of the honourable members have expressed that it is not fair that since the barrage is constructed out of the revenues of the whole presidency, only a certain class of zamindars should be benefited thereby. That is perfectly true. I agree that it should not be like that, but I think the facts are to the contrary. The area which is at present cultivated under the barrage zone, instead of getting any benefit out of the barrage, is actually losing, because the Government wish to develop twelve lakhs of acres of waste land. Here I would like to refer the honourable members to what my honourable friend Rao Saheb Dadubhai Desai said in this House in 1923, page 122 of Council debates, Volume IX. The honourable member Rao Saheb Dadubhai Desai says:

"Now, another thing that has struck me is paragraph 7, page 37, of Volume II, that is supplied to us. It appears from what is stated therein that since the opening of the Punjab Canals, the water level at Sukkur has actually increased by over a foot, and that for the season from June to September in spite of the Punjab withdrawals to a large extent, and if this were a fact, then it is for the technical advisers of Government to consider the point again whether any future withdrawals by the Punjab will affect the levels at Bukkar.

So, it has been found that during the inundation season the perennial canals of Sind are not going to be affected by the Punjab withdrawals, and the honourable member further says:

"From that I find that while the assessments in the seventh year have increased by fifty per cent. the increase in cultivation is only about five per cent. Again, the gross present revenue of the barrage zone is Rs. 61 lakhs and the cultivated area is 20 lakhs and in the seventh year there will be 22 lakhs of acres under cultivation and about Rs. 79,90,000 will be the assessment. Now, it will appear that the assessments have increased by 62 per cent. and the area of cultivation has increased by ten per cent. from about twenty lakhs now, in the seventh year it is 22 lakhs of acres in the whole barrage zone, and so the actual area will be increased by about 2,00,000 acres, that is, a ten per cent. increase. It is doubtful whether a man who has to pay a certain amount of assessment during the sixth year will pay without grumbling about 60 per cent. more in the seventh year simply for an assured supply of water. I have found that in Larkana District there is an assured supply even at present. Of course there may be hard times"..

The area which is going to be increased on account of the barrage is only about 10 per cent. while the assessment which the zamindars have got to pay will rise by sixty per cent. I do not think that is fair to the zamindars of Sind. It makes no difference to us. We are getting at present as good a supply of water as we want and only that much we will get after the completion of the barrage. There are certain zamindars in Sind who have not seen even one bad year during the past twenty years. If that is so, I ask this honourable House, is it fair that these zamindars, should, after the barrage, pay enhanced assessment ?. I think that is most unfair to them. The reason why Government did so is that in the original project it was provided that twelve lakhs acres of land would be sold. If they were to charge the zamindars the present rate of assessment for land already owned by them in the barrage zone, then the price of the land which was to be sold in the barrage area had to be increased considerably to realise the cost of the construction and if it would have been increased, then the purchaser would necessarily have

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been compelled to think twice before the purchase as to whether or not the investment that he was going to make would prove profitable and would yield a reasonable rate of interest. The other alternative in that case was that in order to realise from the sales and assessment on them the amount provided in the project from the sale of land, *i.e.*, 11 crores of rupees out of 12 lakhs of acres *plus* the amount proposed to be recovered by enhanced assessment on the lands already owned by the zamindars, it would be necessary for Government to have the assessment increased only on the lands to be sold, but if Government were going to increase the assessment only in that area, it would find that nobody would care to purchase it because it would not be likely to yield anything to him on account of heavy price and high assessment. Now in order to level up the whole thing, Government have levied enhanced assessment over zamindars who were not bound to pay a pie more because they gain nothing by the project. I think when the project will be productive because of enhanced assessment on the zamindars—big or small—who are now there in the barrage zone as shown above, it is not right to say that the rise in the price of the zamindars' lands in the barrage is due to the money coming from the general taxpayers of the presidency. The money is coming from the existing zamindars themselves by way of enhanced assessment and therefore the land for sale should be sold to those zamindars who should have the first claim on these lands because where they were paying four or five rupees assessment, they are now going to be made to pay ten or twelve rupees without any consequent advantage. Let the land, etc., be sold or be assessed at Rs. 20 an acre without enhancing the assessment on the cultivated lands of the present zamindars. We do not mind, but since we are taxed extra I think we have got a preferential right on this land. I say emphatically, that the barrage will be productive on account of the existing zamindars. My honourable friends Mr. Jairamdas Doulatram and Mr. Swaminarayan said that the zamindars should be deprived of their right of purchases in the barrage zone. I welcome that. Let anybody with sufficinet money buy those lands, but my complaint is that we should not be made to pay enhanced assessment when we are not going to get any benefit of the barrage.

The enhanced assessment should fall on the lands which Government is going to sell. Therefore I would request the House to consider this question before arriving at any policy regarding the sales of land.

Another point is...

The Honourable the PRESIDENT: Order order. I should like to bring it once again to the notice of the honourable member, I think he was not present here when I referred to the matter when the House commenced its sitting to-day, that I must stop the discussion in time to give an opportunity to the honourable mover to reply, and the Honourable the Revenue Members for his speech. Therefore, I must stop the discussion at 20 minutes to twelve, in order to finish and put the motion to the House at about 12-15. I have requested honourable members to limit their remarks at the most to ten minutes or a little more. I

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hope the honourable member will bear that in mind; I am afraid he cannot be given much more time.

Mr. ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR: Another point which the Revenue Officer for the barrage, Mr. Dow, made yesterday was that the uncultivable land is now being acquired at Rs. 20 an acre. Let the present value of the land be Rs. 5 or Rs. 10 per acre. Everybody knows now that the barrage is coming, and so I think it is not fair that those zamindars should be deprived of their lands by paying them only Rs. 20 an acre. They should be given either land in exchange or compensation in cash afterwards accordingly when it has been found what the price of the barrage land will be. I think it is most unfair to the zamindars to pay them in cash now. It will still be better for the Government to acquire all the land at a low price, and to sell it at a higher price after the barrage is completed. With these remarks I resume my seat.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I sincerely welcome the debate that has taken place on this subject. Yesterday afternoon word went round non-official benches here that Government wanted to hear every section of the House on this important subject. If that be true, this debate is by order. I welcome this debate because it has a political importance of its own. Twenty years ago, a very farsighted statesman of this Presidency, Sir John Muir-Mackenzie, who also officiated as the Governor of the presidency, wrote, while he was here as an Executive Councillor to a friend of his in Sind with whom he was in correspondence that the day on which Sind affairs come to be guided from Bombay instead of from Karachi, will be a sad day for Sind. Much of the misunderstanding in this honourable House exists about Sind, for the reason that honourable members from other parts of the presidency are unfamiliar with Sind conditions. They misunderstand the word "zamindar," and therefore misunderstand the agricultural conditions of Sind. They think that a zamindar of Sind means a Mussalman; they think that a "hari," the cultivator, means a Mussalman; and they think that "depressed classes" mean Hindu. No, Sir; all these interpretations on these words are wrong. Zamindars are Hindus as well as Mussalmans. A zamindar may have 500 acres of land, or more than 500 acres or, even less than even five acres; and in fact more than 70 per cent. of landholders have very small holdings of less than 15 acres, majority of them again owning less than 5 acres of land. It does not mean that every zamindar has thousands of acres of land. I think the presence of my honourable friend Sirdar Sher Mahomed Khan Bijarani creates a certain amount of misunderstanding in this House regarding the conditions prevailing in Sind. Most of the honourable members think him to be the representative sample of Sind zamindars, and with his flowing robes and Baluchi habits, it is perhaps thought that every one in Sind, like the honourable member for Jacobabad, is the Sirdar, the chief of forty thousands of tribesmen. But that is not so. The fact is that any person who has land in Sind considers himself a zamindar and styles himself as a zamindar. It is not the case that every zamindar is a rich man.

[Mr. Noor Mahomed]

There are small men and big men. There are poor men in Sind, there are beggars in Sind, and also rich men, as in every other part of the world.

Now a word with regard to the depressed classes in Sind. There is no such thing as depressed classes in Sind, and anybody who invents in this House the phrase "depressed classes" so far as Sind is concerned does so from motives that I cannot certainly respect. It is invented to win the sympathy of very obliging and generous friends like Dr. Ambedkar, Dr. Solanki, Mr. Joshi and other generous friends like them.

An Honourable MEMBER: Mr. Joshi?

Mr. NOOR MAHOMED: Yes, Mr. Joshi. He does take a deep interest in all the backward and depressed classes. Therefore, when honourable members hear the expression "depressed classes" used in connection with any community in Sind, they would believe me and they must give me credit for speaking the truth, that it is used politically, and not in the real sense of the term in which it is understood in the rest of the presidency. There are Bhil, there are Kolis, and there are Meghwars in Sind, but we do not treat them as depressed classes in the manner they are treated in other parts of India. They are as much depressed as the Mussalman cultivators are depressed. They are as good and as noble as Mussalman cultivators are. Both do the same work, but there is one difference, that many of them in Sind are not cultivators, for instance the Meghwar is generally a shoemaker. Therefore, to come to this honourable House and take advantage of the absence of knowledge regarding affairs in Sind is not right.

Mr. JAIRAMDAS DOULATRAM: What about the Kolis and Bhils?

Mr. NOOR MAHOMED: The Kolis and Bhils are famine-stricken people, and I do sympathise with them. As the honourable member Mr. Dow said, they are no doubt immigrants, but they are also migratory. They come and go; they are not permanent settlers in Sind. They are not Sindhis but mostly come from the neighbouring Indian States. Not being the permanent settlers of the country, it is generally very difficult to deal with them. They have nothing in Sind to keep them attached to our province. They remain as long as they have nothing to fall back upon in their own homes. Once their own homelands get better rain, they run away; and that without any notice. Only a few days before I started from Hyderabad for Bombay, I passed a village on my way to Mashaikh Hoothi, in Tando Allayar taluka. There were about 20 families of Kolis in that village, and I was told that the Hindu zamindar of the locality had given them taccavi to the extent of Rs. 4,000 or so during the last year. But what happened? In one night all of them had bolted away. This was and is possible because these people have no permanent habitation. Once they run away, no one can ever find them. That is the greatest difficulty zamindars have with these people in Sind. This information can be verified at any moment. Sir, in this village in the Tando Allahyar taluka, the whole of the population which consisted of Kolis only had run away, and the Baniya zamindar had to keep a chowkidar to watch over the maund or so of the paddy grain that

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they had left behind. Sir, these Kolis are migratory people who are never permanent settlers, and to come and win the sympathy of generous members of this House on the plea that we have got a huge number of people in Sind who are depressed classes is not very praiseworthy, and such statements are far from the truth.

But, Sir, these things are done politically. Let me be very candid, and I trust honourable members of this House will give me the credit of possessing honesty of purpose in some degree. I am glad that my honourable friend Mr. Balubhai Desai welcomes that statement. (Interruption.)

The Honourable the PRESIDENT: Order, order. There is little time left for such remarks.

Mr. NOOR MAHOMED: There is in this debate much beneath the surface. In Sind a great agitation has been carried on during the last few years by the intelligentsia for acquiring land for what are called the educated unemployed classes. I have got every sympathy for these classes. I certainly want this class to be on the land, and to take a real interest in the agriculture of Sind, and not to consider themselves always to be the ruling class in Sind. I want them to consider themselves and permit themselves to be treated as the tillers of the soil. I do not certainly want them to go about overloading everybody; I do not want them to be merely the rulers of Sind. I have every objection to their remaining for ever rulers of Sind. I want them to act and behave as the sons of the soil and not to consider themselves as the hereditary rulers of Sind after 1843. What does this class want? They want that the land should go to these educated unemployed. And on what plea? The plea is that if you do not give them some occupation, if you do not give them land for their maintenance, they will become political agitators! This ground was seriously put forward in the meeting of the Central Co-operative Institute of Sind, and the Director of Agriculture was seriously invited to consider this side of the question regarding the distribution of Barrage lands in Sind. Sir, if Government are going to be intimidated by the agitation of the educated unemployed, then I say.....

Mr. JAIRAMDAS DOULATRAM: On a point of order, Sir, I referred to the poor classes, not to the educated classes. I do not think any honourable member on this side wanted any land to be earmarked for the educated classes. If the honourable member is replying to discussions outside this Hall, of which nothing is known here, and of which there may be two versions, is it at all relevant?

The Honourable the PRESIDENT: I think reference which may logically arise in the course of discussion may be in order but honourable members should not import entirely foreign matters.

Mr. NOOR MAHOMED: The honourable member scents something everywhere. What I was stating was not foreign to the discussion on the Sukkur Barrage. When the Sukkur Barrage is completed if the

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British Government commit any grave mistake in depriving agricultural classes of land the economic discontent which will arise will decend down to the masses. Many greater kingdoms than that of the British Government have in our life time disappeared only on account of the discontent among the masses; and I do not want Government to do anything that would deprive the masses of the means of living on land. I want the Government really to consider the question of the distribution of Barrage lands on its merits and not to be led away by political agitation that can be created on any pretext. The honourable member for Kaira said that the agriculturists of Ratnagiri should be transported to Sind—it is really a transportation; it will be nothing less than that. The honourable member for Kaira wants that the Ratnagiri people should deprive the Sind zamindars of their lands, as the Dharalas of Kaira district have been deprived of their lands by a few capitalists. Dharalas are a poor people and they have been driven into the corner; and we are in the same position in Sind as the Dharalas are in Kaira. (An Honourable Member: Oh, oh! Yes!) The Dharalas were given a bad name with a view to deprive them of their lands. They were given a bad name and then hanged. The same is sought to be done to us. Then the honourable member for Hyderabad said that we are an indolent people, we cannot work on our fields, and we have no money to improve our land. In making those remarks, to say the least, he acted as un-Sindhi! His own people in Sind will not support him in the allegations he has made against his own countrymen of Sind. Whatever he may say, I do not want any outsider to come to Sind. I do want the Hindus, the Mussalmans, should have Barrage lands. But I do not want the aspect of Sind to be changed. I do not want the Punjabis to come to Sind which will have the effect of changing the whole aspect of the people. We have our own traditions and a history. We have got every objection to allowing any Punjabis and other outsiders coming to Sind and changing the entire appearance of Sind. Before this, some short-sighted officers of the Government committed a great mistake in bringing the Punjabis on the Jamrao Canal area; and that area has become a Punjab in Sind. We do not want Punjabs, Marwars or Kutchis in Sind. Our demand is that Sind should remain for Sindhis. That should be the guiding principle in the distribution of Barrage lands. If Government climb down on account of any agitation and deprive Sindhis of their claims to land, others too can create agitation which will be real, more lasting and also more honest.

The Honourable the PRESIDENT: Will the honourable member Mr. Baloch be able to finish his speech in 10 minutes.

Mr. HAJI MIR MAHOMED BALOCH: Even last evening I represented to you, Sir, that I would not be able to finish my speech within 10 minutes.

Mr. K. M. MUNSHI (Bombay University): I am much obliged to you, Sir, for giving me this opportunity to speak for 10 minutes. I would put a few points before the House which I know is already tired of the

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different points of view placed before it. If I trespass by a couple of minutes....

The Honourable the PRESIDENT : I will give only 10 minutes.

Mr. K. M. MUNSHI : Don't worry, Sir, I won't abuse your indulgence. One word with regard to the honourable member the apostle of politics in Sind, who thundered so violently and in such a melodramatic way. He told us that the honourable members from the presidency should not interfere in matters relating to Sind. I have seen during the last two or three sessions that Sind members interfere in every conceivable matter relating to this presidency. They have no right to make a grievance, when the presidency members return that compliment. Sir, I am not concerned with the political aspect of the question, which he puts before the House. He and my honourable friend Mr. Jairamdas and the other honourable members from Sind must square up their differences as best as they can. With regard to the threats he held out to the British Government, the British Government are well able to take care of themselves. This House, Sir, is only concerned with the economic aspect of this question and no other.

One thing, Sir, ought to engage the attention of this House. The whole presidency has been made to invest an immense sum in the Sukkur Barrage, and the land commanded by it according to the estimate of the Commissioner, which accompanies the Government Resolution, is valued at Rs. 45 crores. Out of this Rs. 9,97,00,000—roughly Rs. 10 crores—worth of land is going to be presented to a few zamindars in Sind. That is the true state of affairs : and no eloquence vehement or otherwise can disprove this fact. If this had been recorded in the history of the times of Mahomed Bin Taglak, every school boy would have been taught to call it the most devastating feature of his rule. But, Sir, we are now in 1928 and we have to discuss it on its merits.

Considerable confusion is sought to be created as to the nature of what are called 'rights' by investing certain acts of Government with the dignity they do not possess. Since 1875, the minutes of Government officials and Government Resolutions all of which are given in the report of the Fallow Rules Committee right up to the Government Resolution of the 14th November 1927, have insisted that what the Sind members call 'rights' are merely matters of grace on the part of the Government. Those rights have never been enforced in a court of law. The Collector or the Commissioner as the case may be has in his discretion, curtailed, modified or rescinded such alleged 'rights'. On page 5 of the report Government say :

"It should be distinctly understood that such restoration is merely an act of grace. This being so they are able to agree with the conclusion of the official members in paragraph 21 of their report that, while no legal claim to the restoration of fallow-forfeited number exists, a lien in the sense of a prescriptive and equitable claim does not exist."

Therefore the result is, Sir, that there is no legal right in the matter. Take again the absurd claim made in connection with what are called the Mohag rights. At the most it can only be a species of the right of pre-emption. But whoever heard that there can be a right of pre-emption

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under which property could be bought at a ridiculously low rate of Rs. 15 per acre when the market value is Rs. 300 per acre ? Is there any decision or any authority to justify the position that has been taken up, that when the *mohag* right is exercised it should be exercised at one-twentieth of the market price ? Sir, if there was such a right it would distinctly contravene public policy, and I am sure no Government, no judicial tribunal would be prepared to accept the recognition of such an extravagant right. The reason for Government's conduct in the past is stated in one sentence in the historical note appended to the Report. In the past, in view of the miserable agricultural condition of Sind, Government considered it politic to go on giving lands to the Sindhi zamindars in a certain manner, but there was no legal right to claim them. And, now, the origin of the right is nothing but the declaration made by the then General Member, Sir Chimanlal Setalvad, on the 8th June 1923. Sir, it would have been much better if the discussion had been restricted to the much narrower issue encompassed by the words used by him. The words which he used. I will requote with your permission :

"There is anxiety in certain quarters about what is known as the *mohag* rights of zamindars. It is far from the intention of Government to ignore these traditional rights in the policy of land sales to finance the project. All genuine cases where injury would be done by selling lands adjoining present holdings will be and are fully considered, and Government have set aside no less than 350,000 acres or 25 per cent of the unoccupied land to be sold at the extremely low figure of Rs. 15 per acre *malkhano*."

Now, Sir, certain honourable members have said that the Government's words should have no value. But, Sir, I do maintain that Government should always consider their words bonds and their oaths oracles. They ought not to tamper with their own declarations. And I am prepared to take the words used by the then General Member himself in his speech ; and to satisfy the House that the General Member did not say that 350,000 acres will be given. He said that they would be set apart for such cases as those mentioned by him, *viz.*:

"All genuine cases where injury would be done by selling lands adjoining present holdings....."

Those are the only cases where a zamindar will be entitled to say : "Give me land at Rs. 15 in order to compensate me for the losses which I have suffered." Now, what is that injury ? That injury also—I do not want to draw upon my imagination—that injury also is defined in the Government Resolution at page 8 in apt terms :

"It is, however, obvious that any such claim must grow weaker with the introduction as part of the Barrage product of a complete and scientific system of water-distribution, *since the grant of vacant land to an outsider will no longer adversely affect the water-supply to existing holdings*, which is the principal, and indeed the only real justification for the recognition of *mohag* claims in the existing land-grant system of the province."

Therefore, in each case where this land is to be given at this low figure of Rs. 15 an acre, a case has to be made out by the zamindar that his land has been injured, that it is being adversely affected in respect of water-supply by the sale of the adjoining land to an outsider. If he does not prove to the satisfaction of such tribunal that Government may

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institute that he has been so injured, then he is not entitled to this grant which Government has adopted.

Now, Sir, in this connection I was really surprised to read the other parts of the Government Resolution. Even this extraordinary promise on the part of Government has been treated with leniency. We do not hear one word in the conditions which are laid down on pages 7 and 8 of the Resolution that the zamindars will have to prove that any injury in the sense as defined has been done to their property; all that is stated there is that in certain exceptional cases Government will not grant this concession to them. No burden has been placed on the zamindars to prove that they deserve this act of grace. Now, Sir, the first condition which ought to be imposed is that this burden of proof should be discharged by the man who wants Rs. 300 worth of land for Rs. 15, and a case made out that he comes within the terms of Sir Chimanlal's declaration. I think, Sir, that Government have acted in a manner which is inconsonant with the trust reposed in them by leaving out of the Resolution such an important clause. What do we find ? The important conditions actually laid down for fallow-forfeited lands are :

"(1) Land shall not be restored if there is any special reason to the contrary, *e.g.*, if it is required for the extension of a village and for some other Government purpose.

(3) The land shall not be restored in cases where a zamindar has disposed of his whole holding in the deh ; nor shall it be granted to mere assignees or to heirs other than direct heirs by ordinary family inheritance.

(4) Fallow-forfeited land shall not be granted in cases where a zamindar's resources are clearly unequal to the cultivation of his existing holding."

On page 8 there are conditions for *mohag* claims :

"(1) *Mohag* land at a concession rate shall not ordinarily be given to a zamindar who has recently sold a considerable portion of his holding.

(3) No *Mohag* rights will be recognised in respect of lands obtained by recent purchase.

(5) *Mohag* land shall not be granted to a zamindar who has failed to bring a reasonable proportion of his existing holding under cultivation, due regard being had to the condition of the water-supply, etc.

(6) No land at concession rates shall be given to a zamindar whose existing holding is more than a certain maximum limit."

All this is delightfully vague ; and the real crux of the matter has been lost sight of. Government, Sir, have no right to fritter away the resources of the presidency. This is an estate which belongs to the whole of the Bombay Presidency whose moneys have been sunk in the Barrage in order that the presidency may flourish. Therefore we have a right to say that unless a clear case, a judicial case, the strictest case possible is made out within the terms of the declaration of Government, no zamindar shall be given any part of this land.

Sir, one thing more and I have done. My honourable friend Khan Bahadur Bhutto made some interesting remarks. Sir, he said—and I was really surprised when he said it—that the Sind zamindars had been originally the owners of all this land and therefore it must be given to them, and that it should not be given to those who have purchased recently. Now, my honourable friend is illogical. Either he believes in the rights of individual property or he does not. If he believes in them, then he must also believe in the right of transfer and acquisition. If he

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does not, then surely the land must be left to the whole presidency to benefit by. Let Government then get the income which will enure to the benefit of every man in the presidency. Sir, these zamindars are afflicted with the same calamity as the Princes of the House of the Bourbon. They have neither learnt anything nor forgotten anything. They have not forgotten that the land which is no longer theirs was theirs twenty years ago; and they have not learnt that the presidency taxpayer has invested in this scheme not to provide for a few zamindars of Sind but to benefit the whole of the presidency, that it belongs to every one in the presidency and not to them alone. There was another equally interesting reason which he put forward. He said—that if you leave this land to be sold by public auction, the poor zamindars of Sind, most of whom he said were Mahomedans, would not be able to bid; that they would have to go to the money-lenders, who would be Hindus; and that therefore this concession should be given to the former. I am really surprised at this argument being trotted out here. Why does not my honourable friend ask Government to give ten crores of grant straight-away to the Mahomedans of Sind? Is the Honourable the General Member going to endorse the reasons which are given by the Honourable Member Khan Bahadur Bhutto? Out of the twenty crores to be invested is a present of ten crores to be made to the Mahomedan zamindars in Sind for the reasons he has given? The Government in the Presidency is the ferocious champion of the powers of forfeiture on non-payment of taxes; in Sind it is turning into a knight-errant restoring to wealthy zamindars vast lands duly forfeited; is it to oblige the zamindars of Sind? If so, let us know it and—

Khan Bahadur S. N. BHUTTO: Sir, I did not say anything of the kind which the honourable member attributes to me.

Mr. K. M. MUNSHI: Sir, if the honourable member gives me the transcript of his speech I will show it.

All I say is this, Sir: here is a concession clause which has to be read in the strictest possible form, as it is against the interests of the whole of the presidency; and yet the Government resolution which is based on it has not carried out the intentions of the declaration of Government. Therefore, Sir, I urge that when Government take measures to carry out this policy, these words of Sir Chimanlal Setalvad should be construed in the strictest sense, and when any zamindar puts forward a claim unless his claim falls within the terms of Sir Chiminlal's declaration no concession should be given to him. That is all that I beg to submit.

Moulvi RAFIUDDIN AHMAD (Central Division): Sir, I am very grateful to you for giving me a little opportunity of addressing this House. I have noticed during the last four years at budget time those honourable members belonging to the party to which my honourable friend, Mr. Munshi, belongs have always opposed grants brought before this House in connection with the canal. Their contention was that the canal was not going to be a success, it would be a failure, and a white elephant. But what has now happened? They are now convinced that

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the canal would be a great success. Therefore they have thrown overboard, that policy as cargo for which there is no longer any demand in the market. They have now adopted quite a different policy. They now see that a certain class of their countrymen are going to be largely benefited by the canal. They want in the first place some share in the benefit. But they go further and ask Government not to keep their word pledged to that class. They say: "the zamindars of Sind will get money—they are Moslems in general. Hindus must be benefited somehow, whether they possess lands or not. They therefore demand that land should be given away to the labourers and other poor people that go to Sind from Cutch and Kathiawar. They ask Government to set aside the solemn pledges that were given by Government to the zamindars. All this time we have been hearing from those members that the British Government is notorious for breaking their promises. But to-day we find that the burden of their song is "Why should Government carry out their promise?" I was rather glad to hear from my honourable friend, Mr. Munshi, that if the British Government has given them promises, let them observe them. But he contended that Sir Chimanlal's statement was only a conditional promise. My honourable friend, Mr. Dow, told this House that the promise given by Sir Chimanlal Setalvad was further confirmed unconditionally by the Governor himself. And therefore the honourable member Mr. Munshi, must now maintain "If the Governor has given the zamindars a promise, it should not be broken."

I will now turn my remarks to the speech made by my honourable friend from Hyderabad (Mr. Jairamdas). He asked us to accept some socialistic principles in regard to land. The honourable member possesses certain sincere but inexorable prejudices regarding Hindu-Muslim question. What does he say? He says: "No, this land should not be given to the zamindars. Let all other people come from all the parts of the country and get this land; but these zamindars should not get the benefit promised." That is the burden of his song. It is a very curious burden. If socialistic principles are to be introduced, they should not be applied only in the case of land. They should be applied in other cases, for instance with regard to the services. Sir, I may inform this House that his party persisted in a different course. When Sir George Clarke visited Sind they gave him an address in which they said "Do not bring Muslims in government service here from the presidency; the posts are reserved for the Sindhis, that is the Amils of Sind." But now for the land they say: "Bring all the people, Hindus from Rajputana and everywhere." And why? For two reasons, namely, (1) to deprive the Moslem zamindars of this benefit of getting land, and (2) to increase the population of Hindus in Sind. My honourable friend, Mr. Dow, has told us that there are Mahomedans from Baluchistan also to whom some consideration be shown. On the whole, I submit, Sir, that this is a disastrous policy to ask Government to break their word. With these words, I oppose the cut.

The Honourable Mr. J. L. RIEU: Sir, my honourable friend, the Revenue Officer, has in his able speech dealt in full detail with most of the points raised in the course of the debate. I will, therefore, confine myself to making certain general observations and also dealing with a few points which have been omitted.

The most important subject of the speeches of honourable members on the opposite side of the House has been the decision of Government announced in their resolution of November last to grant 3,50,000 acres of land under the Barrage either to the original owners or to persons claiming *mohag* rights. This decision was arrived at by Government after the most careful and anxious deliberation. It does represent, I can assure the honourable members of this House, an honest attempt on the part of Government to recognize what Government consider to be the just claims of the people of Sind in regard to the restoration of land in the Barrage area while at the same time guarding against any undue prejudice to the general interests of the taxpayers of the presidency. It is only after long and earnest consideration and after a full enquiry by a committee of both officials and non-officials and also on consideration of the careful report of the Commissioner of Sind that Government have arrived at this decision. I wish here to indicate what I consider to have been the conditions and circumstances which justified the undertaking originally given in 1923 by the then General Member, Sir Chimanlal Setalvad. It has to be remembered that ever since the commencement of the present system of revenue administration in Sind, the re-grant of fallow land has been an essential feature of that system. The people have looked upon such land as their own for generations past, and it has been a common practice to buy and sell such land in the full expectation that it could at any time be restored to its original owners or their representatives on payment of the fallow assessment. I must ask this House to realise this fact when they approach the consideration of this question, because it has a very important bearing on it.

Now, of late years, it has unfortunately been the case that our inundation canals in Sind have been giving a less and less adequate supply of water and this for various reasons. I need not go into them all, but one important reason, no doubt, is the withdrawals of water by the important Punjab irrigation schemes. The fact remains that these canals have given a supply insufficient to meet the demands of the lands commanded by them. The result has been that one canal after another has been placed under *bundish*. By *bundish* I mean that no further grants of lands are allowed on these canals. At the same time, it has been necessary to restrict very much, on account of this *bundish* regrants of fallow-forfeited lands. It is true that the actual orders which placed an embargo on the regrant of these lands issued only in 1924. But even before that, the regrant of fallow-forfeited land was very much restricted. And at the same time although the orders putting an absolute embargo on the grant of any new lands within the Barrage area issued only in 1920-21, there again also, for several years before, on account of the difficulties caused by the shortage of the water supply, the grant of fresh land on any large scale had been practically stopped. Only small

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parcels of land here and there were being given out. I must explain also that at the same time the tendency towards the forfeiture of fallow lands had increased; on account of the shortage of supply of water, more lands were being fallow-forfeited and there was less and less ability on the part of the former owners of these lands to obtain their regrant on account of the shortage of water. The inevitable result of these several tendencies was to reduce the occupied area, and this state of affairs continuing over several years has certainly had a prejudicial effect on the interests of the zamindars. Supposing that things had been entirely normal and the supply of water had continued as before, and also supposing there had been no Barrage project under consideration, which resulted in these embargoes being placed on the regrant of fallow-forfeited land and the grant of fresh land, there is no doubt that the Sind zamindars—and by that term I do not mean merely the big zamindars, I mean all zamindars—would have gone on increasing their holdings or at any rate maintaining them at their existing level. Therefore, when it was decided to carry through this project of the Sukkur Barrage Government had to consider what the effect in the past had been with regard to the holdings of the zamindars of Sind, and I submit, Sir, that this grant of 3½ lakhs of acres really represents only a restitution of what the zamindars have been deprived of, owing to the reasons which I have explained.....

Rao Bahadur R. R. KALE: That is fallow-forfeited?

The Honourable Mr. J. L. RIEU: Fallow-forfeited, and new grants. Formerly zamindars of Sind were able to obtain fresh grants of land and the restoration of fallow-forfeited land without question. In the former case such grants used to be made on payment of *a rate of malkano*, that is to say, occupancy price equal to our assessment, say Rs. 2 or Rs. 3 per acre, that is to say a rate far lower than this so-called concession rate which Government are going to charge and which is now under discussion. I think it is very important that the members of the House should realise the position. The decision of Government does not represent a gift to the zamindars or anything in the nature of a present to them. Government are actually putting them in the position in which they would have been had the normal course of events ensued.

Then, as regards this rate, I have already indicated that in past times it has always been the practice,—and I am well conversant with it having served many years in Sind myself,—to grant lands at the rate of a single assessment and to regrant them in the case of fallow-forfeited land at the same rate. Therefore, the Rs. 15 an acre, although it may appear low in comparison with rates which we now hope to obtain by open auction sales of land, is considerably higher than the concessionary rates which have been in force in Sind until comparatively recent times.

Another point which I want to impress upon the honourable members of this House is that you cannot suddenly break away from the whole tradition and established practice of revenue administration. That is

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a very important consideration. Then, it has also to be remembered that these lands are being granted on the restricted tenure, which is very different from the tenure of land sold in open auction and which, of course, will be a marketable asset. These lands are subject to the restriction against alienation, and that very largely depreciates the market value. In fact, their *market* value to the grants will for all practical purposes be nil. Another point is that, as has been stated by several speakers, land without irrigational facilities in Sind is of no value;—not only of no marketable value, but of no value as giving a return to its owner,—and the occupancy price which is charged in Sind does not therefore profess to approximate in any way to the ultimate market value of land when fully developed and provided with irrigational facilities. When I first came to Sind, and long after that, I think, it was commonly instilled on young officers that the tendency on the part of an Assistant Collector to charge a high rate of *malkano*, in making grants of land, was in inverse proportion to his experience of conditions in Sind. That inculcated a principle which was generally acted upon and was a very sound one.

And now to proceed with the present reaffirmation of the undertaking originally given by the late General Member. Two speakers, the honourable member for Bombay University and the honourable member representing Bombay, Mr. Lalji Naranji, have insisted very strongly on the necessity of Government strictly observing the conditions which were laid down at the time by the Honourable the General Member. They contend that there is no absolute promise that these 3½ lakhs of acres which have been reserved shall all be given and that land should only be given subject to the important condition that its refusal would cause injury to any zamindar. Government intend fully to comply with that condition. But what I must explain in regard to this is that when the Honourable the General Member made this declaration in 1923, he was perhaps not so fully acquainted with Sind conditions as I am and that consequently he happened to mention only the *mohag* rights of the zamindars. But *mohag* and fallow-forfeiture claims are inextricably intermixed; in fact most of the *mohag* land will be found to have been fallow-forfeited at one time or other, while most of the fallow-forfeited land will be found to be within the mohag limits of the zamindar. It is impossible to separate the two claims. If honourable members will read paragraph 8 of the resolution, they will see that although the Honourable the General Member specifically referred only to mohag rights, it is certain that the fallow-forfeiture rights, which are far stronger than mohag rights, must have been contemplated by Government at the time. I think, therefore, that we must consider ourselves fully bound to take into consideration fallow-forfeiture rights as well. In fact we give them a strong preference over those of mere *mohag*. I submit that it is a distinct injury to a man who has allowed his land to become fallow-forfeited in the belief (a belief which is based on generations of practice and tradition) that he would obtain the restoration of those lands, if he is not given those

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lands when he applies for them and is willing to pay the stipulated rate, and therefore I contend that Government will be fully adhering to the terms of the original undertaking when making regrants of fallow-forfeited lands, especially as Government have laid down a further condition, which was not then referred to by the Honourable the General Member, namely, the condition that the fallow-forfeiture must have been of recent date.

In referring to paragraph 9 of the resolution, the honourable member for Bombay, Mr. Lalji Naranji, contended that Government were going further than the local officials recommended Government should go. I think he is there under a misapprehension. He was evidently referring to the passage where it is said that "the line of distinction has usually been drawn at ten years." I think he was not aware of the fact that this statement is qualified in that it refers only to the rate which should be demanded by Government for the restoration of these lands. The fact is that the official members had proposed that in the case of recently fallow-forfeited lands, *viz.*, lands fallow-forfeited within ten years, only three-fourths of the concessionary price, whatever it might be fixed at, should be demanded, that is to say, a lower rate than the concessionary rate for mohag lands, whereas in the case of lands whose fallow-forfeiture dated further back than that, they proposed to increase it, namely, to $1\frac{1}{2}$ times the general concessionary rate. Government have been able to go somewhat further than this in the direction favourable to the zamindars, so far as the rate is concerned; that is to say they propose not to buy more than the fixed general rate in any case. But, whereas the local officers had recommended no restriction on the regrant of land in point of time, Government are restricting such regrants to land fallow-forfeited not more than 15 years back.

I would now refer to certain criticisms on points of detail. The honourable member from Hyderabad, Mr. Jairamdas Doulatram, is evidently under the apprehension that only the large zamindars will be benefited by these so-called concessionary grants. I dispute this....

Mr. JAIRAMDAS DOULATRAM: I did not say "only big zamindars."

The Honourable Mr. J. L. RIEU: The honourable member said "mostly."

Mr. JAIRAMDAS DOULATRAM: I said "36 per cent."

The Honourable Mr. J. L. RIEU: That is not a very large proportion and even that I will not admit. It is unfortunate, and the honourable member Mr. Noor Mahomed had drawn attention to the fact, that the use of the word "zamindar" seems to have imported a lot of prejudice into the consideration of this question. In Sind the word "zamindar" means simply the holder of the land, that is to say the man who holds it under Government, as contrasted with the "hari", who is the man who actually cultivates it. I was surprised by Mr. Jairamdas Doulatram's statement that 36 per cent. of the land in Sind is held by zamindars owning 500 acres or more. I shall therefore go through the

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statistics which I have, showing distribution by holdings. This is as follows :—

People holding	less than 5 acres	.. 67,000
,, ,,	between 5 and 25 acres	.. 91,000
,, ,,	,, 25 and 100 acres	.. 34,000
,, ,,	over 100 up to 500 acres	.. 11,000
	Total	.. 2,03,000

Against that, you have only 2,351 persons holding more than 500 acres. I find it very difficult to believe that this infinitesimally small proportion of men holding more than 500 acres can aggregate as regards area to 86 per cent.....

Mr. B. G. PAHALAJANI : What is the average of men holding more than 500 acres ?

The Honourable Mr. J. L. RIEU : I am sorry I have not got those figures here. But even assuming that this proportion is correct for the whole of Sind, I say that it does not apply to the barrage area and more particularly to the barrage area where lands will be coming under sale, where there are large areas of unoccupied land. I know this part of the barrage area very well having been in charge of a part of it, the Nausharro Division, for several years while I have travelled practically all over the rest of it. It is well known that throughout this portion of the barrage area the peasant proprietor predominates very largely, there are a few large zamindars in it—in fact I could count the really big zamindars on my fingers. In this area the largest proportion of the land is held by small proprietors, and it is they who have sufferred most by these fallow-forfeitures, because their resources are small, their credit is restricted, and they have been unable to continue to pay the current fallow assessment of land which they have been unable to cultivate owing to lack of water. Therefore, it is to them that this so-called concession, which I say is simply a restitution of rights, will principally be given, and it is they who will benefit predominantly by the decision of Government.

Mr. NOOR MAHOMED : May I enquire if this fallow-forfeited land that is going to be restored is going to be restored to both Hindus and Mussalmans or to Mussalmans alone ?

The Honourable Mr. J. L. RIEU : The Government Resolution makes no distinction whatever between the different communities.

And now I would refer to the fact that condition 6 for the grant of *mohag* land gives Government the power to impose a maximum holding, and no person holding that maximum or above will be entitled to any *mohag* grant. That entirely disposes of, I think, the apprehension on the part of honourable members that large zamindars will be benefited by these grants. Government have not yet fixed a maximum. That is a matter still under consideration, but the maximum will certainly be a low one.

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Then the honourable member from Hyderabad (Mr. Jairamdas) seemed to suggest that it would be better, instead of giving these 3½ lakhs of acres to former owners or to the adjacent holders, that it should be distributed among various classes.

Mr. JAIRAMDAS DOULATRAM: I referred to the sale of the remaining 11½ lakhs of acres. I did not discuss the question of the 3½ lakhs of acres. I discussed the policy of Government with regard to the sale of the remaining 11½ lakhs of acres.

The Honourable Mr. J. L. RIEU: I am glad to hear that, but it only makes the point which I wish to make stronger. Obviously, as honourable members have emphasised, these concessions do imply a certain sacrifice of revenue on the part of Government, and if, in dealing with these 11½ lakhs of acres, we give out the lands to landless people free or, at any rate, at concession rates, that sacrifice will be only intensified, and I do not think that Government would be justified in making such a sacrifice. We shall certainly provide for the grant of land to peasant proprietors. We recognise fully the desirability of having a large body of peasant proprietors. They are an invaluable asset in the administration of a province like Sind, and we are not going to overlook them. We have no intention of disposing of all the land in large blocks to big capitalists. We reserve to ourselves fully the right to give, and we shall very carefully consider any proposals for giving, land to peasant proprietors, but they cannot be of the class which the honourable member Mr. Jairamdas has indicated, that is to say, the so-called depressed classes. The honourable member Mr. Noor Mahomed was perfectly correct in what he said about the non-existence of the depressed classes in Sind. The classes which the honourable member Mr. Jairamdas referred to are mere temporary immigrants, who come over from the Thar and from Cutch yearly to assist in the harvesting and cotton picking operations. They are not cultivators by heredity, and they possess no capital whatever. It would be simply disastrous to give lands to such people on a large scale.

I do not wish to deal with the other points of detail, but I must emphasise this that, in arriving at the decisions which are embodied in this Resolution, Government feel that they are only doing the very least justice possible to the claims of Sind. They could not depart from their previous declaration without doing a grave injustice to Sind, and they feel themselves absolutely bound by that declaration, which was made with the full concurrence of all the Members of Government. Moreover, I would point out that, although the honourable member Rao Bahadur Kale has argued that there was no specific resolution on the part of this House supporting this promise, the latter was definitely before the House at the time the House adopted the whole project. And although it is true that at the time of laying the project before the House the Honourable the General Member said that he could not regard Government as bound by all its details, I submit that he was then merely referring to the manner of execution and the programme of land sales, that is to say, the years in which the land would be disposed of, and he certainly could

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not in making that statement have contemplated any going back upon the clear promise which he had given, and I must therefore beg this House to put Government in a position to carry out what they look upon as their very definite obligation.

Rao Bahadur R. R. KALE (Satara District): Sir, I must say in reply that I entirely agree with the honourable member the Revenue Officer for the Sukkur Barrage that it is unfortunate that the communal question has been introduced into this controversy. Really, that was very far from my object, and my honourable friend Khan Bahadur Bhutto entirely misunderstood the object of this motion. It pained me to hear suggestions of the kind which fell from him and some other honourable members. So far as this question is concerned, it is purely a question of the people's rights, and it was for the first time that I came to learn from the honourable member Khan Bahadur Bhuto that this question affected adversely the Mussalmans and not the Hindus, and all that kind of thing. The Honourable the Revenue Member's statement shows that in this matter no communal considerations will enter. Apparently, from the arguments of some honourable members, it may appear that such a question may come in, but still I do hope that the question will be settled on its own merits both by the official and the non-official members of this House. Then, Sir, with regard to the merits, it was stated by the honourable member the Revenue Officer for the Sukkur Barrage that though five years had passed, not a word was uttered about this matter in the House. But, Sir, the policy of Government with regard to the sales of land was only adumbrated in November last, and this is the first session of the Council after that, where we have an opportunity to have our say. There was no occasion to do so before that. The whole question rested on the general declaration, or promise, or statement, or whatever you may call it, of the Honourable the General Member and that statement as interpreted. The interpretation of that statement, really speaking, is the crux of the whole case, as I understand from the speeches of the official as well as the non-official members. Now, Sir, it is clear from the statement of the Honourable the Revenue Member that even Sir Chimanlal's statement, according to him, was based upon some misunderstanding. That is in fact what the Honourable the Revenue Member has said. We have the statement of Sir Chimanlal Setalvad before us, and really it is very necessary to abide by that statement. I agree so far.

We ought to interpret that statement strictly even with regard to fallow-forfeited rights. With due deference to the framers of the resolution I must say that it is illogical. The illogical nature may be due to the anxiety on the part of Government to be fair to all parties. In a matter of this kind it seems to me that we must take a complete stand once for all and make an instrument or document in such a way as to clearly define the rights of holders as well as taxpayers. It was stated that there was a historical background for this question; and there has been the practice of restoring these fallow-forfeited lands. The whole question has been discussed in the accompaniments to the resolution. It is stated

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that in the Khairpur State where similar practice has been in existence when once the land is forfeited it never regrants the land to the former owner. The origin of the practice is also given. We ought to take into consideration the laws relating to it both in Sind and the Presidency before coming to a conclusion. In the past it might have been that the lands that were allowed to lie fallow were restored after two or three years after payment of one year's assessment. But now new conditions are coming into existence and it seems to me necessary that we should take into account the legal position and that we should not be led by the past practice. The Revenue Officer of the Sukkur Barrage stated that they had been generous to the zamindars. Does he mean that because they had been generous in the past they should be generous in future also ? If Government wish to be generous in future they should do so consistently with the rights of the taxpayers. The presidency is now called upon to make up the excess of some crores. In 1923 when the resolution regarding the Sukkur Barrage was discussed I insisted that the amount of 18 crores should be put down in the resolution. It was then pointed out that it was only a rough scheme and all details would be placed before the Council year after year when honourable members would have occasion to put forward their own views and that the scheme would be moulded accordingly. If now the estimates are going to be exceeded, does it not stand to reason that we should be in a position to find out new sources to meet this excess ? I am not in possession of all the materials, but it is stated in the resolution that the sanction of the Secretary of State has been given to this declaration, whatever you may call it. I do not know whether it relates to sales. It cannot be so, because I find in a reply given by the Honourable the General Member that the sanction related to the construction of the barrage. The Secretary of State wanted to give it on a contract to a private concern, whereas the Bombay Government would have it done departmentally. But with regard to the disposal of the land I find in the reply : " Not with regard to the disposal of the land. " Though I am not in possession of all the correspondence between the Secretary of State and the Bombay Government, I submit that the disposal of land is not allowed by the sanction of the Secretary of State. In this connection a point was raised by the honourable member Mr. Lalji that under section 27 or 28 of the Government of India Act sanction of two members of the India Council is necessary with regard to the transfer of property. That is a separate question. My submission is that if the case for the Bombay Government is investigated in the light of strict interpretation of the statement of Sir Chimanlal Setalvad and the observations of experienced officers with regard to this practice, we can really go further than Bombay Government. But we are now told that in returning fallow-forfeited land it is given under restricted tenure. If it is restored, it is illogical to say : " We are going to restore the land to you restricting the period to 10 years. " It is illogical and inconsistent. It is not restoration. If it is permanent occupancy, unrestricted right of occupancy must be restored

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to him. Therefore it appears to me that there is a certain inconsistency prevailing throughout this long report.

But I do submit that as the matter is one of financial importance, the Council ought to have been taken into confidence before the issue of the final resolution, and given an opportunity of considering the question. After all, the issue of a Government Resolution does not mean the last word on the subject, and even now it may be really wise on the part of Government to consider this question further as it is of great importance to the whole of the presidency.

Will you give me five minutes more, Sir ? I will not refer to extraneous matters like the Deccan irrigation. I do not know, however, if Deccan irrigation was intended to be productive, and I do not know besides if in Deccan concessionary grants are given to zamindars who benefit by the irrigation. At least I am not aware of that. But that is quite irrelevant. We are now constituted in a different manner and members of this Council must judge every case on its merits. We must take a dispassionate view of matters and not be led away by provincial considerations. I do hope that the Honourable the General Member in his final reply will give a clue as to whether he still leaves some room for re-opening this question in the light of the discussion that has taken place to-day. In a debate of this kind it is not really possible to go into this matter. My last request to him is that he would place on the Council table all the correspondence in regard to this matter, from the beginning up to now—in fact all literature connected with it—so that although we are not members from Sind yet we may know all about it. Although we do not belong to Sind, there is no disability attached to us in understanding its problems by reading the literature relating to it. Therefore, I hope that the Honourable the General Member will accede to this request. If he does that and honourable members on this side are satisfied that the right course has been taken and nothing further remains to be done, then the matter may be left where it is.

The Honourable Sir COWASJI JEHANGIR : Mr. President, it is unfortunate that I have to reply to this debate, because I am in charge of the Public Works Department branch of the Irrigation Department and the sales of land is under my honourable colleague the Revenue Member. The Honourable the Revenue Member has very lucidly and clearly placed before honourable members of this House the reasons and the arguments for the Resolution issued by Government. From the debate it appears to me that several members of this honourable House are under the impression that Government are deliberately handing over a very large asset of this presidency to a few inhabitants of Sind. If my honourable friends had realised that when this project was before this House in 1923 it was clearly understood that 350,000 acres were to be given at concession rates, I am sure they would not have accused Government of deliberately, at this time, handing over to anybody a vast sum of money. (Rao Bahadur R. R. Kale : It was only reserved). It was a part and parcel of the project, that 350,000 acres should be reserved to be given at concessionary rates. Now, Sir, I believe that was a part of

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the project that went to the Secretary of State, received the approval of the Secretary of State and received the approval of this honourable House. And to say that honourable members were not aware of this fact until this resolution was issued is not quite correct. I remember myself having discussions with honourable members on the opposite benches on this very question, not once but very often, which clearly shows that my honourable friends were fully alive to the fact that Government were committed to give a certain number of acres at concessionary rates. The point was whether Government should stick to 350,000 or should yield to the demand put forward by the zamindars that the 350,000 acres should be increased. That was the point. My honourable friends the zamindars in their minute of dissent to Fallow Rules Committee Report claimed something like 750,000 acres; they claimed 400,000 acres for fallow-forfeited land, over and above the 350,000 acres for *mohag* land. They also put forward the claim that fallow-forfeited land legally belonged to the zamindars from whom it was forfeited. Well, Sir, Government have refused to admit that claim, and the committee, after having gone into the legal aspects of the case, have clearly come to the conclusion that zamindars have got no legal right to fallow-forfeited land. Then the position was, as explained by the Honourable the Revenue Member, very carefully considered by Government and they came to the conclusion that they should give an area of 350,000 acres but that any claim to exceed that acreage was unreasonable. On the other hand, honourable members now contend that Government was unreasonable in having agreed to 350,000 acres. My reply is that honourable members, when they passed this project, agreed to the 350,000 acres, and therefore it is not now open to them to say that Government have committed them to anything more than what they were aware of. If they had committed them to anything more than 350,000 acres I could have understood the argument. Now, Government have looked at this matter from the equitable point of view. They have given preference to zamindars who have forfeited their land. The Honourable the Revenue Member has explained the position regarding the fallow forfeited land. I am certain that if my honourable friends who are owners of land in this presidency had their lands also forfeited, they would also clamour for its return. Therefore, I would submit that when Government concede to what they consider an equitable demand, it is not for large holders of land in this presidency to say that Government are giving the zamindars of Sind —poor and rich—preferable treatment.

I do not desire to keep this House much longer, because I would only be repeating what my honourable friend, the Revenue Member, has said, but I can assure this honourable House that Government, as a whole, have come to the conclusion that the terms of the Resolution are only equitable. They have made no concession, which they do not think the zamindars and the people of Sind were entitled to. Under the circumstances I trust, my honourable friend Rao Bahadur Kale will not take this matter of the cut of Rs. 10 lakhs to vote. These Rs. 10 lakhs are really required for getting on with the work. Honourable members must

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remember that even just now we have a supplementary demand before this House for the current year and, therefore, any cut from the estimates now submitted would only put the Government in considerable difficulty, resulting in more supplementary demands. I would also remind this House of the lump-sum cut of Rs. 25 lakhs by the Finance Department from the estimates submitted by the Chief Engineer on the undertaking that if it is found necessary they will make up that sum of Rs. 25 lakhs by supplementary demands. Therefore this further cut is not at all justified and I would, therefore, ask my honourable friend Rao Bahadur Kale to withdraw the amendment.

Question put and lost.

The Honourable the PRESIDENT : I will now put the total demand to vote. I find that the cut of Rs. 35,000 is accepted by the Honourable the General Member. So, he will have to ask for a demand of Rs. 2,13,72,000.

The Honourable Sir COWASJI JEHANGIR : Sir, I beg to ask for

"a demand for Rs. 2,13,72,000."

Question put and carried.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to ask for

"a demand for Rs. 5,57,000 for expenditure in England, Secretary of State Reserved and Transferred ; High Commissioner Reserved and Transferred."

Moulvi RAFIUDDIN AHMAD (Central Division) : Sir, the Honourable the Leader of the House has not made any observations recommending this demand to this House. The House would certainly like to know something more than he has stated. Even though there are no cuts for this item, it is not justifiable that the House should not be enlightened on the subject.

The Honourable Sir CHUNILAL MEHTA : Sir, I have no objection to make observations on this item. But everything has been shown on page 119 of the Blue Book which no doubt the honourable member has read.

Question put and carried.

The Honourable Sir GHULAM HUSSAIN : Sir, I beg to move for

"a demand for Rs. 9,06,000 under the head '47, Miscellaneous'."

Question proposed.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I beg to move

"that the demand under head '47, Miscellaneous' be reduced to Rs. 4,00,000."

On looking at the Budget, we find that it does not give any information on this point. We find no information regarding the heavy expenditure that is incurred under the head "Miscellaneous." What is this head of "Miscellaneous"? In that "Miscellaneous" we find a sub-head "Expenditure—Miscellaneous and unforeseen charges." If we look at the expenditure under this head given on page 115 of the Budget, we find that in the year 1926-27 there is no expenditure at all. In 1927-28 the Budget estimate was for Rs. 6 lakhs and in that year the revised estimate

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was Rs. 3,62,000. And for this year again Government want Rs. 5 lakhs. Looking at it, we do not find any information at all as to how and why these five lakhs of rupees are required, at a time when we are trying to curtail the expenditure as far as possible and are trying to find out every avenue for retrenchment. So, when such a large amount of Rs. 5 lakhs is demanded, this House should know how this amount is spent. Every time when a demand for an expenditure is made, especially for the transferred department, this House is entitled to know the details of the expenditure, so that it will be in a position to say whether it can give its sanction or not. In this particular case, Sir, for a large amount of Rs. 5 lakhs which is described as miscellaneous and unforeseen, how is the honourable House to exercise its judgment whether the expenditure should be sanctioned or not? What does "miscellaneous and unforeseen" mean, when they have provided for everything that they require, and when, further, Sir, for every item that is not foreseen, there is the supplementary grant; the right is given under the Act to the honourable members on the opposite benches to ask for supplementary demands for unforeseen expenditure. I do not understand, Sir, why this large expenditure is called miscellaneous and unforeseen, and it requires an explanation, and I do not mind telling the honourable House what my suspicions are—in speaking about this I should be quite frank. That is, we want to be very careful and we want to see that we do not provide expenditure for reasons and objects which we do not wish to take place. For instance, I want to know whether any of this expenditure is intended for any propaganda work, any publicity work, for any such unforeseen work, for which the House, at any rate this side of the House, should not provide anything. It may be a suspicion which is unfounded. But where the figures are juggled in such a manner with no information at all about a large amount of Rs. 5 lakhs, certainly the House is entitled to know for certain why this is proposed to be provided. Again, why is Rs. 5 lakhs provided as unforeseen expenditure, why not Rs. 7 lakhs, why not Rs. 2 lakhs? How do they foresee an unforeseen expenditure and fix an amount which does not become foreseen? (Laughter). Therefore, Sir, it is a figure which calls for explanation from the opposite side of the House, and I hope the honourable members on that bench will give a satisfactory explanation before asking for this demand.

Mr. G. WILES: Sir, I confess I listened with some surprise to the honourable member's speech. This is not a new item, but one which has been put in the budget year after year ever since I have been in this House, which is many years now. It is so well known to honourable members that I did not think any further explanation was at all necessary as to what the "reserve" is. The "Reserve" is now being put in this budget ever since the reforms, though it has been getting smaller and smaller. We are getting annually nearer to close budgeting, and experience has shown that it is not necessary to put in such a large figure for unforeseen expenditure. Last year we had a sum of Rs. 15 lakhs, which, by the agreement which was made in the year 1921, I believe, with this

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honourable House, was distributed between the reserved and the transferred departments in the proportion of 9 and 6. If the honourable member will study the budget a little more carefully, he will see that there is a provision next year of Rs. 5 lakhs for the transferred department and Rs. 7 lakhs is the provision for the reserved department. Now, that is merely a provision to prevent us having a deficit at the end of the year. When you have got a budget of the size and complexity of our budget amounting to something like Rs. 20 crores, it is quite impossible to provide for every contingency. But instead of coming to this House and asking for a demand on the balances, we have made an estimate of the total unexpected demands which are likely to come up during the year and we put that in the budget in order that we may not have to draw on the balances at the end of the year, thereby possibly showing a technical deficit. The honourable member is under a misapprehension when he thinks that any of this money can be spent without coming to the House again. This is a sum from which we meet those reappropriations for which we come to you—to this House—from time to time in the form of supplementary demands. If the honourable member will study the supplementary demands which were made during the course of the past year, he will see that after meeting as much as we can from the savings under the departmental heads, we come to the Council for reappropriations from this reserve. We have not always spent the whole of it, and that is why you find that next year we have reduced the sum provided for unexpected expenditure from Rs. 15 lakhs to Rs. 12 lakhs. although we budgetted for Rs. 15 lakhs we have not spent Rs. 15 lakhs during the past year, and we intend next year to do with a smaller sum; we hope we shall be able to do with a smaller sum.

Mr. HAJI MIR MAHOMED BALOCH (In Gujarati): Sir, the honourable member the Finance Secretary has explained just now that there is a provision of Rs. 5 lakhs and Rs. 7 lakhs, for the transferred departments and the reserved departments. But the House must know where it is going to be provided, on what objects and where ?

The Honourable the PRESIDENT: The honourable member the Finance Secretary does not understand Gujarati. Will the honourable member repeat what he wants to say in Urdu ?

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): I want to ask the honourable member the Finance Secretary where the provision, which he says is made of Rs. 5 lakhs and Rs. 7 lakhs, is going to be made. He says " We are distributing 5 lakhs and 7 lakhs. " I want to know exactly how these amounts are going to be provided or spent. Otherwise, how are we to vote ? Will the honourable member kindly give us this information ?

Mr. G. WILES: I may tell the honourable member, Sir, that whenever a demand is wanted by the departments, we shall come to the House and ask for it. When it is wanted, we come to the House for it.

Rao Saheb D. P. DESAI (Kaira District): Sir, the point that arises is this. Out of the Rs. 12 lakhs, Rs. 5 lakhs have been reserved for the

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transferred departments and as much as Rs. 7 lakhs has been reserved for the reserved departments. As a matter of fact, the figures should have been reversed. I myself, Sir, do not like this policy of keeping in reserve because, out of the reserve, expenditure is incurred by reappropriation by the Government perhaps on objects, the policy or propriety of which is not discussed or not brought before this House in the budget session and it is likely as it has been observed in the past that the expenditure may be incurred on objects which perhaps this House does not like at all. So, if there are some unforeseen charges or expenses, Government should incur the expenditure on their own responsibility and should bring it before the House as a fresh demand for sanction when it meets in October session in Poona. Otherwise, if we allow this item to go on as it is, it is likely that money might be misused or used against the desire or against the settled policy of this honourable House. That is why I support the motion moved by my honourable friend.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I quite understand what the honourable member the Finance Secretary says, that they provide Rs. 7 lakhs for the reserved and Rs. 5 lakhs for the transferred. Do I understand from him that, when he spends this sum out of this "unforeseen" provision, he will come before the House for sanction ?

Mr. G. WILES: Yes.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Everything that will be spent will come before the House as a supplementary grant ?

Mr. G. WILES: Yes.

Mr. J. B. PETIT (Bombay Millowners' Association): I do not think, Sir, this House ought to waste any further time on this demand. After the very lucid explanation given by the honourable the Finance Secretary it is quite clear that this item of Rs. 5 lakhs is merely reserved for unforeseen contingencies, and that expenditure from this figure is also subject to the further sanction of the House from time to time by way of supplementary grants. I know that on similar grounds, a sum of Rs. 7 lakhs has been set apart for the reserved departments. If that is so, the sum total of both these amounts, *viz.*, Rs. 12 lakhs seems to me to be quite reasonable, having regard to the very large sum which we budget for every year. It is a little more than half per cent. of the total, *viz.*, Rs. 20 crores for which we sanction the budget. That being so, I do not think this House should create any difficulties, because half per cent. of the total is certainly not too big a sum to reserve for unforeseen contingencies. I accordingly think the House will be well advised in accepting the original demand.

Mr. P. R. CHIKODI: The honourable member the Finance Secretary stated that this item has been appearing ever since the introduction of the Reforms, but I find from the White Book that this item does not appear in the year 1926-27. It only appears in the current year and in the budget for the next year.

Mr. G. WILES: The explanation is the one I have already given. When we come and ask for further provision in the form of supplementary grants, we take it out of the reserve and put it under the other heads to which it is transferred. Therefore, it appears in the final accounts under those other heads to which it is gradually transferred, and at the end of the year, after all is spent, you won't find it in the budget at all. If you start with a budget grant of 15 lakhs and go on transferring it gradually to other departments, naturally it gets less and less until it is all disbursed. You will find that the other departments show an increase.

The Honourable Sir GHULAM HUSSAIN: Sir, as explained by the honourable member the Finance Secretary, this is a provision for all the transferred departments for unforeseen expenditure, which we cannot anticipate at this time. For instance, all of a sudden we had floods in Gujarat and Sind. We could not, at this time last year, anticipate that we would have floods for which we would have to make provision in advance. To meet such expenses, we must have some reserve at our disposal. I will read out to the honourable House some of the items of expenditure incurred this year:

Expenditure in connection with extra sanitary measures required to be taken as a result of the floods.

Repair of roads and buildings in Gujarat.

Grants made to local boards in Sind owing to floods.

We could not have anticipated all this expenditure at the time of the last budget. I assure the House that there need be no suspicions at all about this item. My honourable friend from Bombay seemed to fear that this money might be used for some propaganda work. Even if it were to be so used, it would have to be placed before this House in the shape of a supplementary demand, and the House then could exercise its vote just as it liked.

Question put and lost.

Question that the demand for Rs. 9,04,000 under 47—Miscellaneous (Transferred) be granted, put and carried.

The Honourable Sir CHUNILAL MEHTA: Sir, I beg to move for a grant of Rs. 12,72,000 under Miscellaneous (Reserved).

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I move:

Reduce by two lakhs—Total Demand.

Here also the same difficulty arises, as a very large amount is asked for several miscellaneous unforeseen charges. Last year we provided Rs. 9,01,000 while the revised estimate shows Rs. 4,79,000. I do not know whether they have spent Rs. 4,79,000 under this head or transferred the difference between Rs. 9,01,000 and Rs. 4,79,000 to different heads under which those unforeseen charges have been debited. If they have spent the difference between Rs. 9,01,000 and Rs. 4,79,000, that is, Rs. 4,22,000, then the provision of Rs. 7,01,000 in the next year's budget is a large amount indeed. To place such a large reserve in the hands of Government is nothing but providing them with the temptation

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to spend the amount because they have merely to come to this House for supplementary demands much later on and so they can meet the expenditure in the expectation that this House will put its seal of approval when the supplementary demand is made. We find that the argument usually made by Government in respect of such supplementary grants is that the money has already been spent and if it is not sanctioned Government will be put into an awkward plight, and such an argument induces some of the honourable members to say " if we do not sanction this amount. His Excellency the Governor will have to certify the expenditure and restore the grant. Why should we put him into such a position ? " And arguing in this way, these honourable members who may not like to resist Government as strongly as other members of the House, proceed to sanction the grant. For these reasons, I think that we should not place such a dangerous weapon in the hands of Government. I remember some remarks were made by the Auditor General to the effect that Government are providing a reserve much larger than what is needed. This time they can very well do with a reduction of two lakhs under this head and I consider that Government should not take a larger reserve for the Reserved Departments than for the Transferred Departments.....

The Honourable Sir CHUNILAL MEHTA : May I ask the honourable member to what he referred when he mentioned the name of the Auditor-General or the Accountant-General ? I could not quite understand it.

Mr. J. C. SWAMINARAYAN : I remember having read the letter from the Auditor-General while I was a member of the Public Accounts Committee for the year 1925-26 or 1926-27. In that letter from the Auditor-General he had drawn special attention of Government to the fact that large reserves were being provided under Miscellaneous Heads and said that such a procedure was not necessary, because Government were at liberty to come to the Council for getting additional expenditure sanctioned as provided for in the Bombay Legislative Council Rules themselves. What I object to is that Government should, as a matter of every day practice, first incur expenditure which is not sanctioned and then try to get that expenditure confirmed by means of a re-appropriation from some other head and then ask this honourable House to grant them supplementary demands. Therefore, it is necessary not to place this blank cheque in the hands of Government, as it would be a temptation to them to incur the expenditure and then come to this House for a supplementary demand. I think it will be a reasonable demand, even according to the principles enunciated by the Auditor-General and the Accountant General, that this reserve should not be placed at a very high figure, and there is every practicability and possibility of cutting down this provision by Rs. 2 lakhs, and providing only Rs. 5 lakhs as reserve instead of Rs. 7 lakhs. Moreover, the provision of reserve for the transferred departments is 5 lakhs and there is no reason why the reserved departments should be given an amount higher than the transferred departments. The reserved

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departments should, therefore, not have more than 5 lakhs and we should cut down this provision by two lakhs.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Gujarati): Mr. President, I want some information.

The Honourable the PRESIDENT: Order, order. I would advise the honourable member to go back to his Urdu.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Hindustani): Sir, on page 267 of the Civil Estimates, I find there is an item of Rs. 5,000 for Durbar presents and allowances to vakils. I should like to know where this Durbar is held, and who holds it, and what these presents are.

Mr. G. L. WINTERBOTHAM (Bombay Chamber of Commerce): Sir, the honourable member who has moved this cut appears to be under a misapprehension. He would like this House to suppose that, by reducing this sum of Rs. 7 lakhs to Rs. 5 lakhs, Rs. 2 lakhs of expenditure will be saved. But, as has already been pointed out, this is not a fact. No expenditure will be incurred from this sum without coming to the House. I do not know what influences Government to put the figure at Rs. 7 lakhs, but the position is the same whether it is Rs. 7 lakhs or Rs. 5 lakhs. Presumably, the figure of Rs. 7 lakhs is based on some average of previous years, but no money can be spent out of this sum without Government coming to the House for a supplementary demand. Therefore, it seems necessary to make it clear that by reducing this amount by Rs. 2 lakhs no expenditure will be saved.

Mr. N. A. BECHAR (Karachi City): Sir, with regard to the item on which my honourable friend desires a cut of Rs. 2 lakhs, it will be seen from page 267 of the White Book that the whole of the expenditure from items A to P comes to Rs. 11,72,000.

An Honourable MEMBER: Is that before the House?

The Honourable the PRESIDENT: The honourable member may get up later, after having made sure of his facts.

Mr. M. D. KARKI (Kanara District): Sir, I had no mind to speak on this motion, but as I find that there is an item for the destruction of wild animals, I would like to speak a few words on the subject, as it vitally concerns my constituency. I must thank the honourable member Mr. Swaminarayan for having given me an opportunity of ventilating my views on the subject on the floor of this House.

Sir, the nuisance caused by wild animals in Kanara is becoming more and more serious as days go by. In the second Council of this honourable House, I brought this to your notice, Sir, while you were in charge of the Forest and Agricultural Departments, and also I put various questions, so that the attention of Government may be drawn to the very serious state of things that is prevailing there. But before you could do anything, you were out of office, and the same state of things still continues without being in any way redressed. While the carnivora are threatening the very existence, that is to say, the very life and safety of

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the people as well as of the cattle of the district, the other animals, such as the pig, the elephant and the monkey, are becoming a terror and a menace to the cultivators. The loss done by the carnivora to the cattle of the district is immense. I would point out to this honourable House one or two recent occurrences and bring to its notice how life is risky in the district of Kanara on account of the carnivora. The Sub-Assistant Surgeon of Supa was attacked by a tiger in the month of July 1927. I may inform this House that he was attacked in the dispensary buildings. And at what time ? At 5 a.m., early in the morning in the month of July 1927.

The Honourable Sir COWASJI JEHANGIR : You asked a question and Government gave a reply.

Mr. M. D. KARKI : Yes. A question was asked in the Council and Government have replied that the Sub-Assistant Surgeon was attacked in the dispensary building at 5 a.m. They have not indicated how the tiger happened to be in the dispensary building, whether as an in-door patient, or an inspector, or whether it stealthily crept into the building because the doors were kept open for ventilation. On the whole, it is not known how the animal went into the dispensary building and attacked the Sub-Assistant Surgeon at an early hour of the day. Sir, thereby, he, the Sub-Assistant Surgeon, was prevented from attending to his duties for 15 days. There was no medical aid available, because he himself was attacked, and he had to be taken to Belgaum for treatment, which is a place 40 miles away from Supa. I will give one more instance, which is of very recent occurrence, that is only last month. In the town of Karwar a tiger 6 feet in length happened to be in the compound of a resident whose name is Murari Bayaji Borkar. It was on the 5th February 1928. This tiger had caused immense loss to the people, and it was indeed a terror. Fowls and calves were easy prey to it and nobody could face it. Even in a town like Karwar, which is the headquarters of the district, nobody responsible to the welfare of ryots cared to kill this tiger, which was really working immense havoc. When the tiger entered the compound of this gentleman, he was quite helpless. He thought that the lives of the inmates of his house were in grave danger. With all that, he took courage, and shot it on that very day, that is to say, on the 5th of February 1928. Now, Sir, Karwar is not a forest town, it is not a forest village. It is a non-forest town and a coastal town. If, Sir, even in a town like Karwar, which is the headquarters of the district, tigers do come and work mischief, I want to know whether life in Kanara is safe. One more instance ; with that I will have done. Last year this time I was informed by the inmates of my house that a beautiful calf—a she-calf—of my dear cow which I had fed and cared with love and affection was devoured by a panther within the compound of my house. (An honourable Member : Where, at what place?) Sir, at Karki. Karki is a non-forest village and a coastal village. If this is to happen in a

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village of that type in these days of civilisation and benign Government, it is nothing but a misfortune.

Mr. G. L. WINTERBOTHAM: I rise to a point of order. I want to know whether tigers in Kanara are a transferred subject or reserved subject. If it is a transferred subject, should it not have come in the previous vote?

Mr. M. D. KARKI: It comes under reserved. (An Honourable Member: Unforeseen item.)

I have now given three concrete instances simply to show to this honourable House how risky is the life of cattle and mankind in the district of Kanara. I want the Honourable Member in charge to explain whether he has been spending any amount under this head for the destruction of tigers either in Kanara or in the rest of the whole presidency. I will now come to the figures as to how many tigers were killed in Kanara in the 3 years period of 1923, 1924 and 1925. In the year 1923, 18 tigers were killed; in the year 1924, 24 tigers were killed; and in the year 1925, 37 tigers were killed. But in the statements that have been sent to the honourable members it is not stated whether rewards were given for killing tigers. I think no rewards are given for tiger-killing. The statements too are silent on the point. The reason for this is not far to seek. Government want that tigers should multiply and multiply, because they want them for their hunting excursions. They think that Kanara is a nice place for pastime and merry-making. I know that Government officers of high or low rank go to Kanara on hunting excursions once or twice during the term of their office. I remember, Sir, when you were in charge of the Forest portfolio you had an occasion to visit Kanara on this hunting excursion. His Excellency the Governor visited Kanara in 1925 on a hunting excursion and it is also now rumored that he will be coming there in the month of April. For the sake of these officers and that too for making merriment, is it right on the part of Govenment to keep the population of Kanara in such a risky and unhappy condition and to make Kanara a place for play and pastime for them.

I now come to game rules. These rules have not been changed to suit the wishes of the people and Government do not want the people of Kanara to kill tigers wherever they are found. They want that their officers should go there on pleasure trips and shoot them. Most probably the figures just given by me include the tigers killed by the officers. That is not in my opinion the policy which Government should pursue. I would therefore request in the interest of the Kanara population that Government should take early measures to extirpate the tiger from the forests of Kanara. This can be done very easily by relaxing game rules and giving handsome rewards for killing tigers wherever they are found. The extirpation of tigers will increase the happiness of the people. This is with regard to carnivora.

I now come to the wild animals which cause immense loss to the cultivators. The loss caused by pigs is immense indeed. It comes to the

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neighbourhood of Rs. 8,00,000 a year. This figure has been worked out by a committee, known as the crop protection committee, appointed in the year 1922. The report was submitted in 1923 and Government reviewed the report in 1924 and issued a resolution that effective measures would be taken by them to put down the ravages by pigs. But I submit that nothing substantial has been done so far and the long standing grievance of the people remains unredressed still. In your time, you appointed a committee, Sir, to inquire into the grievances of the ryots with regard to forest matters. That committee has submitted a report and has fully dealt with the question under reference, that is, the ravages by wild animals. It is high time now that the Honourable Minister of Forest should give effect to the recommendation of the non-official members of that committee. When His Excellency visited my constituency this time, the ryots of Sirsi, Siddhapur and Yellapur represented to him that unless relief is given to them in that respect cultivation would be impossible. With regard to the wild elephants, this is a grievance of a recent origin. It was only in 1903 that wild elephants appeared in Kanara; and this incursion has proved a misfortune to the country. Two or three years ago all the talukas of the above-ghat, namely, Sirsi, Siddhapur, Yellapur and Supa were suffering wholesale from this pest. Some talukas in the below-ghat, however, were immune from the inroads of wild elephants. Now almost all talukas in the district are affected. This time I had asked a question in this session as to the damage caused by wild elephants in Karwar Taluka. Very recently some elephants appeared, invaded some villages, and destroyed the crops in Karwar Taluka, the damage amounting to Rs. 1,381. This is an estimate made by Government which does not always agree with that of the people. Any way Government have admitted there was damage and the amount is not insignificant. This damage was caused by two or three elephants in two or three days if I am right. Wherever there are inroads of elephants there is total destruction of crops. Reports of inroads of wild elephants are heard in each and every taluka every hour, every day and every month. Government in 1924 while reviewing the report of the crop protection committee promised that organised efforts would be made to extirpate wild elephants pest from the district of Kanara. I regret to say, Sir, that no such efforts have been made since then. I put a direct question to Government in the year 1924; if I remember right, I wanted to know what effective measures had been undertaken by Government as promised by them in their Resolution. The answer was:

"A reward at different scales was sanctioned for each elephant killed. Rs. 600 were paid as reward for killing 8 elephants in 1921, but the payment of reward was discontinued subsequently owing to financial stringency. In 1919 a special rifle was purchased from the grant of the Agricultural Department and entrusted to a *shikari* at Honawar. He killed 3 elephants from 1919 till the end of 1922. No more elephants were shot by him and hence the rifle was transferred to a *shikari* in Kumta. No other measures were adopted for the destruction of wild elephants."

Sir, I want to emphasise the words "no other measures." Is it fair

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on the part of Government to promise a thing and not to do it afterwards. Have they not promised that organised efforts would be made to extirpate these wild beasts from Kanara to save the population from the ravages of these beasts. Was "appointing one or two shikaris" an organised effort? At one time it was also proposed that whenever there was an outbreak of the inroads of these wild elephants, military officers should be sent out to shoot them. I am sorry to find that no step has been taken in that direction also. It is not known where and when there will be an outbreak. It may be in a village or it may be in a town even. When a tiger can come to a town and visit a dispensary building, why should it not be possible for elephants also to come? Since 1923, no effort has been made to kill wild elephants and to give relief to the poor agriculturists. According to the figures available from Government records, in 1923 one elephant was shot; in 1924, 2 elephants; and in 1925, 3 elephants. As can be seen from the reply given by the Honourable Minister--you, Sir, were the Minister then, and it was you who gave us the reply,—Rs. 600 was distributed as reward for killing 8 elephants in 1921. But since 1921 the practice of distributing rewards in that fashion was discontinued. In 1925 a small sum of Rs. 100 was spent for killing 3 elephants; in 1924 no amount was given; in 1923 only Rs. 18. Is that not a paltry sum when compared to the ravages committed by the wild elephants? I would ask the Honourable House to hear me patiently when I give a few figures and see how indifferent the Government are becoming on this vital point. The amount spent on this head (that is, rewards for destruction of wild animals) in 1920-21 was Rs. 2,226; in 1921-22 Rs. 5,900—the Government was generous at that time, because the interest of the agriculturists was at their heart—in 1922-23 Rs. 111—see the contrast —in 1923-24, Rs. 24—only Rs. 24 out of a budgetted amount of thousands—in 1924-25, Rs. 25; in 1925-26, Rs. 289; in 1926-27, Rs. 685. The accounts of the year 1927-28 are not available, but there was an amount of Rs. 1,000 budgetted; in the revised estimate also Rs. 1,000 is shown. The actual amount spent is not shown. So far as I know, nothing real has been done to allay the distress in Kanara. For 1928-29 an amount of Rs. 1,000 is being budgetted. I submit that this amount is very meagre if we compare it with the amount actually spent in 1921-22, that is Rs. 5,900. An amount in the neighbourhood of Rs. 8,000 was budgetted at that time and Rs. 5,900 was spent. I therefore request the honourable members of this House to bear me out when I say that Government have not been taking any keen interest in the agriculturists of Kanara. The whole population of Kanara is mainly dependent on agriculture; there is no other industry worth the name there. If Government do not take any real measures to help those agriculturists who suffer from the ravages of wild beasts, their conditions will go still worse.

Sir, one word more with regard to wild pigs; there was a practice in vogue in Kanara to give a reward of four annas or eight annas a tail to those who kill them. Somehow or other this reward was being paid

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in the past. I do not know if that practice still continues, but from the figures available from Government records it appears that Government have discontinued paying any rewards to ryots who kill wild pig. I submit that the practice of distributing rewards should be revived in the interests of the agriculturists. (Mr. P. R. Chikodi: How much amount should be paid per pig ?) Any decent amount per tail. The number of pigs killed, according to figures from Government records, was as follows: In 1923, 956 " other animals " (that is pigs and buffaloes) were killed, but no amount was given as reward. In 1924, the ryots of Kanara killed 766 pigs, and only Rs. 2-8-0 was distributed as reward; in the year 1925, 879 pigs were killed, and for this Rs. 101 was given as reward. The smallness of the amounts thus distributed shows how callous the persons responsible for the good administration of Kanara are. There is no other means under the present circumstances of getting our grievances redressed than representing the matter to the Government. In the second Council I tried my best to bring to the notice of the Honourable Members in charge of the administration the various grievances, especially the ravages caused by wild beasts. I regret nothing substantial has been done in that behalf. Unless and until we are protected from the ravages, we are not safe and we cannot maintain ourselves honestly. That is our position in Kanara.

In conclusion I would simply sound a note of warning to Government. I have repeatedly requested them to come to our help, but they have not done so. I would, therefore, simply say that unless and until Government take a very serious step in the direction of getting the grievances redressed, Kanara would go to such a point that it would be impossible to regain it afterwards. I do not know what will be the state of affairs of the agriculturists and of the people, if agriculture is not encouraged. I, therefore, leave it to this honourable House to see and suggest means, as they like, to Government to take earnest and possible measures to avert the miseries and to help the people of Kanara.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I think under this head I will attempt to provoke a discussion on a subject, which so far as this side (non-official) is concerned it is most anxious to take the opportunity to debate on.

I find, Sir, under the head of " charges on account of vagrants " a sum of Rs. 12,000 has been provided. I also know that it is intended for European vagrants, but I would make it clear absolutely that I do not grudge the grant of this sum at all, because it has to be given to European vagrants. I would not take objection for this amount, because it is meant for those who are needy, whether European or Indian. What I would say is this. The honourable members of this House are aware that under the special Act called the European Vagrancy Act, when an European is found loitering about the street, a search is made by an European Officer and if he does not find any money with that man and if he has no residence he is placed before a magistrate and after obtaining the magistrate's permission, he is kept in the work house. Then all efforts are made to get him employed either in the shipping office or

[Mr. K. F. Nariman]

elsewhere. Till then he is provided with food, etc. I again say that I do not grudge that, because it is meant for Europeans alone. But I do want to ask the honourable members of this House and the responsible officers of Government whether the time has not come to consider and start such a similar organisation to solve the big problem of the Indian unemployment. This is a most important question which ought to be brought before this House for discussion. Nobody will deny that this is a most important question. And I assure my honourable friend on the opposite side that this House, instead of Rs. 12,000, will be willing to grant even Rs. 12 lakhs or more out of a budget of Rs. 15 crores, if they think seriously of starting an organisation. It is the primary duty of the State to solve this question of unemployment. What has this Government done to solve this problem? They have started Labour Office and the Labour Department. And what is that Labour Office doing? Is it solving in the slightest degree the question of Indian unemployment? I say 'no.' It only collects facts and figures and when they are placed before the public, we are really sorry to read at times that there are so many hundreds and thousands, so many graduates and under-graduates, so many M.A.s and LL.B.s loitering about the street from door to door seeking for an employment. I do not know whether it is the experience of the other side of this House (official), but it is our experience that there is much unemployment. We have been receiving letters from the youths of this city requesting us to do something for them to find an employment. They say "We have been unable to get employment either on account of the conditions of trade and commerce or the retrenchment in the Government offices or commercial firms; we have been going from door to door but we are unable to get it." Therefore, I ask: "Who can take up that question except the State?".....

The Honourable the PRESIDENT: Order, order. I should like to know one thing from the honourable member. It is this. I think he bases his speech on the item of Rs. 12,000 shown on page 267. Does he differentiate between "the unemployed" and "the vagrants"?

Mr. K. F. NARIMAN: I take, Sir, the European vagrants,—although they are described as "vagrants",—as unemployed persons. You are aware, Sir, that when a European officer of the Government finds an European vagrant loitering about the street, he takes charge of that man and keeps him in the work house till he gets employed either in the shipping office or elsewhere. Till then he is provided with food and clothes. I, therefore, say, Sir, that some such arrangement should be made for Indians who are unemployed. In view of the Indian unemployment, I would not call them vagrants, though the position is the same, I would ask Government whether they have contemplated to start any organisation for the purpose. If they have, then I may state that this side of the House will be too willing to give them not only Rs. 12,000 but even Rs. 12 lakhs.....

The Honourable Sir CHUNILAL MEHTA: Sir, I rise to a point of order. I regret I find it somewhat difficult to understand how my

[Sir Chunilal Mehta]

honourable friend's remarks, which he is making at present, are within the scope of this demand. As has just now been pointed out by you, Sir, the item of Rs. 12,000 is for European vagrants who are controlled by a specific Act of 1874. Under that Act provision has got to be made, and this provision has been made. It has nothing to do with unemployment, and I do not see, Sir, how a debate on unemployment can take place on this item. The honourable member says this is the only occasion on which he can enter on this discussion. I think, Sir, that there will be occasions later.

The Honourable the PRESIDENT: Under what head?

The Honourable Sir CHUNILAL MEHTA: Both in the budget and under the resolutions. There are resolutions, Sir, to this effect and I imagine the head Miscellaneous—37 pertains to this question where it might perhaps come under the Labour Office. But, surely, the honourable member will be able to discover some place where he can bring up this debate. But whether he can or not, I do not think, Sir, he can raise that debate on this question.

The Honourable the PRESIDENT: I think the discussion started will be admitted on either side of the House to be one of the most important debates that could be held in this House. But, as I said, it is a question whether this debate could pertinently be raised under this particular head. The Honourable the Leader of the House has not been able to tell me whether the European "vagrant" is an unemployed European or he is a man without any ostensible means of subsistence and suspected to be not of the right character.....

The Honourable Mr. J. E. B. HOTSON: Nothing to do with character, Sir. It is only a question whether he is able to maintain himself.

The Honourable Sir CHUNILAL MEHTA: Sir, the word "vagrant" is defined in the Act. "Vagrant" means "a person of European extraction found asking for alms or wandering about without any employment or visible means of subsistence." I submit, Sir, that "vagrant" is very well known to be something different from this unemployed about whom the honourable member is speaking.

The Honourable the PRESIDENT: I thought when the honourable member raised the discussion that he was coming to the question of beggars we see in the streets, or of people who go about begging. But, at the same time, here in the definition read there is the word "unemployed".

The Honourable Sir CHUNILAL MEHTA: He must voluntarily be moving about without seeking employment.

The Honourable the PRESIDENT: Quite so. I mean the instances given by the honourable member of graduates and many other members of the Indian communities who are about without employment would not strictly come under that definition. But the honourable member wants to know whether there is any other head under which he could raise the debate.

The Honourable Sir CHUNILAL MEHTA: Under 47-A there is a distinct provision for Helpless Beggars Relief Committee, Bombay. An unemployed is not a beggar.....

The Honourable the PRESIDENT: Of course, not. That is just the thing I am trying to point out, and, therefore, it cannot come under 47.

The Honourable Sir CHUNILAL MEHTA: Whether it can come under some other head I am at the moment unable, Sir, to point out more definitely than I have indicated. But the honourable member is aware that the Labour Office was preparing the reports about the unemployed. Possibly it might come under that head. I am unable just now at a moment's notice to point out any other head under which it can come.

The Honourable the PRESIDENT: I would adjourn the matter here and adjourn the House, and I would like the honourable member himself to go into the question and, if necessary, take the help of the Honourable the Leader of the House by Monday. I would then definitely rule one way or the other on Monday. The House is, therefore, adjourned now till 1 o'clock on Monday, the 5th March 1928.

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Monday, the 5th March 1928

The Council re-assembled at the Town Hall, Bombay, at 1 p.m. on Monday, the 5th March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb.
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN.
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.

HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED.
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH.
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.

VANDEKAR, Rao Saheb R. V.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

MARKET, SHOLAPUR

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Will Government be pleased to state—

(*a*) whether it is a fact that the Hindus have opened a private market at Sholapur City in Shete's wada without the sanction of the Collector or the Municipality exclusively for the use of the Hindu community thus boycotting the Muslims;

(*b*) whether it is a fact that if the new market be allowed to continue, the Municipality would suffer to the extent of Rs. 5 to 7 thousand a year;

(*c*) whether they propose to take any steps in the matter?

The Honourable Sir GHULAM HUSSAIN: (*a*) Yes.

(*b*) Yes. The Municipality will probably suffer to the extent of Rs. 2 to 3 thousand a year.

(*c*) No complaint has so far been made to the District Officers and Government do not consider it expedient to take steps in the matter. It is for the Municipality to take steps as it is mainly concerned.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: I did make a complaint to the district officer not once but twice on behalf of the Muslims. Why did not Government interfere on our behalf?

The Honourable Sir GHULAM HUSSAIN: If the House wishes me to interfere with local bodies oftener than we have been doing, I am prepared to do so.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: I complained to the district officer twice.

The Honourable Sir GHULAM HUSSAIN: When?

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: As soon as the market was opened.

The Honourable Sir GHULAM HUSSAIN: I will make enquiries.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: Is not Government going to protect the rights of the minorities?

The Honourable Sir GHULAM HUSSAIN: Yes, if there is a representation from the people concerned.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: The Hindus opened the market without the Collector's permission or the permission of the municipality exclusively for the use of the Hindu community thus boycotting the Muslims. Is not Government going to preserve the rights of the Muslims—loyal Muslims—of that city?

The Honourable Sir GHULAM HUSSAIN : If I interfere on behalf of the Muslims, the Hindus will ask me to do so on their behalf. I would like this House to lay down the policy which I should follow.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : Had they taken sanction before opening the market ?

The Honourable Sir GHULAM HUSSAIN : The reply is very clear on the point.

Mr. R. S. ASAVALE : Is the Collector's sanction necessary ?

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : Yes.

Mr. B. V. JADHAV : Has not the honourable member or any person a remedy in a civil or criminal court against opening an unauthorized market ?

MOULVI RAFIUDDIN AHMAD : Has the Honourable Minister carried on any correspondence with the Collector in regard to this matter ?

The Honourable Sir GHULAM HUSSAIN : This is the first time I know about it.

MOULVI RAFIUDDIN AHMAD : Will the Honourable Minister kindly do so now ?

The Honourable Sir GHULAM HUSSAIN : I want notice for it.

MOULVI RAFIUDDIN AHMAD : The question is already there and I do not see why any notice is necessary.

The Honourable Sir GHULAM HUSSAIN : Very well, I will make enquiries.

HISTORICAL RESEARCH

Mr. M. G. BHOSLE (West Khandesh District) : Will the Honourable the Minister for Education be pleased to state—

(*a*) how many Historical, Scientific and Literary Societies exist in the Bombay Presidency, and what funds those Societies possess and what their financial condition is ;

(*b*) whether Government have given any contribution to those Societies—

(*i*) towards the erection of their buildings ;

(*ii*) in case of Historical Research Societies towards the printing and publication of the old historical documents and papers ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The following are the Historical, Scientific and Literary Societies in this Presidency known to the Educational Department :—

(1) Anthropological Society of Bombay.
(2) Art Society of India.
(3) Bombay Art Society.
(4) Bombay Natural History Society.
(5) Bombay Presidency Radio Club.
(6) Prince of Wales Museum of Western India, Bombay.

(7) The Sassoon Mechanics Institute, Bombay.
(8) The Students' Literary and Scientific Society.
(9) Victoria Albert Museum, Bombay.
(10) K. R. Cama Oriental Institute, Bombay.
(11) The Deccan Vernacular Society, Poona.
(12) The Gujarat Vernacular Society, Ahmedabad.
(13) The Karnatak Vidya Vardhak Sangha, Dharwar.
(14) The Bombay Branch of Royal Asiatic Society.
(15) The Bharat Itihas Samshodak Mandal, Poona.
(16) The Bhandarkar Oriental Research Institute, Poona.
(17) The Satkaryottejak Sabha, Dhulia.
(18) The Archæological Museum, Bijapur.

It is not possible to give information about the funds and financial condition of these societies as they are private bodies.

(*b*) (*i*) A building grant has been given to two institutions only, namely, the Bhandarkar Oriental Research Institute, Poona (Rs. 41,685), and the Karnatak Vidya Vardhak Sangha, Dharwar (Rs. 3,000), for a Library building;

(*ii*) No contribution has been given to any Society towards the printing or publication of historical documents or papers.

HISTORICAL RESEARCH

Mr. M. G. BHOSLE (West Khandesh District): Will the Honourable the Leader of the House be pleased to state—

(*a*) whether Government have up-to-now spent any money for the examination and publication of important documents in the Peshwa Daftar which is at present in the custody and charge of the Commissioner, Central Division;

(*b*) whether Government intend to take any steps and spend any money for opening a special Department for carrying on the examination and publication of these documents?

The Honourable Sir CHUNILAL MEHTA: (*a*) No.

(*b*) No.

DEVASTHANS: ACCOUNTS

Mr. S. C. JOSHI on behalf of Mr. S. K. BOLE: Will Government be pleased to state—

(*a*) whether they receive statements of accounts of income and expenditure from the devasthans which receive Government aid in some form or another;

(*b*) if so, whether these accounts are published for the information of the public?

The Honourable Mr. J. L. RIEU: (*a*) No.

(*b*) Does not arise.

RAILWAY PROJECT: KONKAN COAST

Mr. S. C. JOSHI on behalf of Mr. S. K. BOLE: Will Government be pleased to state—

(*a*) whether any survey was made by Mr. Mirkar for running a railway on the Konkan coast;

(*b*) whether the scheme was approved by the Railway Board and if so, why it was dropped.

The Honourable Mr. J. L. RIEU : (*a*) Mr. G. A. Mirkar at various times presented applications to the Railway Board for a concession for the construction of a railway on the broad gauge from Bombay to Alibag and Revdanda *via* Sion, with four branch lines from (1) Jaskhar to Uran, (2) Koproli to Karanja Creek, (3) Bhalpuri to Vadkhal and (4) Varsoli to Alibag ;

(*b*) As Mr. Mirkar was considered not to have sufficient financial backing to enable him to undertake the project successfully the Railway Board were not prepared to enter into negotiations with him for the grant of a concession.

MILLOWNERS : WORKMEN'S HOUSING AND WELFARE WORK

Mr. S. C. JOSHI on behalf of Mr. S. K. BOLE : Will Government be pleased to state--

(*a*) whether they have asked the millowners to give effect to the recommendations of the Indian Tariff Bord as regards housing and welfare work in respect of their workmen ;

(*b*) how many and what millowners have given effect to the said recommendations of the Tariff Board and in what way ?

The Honourable Sir COWASJI JEHANGIR : (*a*) and (*b*) The Tariff Board was appointed by the Government of India and the report submitted by the Board is on the whole for the consideration of that Government. The recommendations mentioned in part (*a*) of the question are included in paragraphs 59-71 of the Report. Most of these recommendations do not call for any official action, as the initiative in such matters rests with the millowners.

Mr. S. C. JOSHI : Is the welfare of labour a central or a provincial subject ?

The Honourable Sir COWASJI JEHANGIR : It is a provincial subject.

Mr. S. C. JOSHI : The answer is not quite clear to me. Is the Government of India now considering the report or is it left to their sweet choice whether or not to consider it ?

The Honourable Sir COWASJI JEHANGIR : The report is under the consideration of the Government of India.

Mr. J. C. SWAMINARAYAN : If the millowners do not take the initiative, why should not Government force them to take the initiative ?

The Honourable Sir COWASJI JEHANGIR : If the honourable member reads the recommendations made in paragraphs 59 to 71, he will realise that the answer given is a correct one.

The Honourable the PRESIDENT : Next question.

BEGGAR NUISANCE : LEGISLATION

Mr. S. C. JOSHI on behalf of Mr. S. K. BOLE : Will Government be pleased to state whether they intend to introduce legislation to check the beggar nuisance in the City of Bombay and in the other parts of the Presidency, and if so, when ?

The Honourable Sir GHULAM HUSSAIN : No definite reply can be given until Mr. Starte's report in regard to the prevention of professional beggary which is at present under the consideration of Government has been disposed of.

FISHERMEN AT ANJANWEL

Mr. S. C. JOSHI on behalf of Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) whether the fishermen of the village of Anjanwel in the Ratnagiri District have been asked by the Sarkarkun of that place to remove their row or kav ;

(*b*) if the answer to (*a*) is in the affirmative the reasons therefor ;

(*c*) whether it is a fact that the said fishermen have been fishing there for a long time ?

The Honourable Mr. G. B. PRADHAN : (*a*) The fishermen of this village are divided into three factions :—

(1) Rohilkars,

(2) (*i*) Veldurkars, and

(*ii*) Ghubadwadkars,

(3) Vankars.

of these the Veldurkars were so asked.

(*b*) The Rohilkars having complained that, contrary to the usual practice, the Veldurkars had placed their fishing nets in front of their own line the Sarkarkun, Dabhol, warned them to remove their nets from the front line. The Veldurkars thereupon made a representation to the Collector of Salt Revenue who directed the Sarkarkun not to interfere, holding this to be a private dispute between the two parties which could best be decided by a Civil Court.

(*c*) Yes, but in the second row.

TAGAVI : FLOODED AREAS, GUJARAT

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(*a*) whether they have decided to write off the tagavi loans issued to the cultivators of the Matar Taluka during the years before the flood ;

(*b*) the amount of tagavi due from the cultivators of that taluka before the floods and the new tagavi issued to them since the flood ?

The Honourable Mr. J. L. RIEU : (*a*) No.

(*b*) The outstanding amount of tagavi advanced before the floods is Rs. 83,906-12-0 including interest amounting to Rs. 1,018-3-0. Since the floods an amount of Rs. 1,32,578 has been advanced as tagavi.

Rao Saheb D. P. DESAI : With regard to (*a*), may I know the reason why Government have given a reply in the negative ?

The Honourable Mr. J. L. RIEU : Because that is correct.

Rao Saheb D. P. DESAI : May I know the reasons which led Government to come to the conclusion not to write off the tagavi advanced ?

The Honourable Mr. J. L. RIEU : There has been no proposal that it should be written off.

Rao Saheb D. P. DESAI : Is not the heavily indebted condition of the people itself reason enough for writing them off ?

The Honourable Mr. J. L. RIEU : No.

Rao Saheb D. P. DESAI : Then, what are the conditions under which tagavi is being written off ?

The Honourable Mr. J. L. RIEU : That does not arise out of the question.

CIVIL WORKS : PROTECTION OF KAIRA

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state whether any amount has been spent from the sum of Rs. 25,000 sanctioned by the Council for the protection of the Kaira town from the inroads of the Vatrak river ?

The Honourable Sir GHULAM HUSSAIN : No expenditure has yet been incurred on the work out of the provision of Rs. 25,000, as the question of constructing a causeway, which it was thought would obviate the necessity of constructing the groynes proposed, has been under consideration.

Since the above answer was printed I may inform the honourable member that we have now abandoned the idea of constructing a causeway, and we are, after the floods, going to construct groynes.

Rao Saheb D. P. DESAI : Government have abandoned the idea of constructing a causeway ?

The Honourable Sir GHULAM HUSSAIN : Yes, for the present.

Rao Saheb D. P. DESAI : May I know why no such convenience as a causeway is given to the people of Kaira ? Are they giving less than the other people ?

The Honourable Sir GHULAM HUSSAIN : I would ask for notice of the question.

BRIDGES IN KAIRA DISTRICT

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(*a*) whether it is a fact that Government have not constructed any bridge as yet in the Kaira District ;

(*b*) if so, when the work of bridging the rivers in that district will be undertaken ?

The Honourable Sir GHULAM HUSSAIN : (*a*) No. Government have constructed seven bridges.

(*b*) Does not arise.

Rao Saheb D. P. DESAI : Only a few days back the reply from Government in regard to this very question was that Government have not constructed any bridges. How is it that subsequently I am given this

information ? Which information is correct ? This answer or the former answer ?

The Honourable Sir GHULAM HUSSAIN : Will the honourable member kindly refer to the former answer ?

Rao Saheb D. P. DESAI : I have not got it here, but I am speaking from memory. I would like to know whether the former reply is correct, or the present one ?

The Honourable Sir GHULAM HUSSAIN : I think the honourable member knows much better than myself.

THE HARVEY-NARIMAN CASE

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state :—

(*a*) the total expenditure incurred from the Provincial Funds on the Harvey-Nariman Case including Solicitors' and Counsel's fees.

(*b*) whether it is a fact that Mr. Harvey had left the country before the judgment in his case was delivered ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Rs. 60,800.

(*b*) Yes ; with the permission of the Court.

Rao Saheb D. P. DESAI : Before Mr. Harvey left service, had he taken the permission of Government, his creditors ?

The Honourable Sir COWASJI JEHANGIR : He had taken leave.

Rao Saheb D. P. DESAI : Had Government sanctioned that leave ?

The Honourable Sir COWASJI JEHANGIR : Yes.

Rao Saheb D. P. DESAI : Before his departure, had Government assured themselves about the recoupment of this amount, if it was proved that there was negligence or rather corruption in the Development Department ? Have Government taken any guarantee from Mr. Harvey about the recoupment of the amount ?

The Honourable the PRESIDENT : That question was asked and answered before.

Rao Saheb D. P. DESAI : I ask whether Government had taken any guarantee from Mr. Harvey as to the amount of Rs. 60,000.

The Honourable the PRESIDENT : Quite so. If I remember correctly at the last session, a question was asked about this, and there were supplementary questions and they were all answered.

LAND IN SATARA FOR TATA COMPANY : COMPENSATION

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) whether it is a fact that Messrs. Tata Sons, Limited, have made an offer of Rs. 30 lakhs to Government for the sum required to be paid as compensation to the owners of lands which are required by the company for their scheme in the Satara District although the details of the villages and the area that will be covered by it are not yet made known to Government themselves ;

(*b*) whether they will be pleased to lay on the table all the available information before the scheme is considered by them ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) Messrs. Tata have submitted a scheme to Government but it has not yet been examined. Government are therefore unable to make any statement on the subject for the present, or to lay any papers on the table.

Mr. L. M. DESHPANDE : I learn that the preliminary work of acquisition is going on, and this offer of Rs. 30 lakhs is made by the company.

The Honourable Mr. J. L. RIEU : The honourable member has made a statement ; he has not asked any question.

Mr. L. M. DESHPANDE : Will Government be pleased to state whether the offer made by Messrs. Tata Sons, Ltd., of Rs. 30 lakhs. for the acquisition of the land is true or not ?

The Honourable Mr. J. L. RIEU : I can only refer the honourable member to the reply already given. I have no further statement to make.

Mr. L. M. DESHPANDE : In the reply it is stated that Government are not going to make any statement. I want to know whether Government have received that offer.

The Honourable Mr. J. L. RIEU : I have no further reply to make.

LEPER HOSPITAL, SHIRALA

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased—

(*a*) to lay on the table a copy of the conditions on which the old office of the Mahalkari of Shirala is given to Dr. Ellis ;

(*b*) to state whether the building is not quite in the vicinity of Shirala town ;

(*c*) to state whether they have taken the advice of health experts as to whether lepers and hospitals for lepers should be allowed to remain so close to the town ?

The Honourable Sir GHULAM HUSSAIN : (*a*) The following Resolution (Government Resolution, Public Works Department, No. 289-27, dated 28th October 1927) was issued on the subject :—

" RESOLUTION—The American Presbyterian Mission should be allowed temporarily to occupy, free of charge, the old Mahalkari's kacheri at Shirala, or such part of it as the Collector of Satara consider necessary, for use as a leper clinic, subject to the condition that the Mission shall be responsible for carrying out any necessary repairs to the building at their own expense. "

(*b*) The building is out side the town of Shirala, at its southernmost extremity and in an isolated position. A nalla intervenes between this building and the town.

(*c*) The orders mentioned in clause (*a*) above were issued after the locality had been inspected by an officer of the Public Health Department

and after consulting the Director of Public Health, who was of opinion that the use of the building as a leper clinic would not be attended with any danger to public health.

Mr. L. M. DESHPANDE : Is it true that the nalla referred to in (*c*) is used by the people of the town to take water for drinking and for washing their clothes ?

The Honourable Sir GHULAM HUSSAIN : I would ask for notice of the question.

Mr. L. M. DESHPANDE : It is stated in the reply that there is a nalla ?

The Honourable Sir GHULAM HUSSAIN : A nalla might be used for several other purposes, and not necessarily for washing.

Mr. L. M. DESHPANDE : Will Government reconsider the matter and give the building to the district local board for educational purposes ?

The Honourable Sir GHULAM HUSSAIN : That question does not arise.

COLLECTOR OF THANA : ATTENDANCE AND INTERVIEWS

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(*a*) whether it is a fact that the Collector of Thana does not attend office generally but works at home and that this causes much inconvenience to the visitors and his subordinates ;

(*b*) whether it is a fact that any Muhammadan has easy access to the Collector of Thana while any gentleman other than a Muhammadan and even his subordinates have to wait for a long time before they get access to him ?

The Honourable Mr. J. L. RIEU : (*a*) It is a fact that the Collector has not been attending office regularly. In view of the possibility of inconvenience being caused by his practice of working at his bungalow the Commissioner has directed him to attend his office regularly. Government approve the Commissioner's action.

(*b*) Neither the Commissioner nor Government have any reason to believe that this allegation is true and it is not known what information the Honourable Member has which would justify him in bringing it forward.

MOULVI RAFIUDDIN AHMAD : In view of the insidious attempt that is made of throwing mud upon the character of an eminent public officer, may I ask whether, Government, with the reliable information which they at present possess can assure the House that the allegation in the latter part of the question is entirely false ?

The Honourable Mr. J. L. RIEU : In the absence of any evidence of any sort as to their truth, Government presume that the allegations are entirely false.

SCHOOL BOARD, SATARA DISTRICT: ADMINISTRATIVE OFFICER

Mr. B. V. JADHAV (Satara District): Will Government be pleased to state—

(*a*) whether by their Resolution No. 3651, dated the 1st June 1926, they approved the rules prescribing the qualification for the post of administrative officer of the School Board of Satara District;

(*b*) whether they will place a copy of those rules on the Council table;

(*c*) whether it is a fact that the school board of that district recommended Mr. Yavale for the administrative officer's post and that he was accordingly appointed by the district local board of Satara;

(*d*) whether it is a fact that the appointment was not approved by Government;

(*e*) the reasons for their decision?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes.

(*b*) A copy of the rules in question is placed on the Council table.

(*c*) Yes.

(*d*) Yes.

(*e*) The candidate selected by the District Local Board was considered too inexperienced to hold a post of such importance as that of a School Board Administrative Officer of a District Local Board.

Rules referred to in clause (b) of the reply

1. * * * *

2. *Qualifications.*—No person shall be appointed as Administrative Officer, unless he possesses the following qualifications:—

(*i*) A degree from any recognised University; and in addition

(*ii*) any one of the following qualifications:—

(*a*) Secondary Teachers' Certificate or Secondary Training College Diploma, or B. T. Degree or any Diploma equivalent to it; or

(*b*) Ten years' experience as a teacher in a recognised High School, or

(*c*) At least two years' administrative experience in the Educational Department as a Deputy or as an Assistant Deputy Educational Inspector.

BARSI LIGHT RAILWAY: ACCIDENTS

Mr. S. C. JOSHI: Will Government be pleased to state—

(*a*) the details of accidents and injuries to persons, cattle and property that have occurred in connection with the working of trains of the Barsi Light Railway Company since 1910;

(*b*) what precautionary measures have so far been adopted and what further measures, if any, are intended to be adopted for the purpose of preventing such accidents and injuries?

The Honourable Mr. J. L. RIEU: (*a*) A statement showing the number of accidents to human beings and cattle on the Barsi Light Railway from the year 1912 is attached. The Agent, Barsi Light Railway Company reports that the information for the years 1910 and 1911 is not available.

As regards the 14 accidents to human beings during 1926-27, which shows a large increase over previous years, it is reported that 4 were caused by passengers jumping from trains in motion, one of whom died eventually, one blind man was killed when trying to cross the line, one

was a case of suicide, and one blind boy fell out of a train in motion. Two passengers were injured by the door of a wagon, 4 railway servants were injured in the course of their duties and one was killed by falling off a bridge. The large number of cattle injured in 1926-27 was due to the bad monsoon of the previous year which caused a greater number of cattle than usual to trespass on railway lands where the grass is better than elsewhere.

As regards damage to property other than cattle, two bullock carts were damaged when trying to cross the line.

(*b*) The Agent, Barsi Light Railway Company, reports that electric head lights have been fitted to many of the engines, and as they have proved satisfactory the remaining engines will soon be fitted with these head-lights.

Statement showing the number of accidents to human beings and cattle on the Barsi Light Railway from the year 1912

	Human	Cattle
1912-13	..	26
1913-14	1	25
1914-15	3	25
1915-16	2	31
1916-17	2	15
1917-18	2	19
1918-19	..	14
1919-20	..	20
1920-21	7	16
1921-22	1	6
1922-23	4	7
1923-24	4	21
1924-25	5	16
1925-26	7	7
1926-27	14	27

Mr. S. C. JOSHI : As regards the reply to clause (*b*), will the Honourable Member be pleased to say since how long the agent of the Barsi Light Railway has been trying the use of the electric head lights for the engines ?

The Honourable Mr. J. L. RIEU : I have no information on the point, but presumably since quite recently.

CIVIL COURTS, SATARA DISTRICT : STAFF

Mr. S. C. JOSHI : With reference to the answer to my question asked on the 13th October 1927 and printed at page 784 of the Bombay Council Debates, Volume XXI, will Government be pleased to state—

(*a*) whether they have come to any decision in the matter of the clerical staff required for the civil courts in the Satara District ;

(*b*) if so, what their decision is ?

The Honourable Mr. J. E. B. HOTSON : (*a*) No.

(*b*) Does not arise.

Mr. S. C. JOSHI : Will the Honourable Member be pleased to state whether Government would expedite the matter ?

The Honourable Mr. J. E. B. HOTSON : That is the question that is very often asked. In this case, as in others, it is impossible to give a definite answer.

Mr. S. C. JOSHI : I want to know whether Government will expedite the matter.

The Honourable Mr. J. E. B. HOTSON : The question does not appear to be one of very great importance. I have no reason to suppose that any special steps should be taken to expedite it. It will be disposed of in the ordinary course.

JUDICIAL DEPARTMENT, PATAN : ALLOWANCES

Mr. S. C. JOSHI : Will Government be pleased to state whether they propose to sanction bad climate allowance and house-rent allowance to the members of the Judicial Department at Patan in the Satara District as they have, to those of the Police Department ?

The Honourable Mr. J. E. B. HOTSON : There is no proposal to this effect before Government at present.

Mr. S. C. JOSHI : Has Government considered the proposals ?

The Honourable Mr. J. E. B. HOTSON : There is no proposal to be considered.

Mr. S. C. JOSHI : These places are bad climate places, and as such will Government be pleased to consider the proposal ?

The Honourable the PRESIDENT : That is a suggestion. From a question a suggestion cannot be taken up by Government. There are other ways to approach Government in that matter.

PRIMARY TEACHERS : SURVE COMMITTEE RECOMMENDATIONS

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) whether they have given effect to the recommendation in the report of the Surve Committee regarding the grant of allowance to teachers in particular places ;

(*b*) whether their attention has been drawn to the fact that in the Thana District the teachers stand in need of some extra remuneration in view of the unhealthy condition and the high cost of living in certain places of that district ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) In view of the transfer of control of primary education to local authorities in most of the districts, it is primarily for those authorities to take the initiative in the matter of local allowances. Provision for the grant of such allowances exists in the Primary Education Rules, 1924.

(*b*) Yes ; but the proposals of the District Local Board in the matter have not yet reached Government.

SEAMEN'S RECRUITMENT : BROKER SYSTEM

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Will Government be pleased to state—

(*a*) whether they are aware that the system of brokers for the supply of Indian seamen in Bombay has been causing considerable hardship to Indian seamen ;

(*b*) if the answer to (*a*) be in the affirmative, the steps they have taken or propose to take to protect Indian seamen from the iniquities of such a system ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Allegations to this effect have been made to Government.

(*b*) Proposals are under the consideration of Government for transferring to the Shipping Office, Bombay, the Brokers' work of maintaining the Register of Butlers and Serangs.

Mr. LALJI NARANJI : With reference to (*a*), may I know whether the allegations made are correct ?

The Honourable Sir COWASJI JEHANGIR : I am afraid I cannot state definitely whether they were correct or incorrect, but Government did examine these allegations.

Mr. LALJI NARANJI : May I know what the result of their enquiry was ? They must have known whether they were correct or false.

The Honourable Sir COWASJI JEHANGIR : So far as I recollect, I do not think that the allegations were really proved—so far as I recollect just now.

Mr. LALJI NARANJI : But in view of the reply to (*b*), it appears that there must be some truth.

The Honourable Sir COWASJI JEHANGIR : Even then Government thought it best to take steps.

SEAMEN UNEMPLOYED

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Will Government be pleased to state the number of Indian seamen that form the floating population in Bombay awaiting or seeking employment ?

The Honourable Sir COWASJI JEHANGIR : 5,000 approximately.

URDU *cum* GUJARATI SCHOOLS : COMPULSORY GUJARATI

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) whether they have made Gujarati compulsory in Urdu *cum* Gujarati schools ;

(*b*) if not, the reasons therefor ?

The Honourable Dewan Bahadur HARILAL D. DESAI :(*a*) No.

(*b*) In the case of Urdu-*cum*-Vernacular schools, Government had at first decided that the local Vernacular should be included as a compulsory second language in the curriculum of these schools. However in the year 1924 certain Muhammadan gentlemen (including the Honourable Member) interested in education suggested that the local Vernacular should be optional. Government therefore revised their orders and made the local Vernacular an optional second language.

MOULVI RAFIUDDIN AHMAD: With regard to the answer to (*b*), the Honourable Minister has stated that Government changed their decision at the suggestion of the honourable member who has asked the question. I want to know, whether now, as the honourable member (Khan Saheb A. M. Mansuri) has changed his opinion, the Honourable Minister will again re-institute the vernacular as a compulsory second language ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Unless the matter is put before Government in the regular way, I do not think I should take any action. The honourable member (Khan Saheb A. M. Mansuri) has only asked a question.

MOULVI RAFIUDDIN AHMAD: The Honourable Minister has stated that certain gentlemen, including the honourable member, had made a suggestion to him and he had issued orders acting on that. Now that the honourable member and others have come to a contrary opinion, will he act on their new suggestion and change the order ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The suggestion, on which Government took action at first, was made in a different manner.

MOULVI RAFIUDDIN AHMAD: Was it done in the form of a petition ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Most probably.

POLICE TRAINING SCHOOL: GUJARATI-SPEAKING INDIAN CHRISTIANS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state –

(*a*) whether any Indian Christian (Gujarati) has been selected for the Police Training School, Nasik ;

(*b*) if not, the reasons therefor.

The Honourable Mr. J. E. B. HOTSON: (*a*) The Honourable Member presumably refers to the selection made in June last. No Indian Christian (Gujarati) was then selected.

(*b*) There were three applicants from this community, one of whom was physically unfit. Neither of the others was considered suitable by the Selection Board.

DISTURBANCES AT SURAT

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) how many persons have been arrested for the Surat disturbances on the occasion of the Shivaji procession at Surat ;

(*b*) how many of them are Muhammadans and how many of them are Hindus ;

(*c*) in whose name the permit for the band was issued and what were the terms of the permit ;

(*d*) why were

(*i*) the persons in charge of the procession,

(*ii*) those persons in whose names the permit for the band was issued, and

(*iii*) those who openly defied the Magistrate's order not to play any music or to make any noise near the mosque, not arrested ;

(*e*) whether they are aware of the fact that the City Magistrate did inform the people in charge of the procession of the danger of breach of peace in case the music and the noise near the mosque was not stopped ?

The Honourable Mr. J. E. B. HOTSON : (*a*) and (*b*) 54 Muhammadans and 1 Hindu were arrested, but 2 of the Muhammadans and the Hindu were subsequently released by the police. Of the remaining 52 who were brought for trial, the Special Magistrate discharged 18, acquitted 16, found 1 to be mentally deranged, and convicted 17. On appeal, the Sessions Court confirmed the sentences passed on 16 of the 17 convicted, acquitting 1.

(*c*) No permit was issued. Under the rules then in force in Surat no permit was necessary for the playing of cymbals or so-called " soft music " in processions.

(*d*) (*i*) Because there was no proof that they had committed any offence ;

(*ii*) Does not arise in view of the answer to (*c*) ;

(*iii*) There is no proof that anyone behaved in the manner alleged in this part of the question to the extent of committing an offence rendering him liable to arrest or punishment ;

(*e*) It does not appear that any such warning was given until the procession had arrived near the mosques. It was then too late, and though an attempt was made to stop the music, the disturbance continued, and firing became necessary.

LLOYD BARRAGE : MANUFACTURE OF CONCRETE STONES

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(*a*) the total cost of machinery purchased for the Lloyd Barrage for the manufacture of concrete stones ;

(*b*) the total cost up-to-date of moulds ;

(*c*) the total cost of preparing the yards ;

(*d*) the total cost of the regular establishments including the share of the cost of the Superintending and Chief Engineers and their establishment ;

(*e*) the total cost of temporary establishments ;

(*f*) the total cost of work-charged establishments ;

(*g*) the total quantity in cubic feet of blocks manufactured ;

(*h*) the cost per cubic feet (*i*) of materials, (*ii*) of labour, including all establishments ;

(*i*) the number of cement concrete blocks manufactured, giving the sizes and proportions of materials used ;

(*j*) the number of hydraulic lime concrete blocks manufactured, giving the sizes and proportions of materials used ;

(*k*) whether it is a fact that it is possible to get natural stones of same sizes at less cost from local quarries ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Rs. 2,43,553.

(*b*) Rs. 1,00,000.

(*c*) Rs. 29,609.

(*d*) The labour and cost that would be involved in collecting the information being out of all proportion to its value, Government regret their inability to furnish it.

(*e*) Rs. 1,755.

(*f*) Rs. 3,140.

(*g*) 502,095 c. ft.

(*h*) (*i*) Rs. 41 per 100 c. ft.

(*ii*) Rs. 5-4-0 per 100 cubic feet (including temporary and work-charged establishments only).

(*i*) 2,808 Blocks of size $10' \times 5' \times 3'$.
1,194 ,, ,, ,, $5' \times 3' \times 1\frac{1}{2}'$.
Proportion of material for blocks :—
$10' \times 5' \times 3'$ = 1 cement, 6 sand and 12 ballast with top 3" of 1 cement, 3 sand and 6 ballast.
$5' \times 3' \times 1\frac{1}{2}'$ = 1 cement, 6 sand and 12 ballast.

(*j*) 341 Blocks of $10' \times 5' \times 3'$ size.
128 ,, ,, $5' \times 3' \times 1\frac{1}{2}'$,,
Proportion of materials = 1 Hydraulic lime, 2 sand and 4 ballast with 3" top layer of cement concrete consisting of 1 cement, 3 sand and 6 ballast.

(*k*) No. Natural stones of these sizes would cost four times as much and would not be suitable for the work as they would be eroded by sand and water passing over them.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Why have Government changed the blocks of hydraulic lime and why are they now making cement blocks ?

The Honourable Sir COWASJI JEHANGIR : From experience it was found that it was cheaper to have the cement ones than those of hydraulic lime.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Which was cheaper.

The Honourable Sir COWASJI JEHANGIR : Cement ones.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : At present cement blocks cost Rs. 46 and chisel fine dress stone blocks cost Rs. 50. Will it not be cheaper to have them without chisel fine dress.

The Honourable Sir COWASJI JEHANGIR : I will ask for notice. I cannot answer these technical questions off hand.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Will it not be cheaper to have the blocks without chisel fine dress ?

The Honourable Sir COWASJI JEHANGIR : Sir, I cannot follow the honourable member.

The Honourable the PRESIDENT : He now asks a different question. It has been stated that the cost of stone which has been cut out is 4 annas.....

Mr. HAJI MIR MAHOMED BALOCH : (In Urdu) : 8 annas 4 pies per cubic foot ?

The Honourable the PRESIDENT : The honourable member should wait until he comes to that question (the next question).

Mr. M. S. KHUHRO : Sir, with regard to (*d*), may I know whether the establishment is so large that the honourable member cannot maintain a record ?

The Honourable Sir COWASJI JEHANGIR : It would take a certain amount of time and labour to work out this, which is not commensurate with the importance of the question.

LLOYD BARRAGE : STONE DRESSING

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(*a*) the number of stone dressing machines working at the workshop at Sukkur ;

(*b*) the cost of each ;

(*c*) cost of daily running expenses ;

(*d*) the rate of dressing stone per cubic feet ;

(*e*) whether they are aware of the reports that these machines are not working efficiently ;

(*f*) whether they are aware of the reports that these machines are not able to dress hard stones usually available from the same quarry ;

(*g*) whether they are aware that a certain number of masons are employed for dressing the harder portions and that most of the time these masons sit idle ;

(*h*) whether they are aware that the stones are being dressed and used in the construction on edges instead of their natural bedding ;

(*i*) whether they are aware of the danger of these stones flaking of and resulting in failure of structures ;

(*j*) why it is still found necessary to employ masons for dressing stones, inspite of the huge expenditure in dressing machines and mechanical staffs ;

(*k*) the comparative rates for dressing stones by manual labour and by machines ?

The Honourable Sir COWASJI JEHANGIR : (*a*) The stone dressing plant at Sukkur consists of the following :—

5 Frame saws.

1 Rip saw.

2 Wire saws.

8 Planing and moulding machines.
2 Simplex diamond saws.
2 Heavy Duplex Diamond saws.

	Rs.
(*b*) Frame saw	5,940
Rip saw	5,150
Wire saw	1,000
Planing machine	6,500
Planing Machine Portland type	11,680
Simplex diamond saw	12,340
Heavy Duplex Diamond saw	43,050

	Rs.	a.	p.	
(*c*) Frame saws	5	4	0	each.
Rip saws	5	2	0	,,
Wire saws	4	6	0	,,
Planing machine	5	3	0	,,
Simplex diamond saw	5	13	0	,,
Heavy Duplex Diamond saw	11	10	0	,,

(*d*) The rate of dressing stones is Re. 0-8-4 per cubic foot including depreciation.

(*e*) No, the machines are working quite efficiently.

(*f*) No, the machines are capable of cutting and dressing blocks of any variety.

(*g*) No, the masons are not employed for dressing the harder portions, but they are employed in connection with certain subsidiary works; and they are fully occupied.

(*h*) and (*i*) No. All stones used are so dressed as to be laid on their natural quarry beds, except in the case of voussoirs, which are cut in such a way that the bedding plane is normal to the line of pressure; by adopting this procedure the very possibility of flaking of these stones, resulting in failure of structures, is eliminated.

(*j*) Does not arise in view of the above replies.

(*k*) The cost of dressing by manual labour comes to Re. 0-11-0 per cubic foot against Re. 0-8-4 per cubic foot (including depreciation) on the machines.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): With regard to reply (*k*), may I know how the amount of Re. 0-11-0 was arrived at? Is that based on tenders called for or on actual work undertaken by the Department?

The Honourable Sir COWASJI JEHANGIR: On actual work.

Mr. HAJI MIR MAHOMED BALOCH (In Gujarati): Is it based on actual work?

The Honourable the PRESIDENT: It has been stated that no tenders were called for.

Mr. HAJI MIR MAHOMED BALOCH (In Gujarati): Is it not cheaper to have undressed stone in foundation than cement blocks?

The Honourable Sir COWASJI JEHANGIR : Sir, I do not see what relation there is between cement blocks and stone. He compares cement blocks with stone. He refers to cement blocks in the previous question and compares their price with the cost of stones referred to in this question.

The Honourable the PRESIDENT : As compared with the machine cut stones and the cemented blocks the Honourable the General Member has stated in (*k*) on page 21 " that natural stones of these sizes would cost four times as much." The honourable member, Mr. Baloch, wants to know why is it that uncut stones required for the foundation work should cost four times as much ?

The Honourable Sir COWASJI JEHANGIR : Sir, it is necessary to use cement blocks, because they are to be of a certain size.....

Mr. HAJI MIR MAHOMED BALOCH : Will the Honourable the General Member speak in Gujerati, so that I shall understand him properly.

The Honourable Sir COWASJI JEHANGIR : Rules do not allow me to speak in Gujerati. But if the honourable member will come to me afterwards, I shall try and explain the thing to him.

The Honourable the PRESIDENT : Order, order. The honourable House remembers that on Saturday under the cut proposed by the honourable member, Mr. Swaminarayan, under " 47 Miscellaneous, " the honourable member, Mr. Nariman, had raised a discussion on " Unemployment, " and the question was whether that was in order. I have considered the point and I have come to the conclusion that a discussion on unemployment under that motion would be out of order. But the question raised being very important, I think it can be raised under " 37, Miscellaneous " later on. The House will, therefore, proceed with the discussion raised by the honourable member, Mr. Swaminarayan.

Question again proposed.

Reduce by Rs. 2,00,000—Total demand—47, Miscellaneous (Reserved).

The Honourable Mr. G. B. PRADHAN : Sir, the honourable member from Kanara (Mr. Karki) the other day discussed certain questions as regards the wild animals in Kanara. He tried to show that the policy which has been adopted by this Government is not satisfactory.

Now, I will just state to this honourable House the different steps which Government have taken as regards the facilities which are given for killing wild elephants and also for killing other wild animals. Originally a shikari was appointed for shooting elephants in 1919, and that shikari within a period of two to three years only killed 2 or 3 wild animals. Therefore, it was decided to discontinue his services. But in 1926 a shikari was again appointed and he was stationed at Honawar.

As regards the rewards given for killing wild animals, it is, no doubt, that this practice of giving rewards was discontinued, but Government found that it was necessary and so that practice was again continued. Accordingly a shikari was appointed in 1926 and stationed at Honawar. He got two elephants killed and received a reward of Rs. 200. One

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private person got Rs. 100 for killing an elephant and some sportsmen who killed seven elephants got an aggregate amount of Rs. 350. During the current year three shikaris have been appointed; one is posted at Honawar, the second at Sirsi and the third at Haliyal. They have been supplied with high velocity rifles and all the mamlatdars have been instructed to avail themselves of the services of these shikaris, whenever there is an appearance of the wild animals. If the honourable member from Kanara had put a question on this point, he would have got this information. But as no question was submitted, no reply could be given.

We may tell him that three wild elephants during the last year had damaged some crops, but when the shikaris were asked to shoot these elephants, they had already disappeared from the place.

As regards the applications for granting licenses I may inform this honourable House that instructions have been issued to the District Magistrates that the licenses should be issued to those persons who are landholders, holding land about five acres and more and whose lands are likely to be damaged. We have also enquired, after these instructions were given, whether the licenses were freely issued to the landholders and what reply we got? I shall inform this honourable House the number of licenses issued in that place. The number of licenses in 1922 was 3,351 which number has gone up to 4,155 in October 1927.

Rao Saheb D. P. DESAI: Are the licenses given for smooth bore guns or high velocity rifles?

The Honourable Mr. G. B. PRADHAN: I have not made particular enquiries in the matter. But I may submit, Sir, that generally persons, who apply for licenses, are given smooth bore guns and rifles in some cases. I have already mentioned that the shikaris who are appointed by Government have been supplied with high velocity rifles.

Rao Saheb D. P. DESAI: What about tigers? Is there no provision made for killing these tigers?

The Honourable Mr. G. B. PRADHAN: The fact is there that the licenses are freely issued to the landholders. But I may tell this House that we have been told by the village punchayats that whenever the necessity for a shikari is felt, they could not find one from among the people. The general experience is that many of the licenses are taken not for sports but for show.

As regards the killing of wild animals I may inform this House the number of pigs that were killed and the reward given. It is as follows:—

	Number of pigs killed	Amount of reward
	Rs.	Rs.
1925	864	81
1926	1,275	413

I shall now turn to the question of prevention of damage being done to the crops. I may state that there are two societies which are started,

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called " Defensive Societies." These Societies are started for the anti-pig campaign. One Society is at Hulihond and the other is at Hungund... The society at Hulihond has fenced an area of 327 acres at a cost of Rs. 6,400 and Hungund 153 acres at a cost of Rs. 5,000. Recently Government had sanctioned a loan of Rs. 10,000 for a similar fencing society at Nandi Katta (Mundgod Peta). The loan, however, was not accepted by the society owing to some disagreement among the members. No other application for tagavi loan or any other loan was received either from the society or from individuals.

Then, as regards the damage, I have also got the figures. The damage last year was only about Rs. 1,318; in one or two years it was about Rs. 2,000 or so, and the persons affected last year were 50.

Mr. M. D. KARKI: Was it not the amount of damage caused by the wild elephants?

The Honourable Mr. G. B. PRADHAN: Yes. The amount of damage was Rs. 1,318, done by the wild elephants. The honourable member put that question, and he did not ask that question in the open House; otherwise I should have told him that there were three elephants during the last year and they damaged crops to the extent of Rs. 1,318. But when the shikari went there to shoot them down, those elephants had left the district and gone away.

Mr. M. D. KARKI: There was no ready help.

The Honourable Mr. G. B. PRADHAN: I do not suppose the honourable member expects that there will be a shikari at every point in the district, and that the moment an elephant appears at any point, the rifle and the man will be there. Three shikaris were supplied with high velocity rifles, they have been posted in suitable points, the mamlatdars have been instructed to make use of the shikaris, and so, as soon as it is known that an elephant has appeared at any point, a shikari is sent there. If the elephant disappears when the shikari is there, I do not see how that can be remedied. What is the suggestion of the honourable member? That at least one panchayat should have a rifle or a shikari? Now, village panchayats were told that they could put forward shikaris of their own. But no panchayats are putting forward shikaris of their own, and no shikaris are coming forward to take licenses. Every shikari cannot shoot a wild elephant; ordinary shikaris cannot shoot wild elephants. A shikari of a different calibre is necessary for that purpose. One was appointed in 1919 by the Taluka Development Association, and in three years he could shoot only three. And private persons have killed only seven animals. So, as I have said, the orders which were issued upon the Forest Grievances Enquiry Committee's report were communicated to the Collector and a report was called from him, and the Collector reported about the different steps that were taken for preventing pigs from damaging the crops, by aiding societies and so on, and I have also given to the honourable House the number of pigs that were killed and the wild animals that were killed, and every attempt

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is being made to see that cultivators do not suffer from the ravages of these wild animals. I have nothing further to add.

Mr. G. WILES: Sir, it is necessary for me to say a few words about that part of the honourable member's motion which relates to the reduction of the reserve with the Finance Department. In proposing this motion the honourable member repeated word for word the arguments which were produced in favour of the reduction of the provision on the transferred side, for reduction on the reserved side. He, therefore, seems to be under the impression that there is a different procedure with regard to the reserve on the two sides of Government, the reserved and the transferred. I can assure him that the procedure is exactly the same. I need not repeat the arguments which I used last time in pointing out the necessity for a reserve. I will only repeat the assurance that I then gave that no votable expenditure is incurred out of this grant without bringing it to the notice of this House. I need only call attention to one or two instances in which we have already come to the House for supplementary demand. For instance, there was a refund on account of the abolition of stamp duty, which cost us a lakh and a quarter. We came to this honourable House for a supplementary grant to meet that expense. We spent Rs. 1,83,000 in repairs to the irrigation works in Sind and Gujarat, which were damaged by the flood. We came and asked for a grant for that expenditure. Similarly, for the amount which we spent on khoti suits in Kolaba district.

The honourable member said that he had vague recollection that the Auditor General some years ago took exception to this reserve. My recollection is rather different from that of the honourable member. The Auditor General, so far as I remember, objected to the provision which was made or intended to be made in some other province for a reserve under each department. That is very obviously objectionable, and it was protested against in this House some five or six years ago when we proposed to have this reserve with the Finance Department. Obviously, if each department has got to have its own reserve, there is every possibility of money being wasted. Moreover, there would be no necessity for the department to come to the House for a supplementary grant; it would be within the competence of the Honourable Member or Minister to reappropriate from that reserve without saying anything to the honourable House. This reserve, as I stated the other day, is solely to prevent excess expenditure coming up at the end of the year on entirely unavoidable items which would have to be met from our balances. As it is, we estimate from our past experience, the expenditure during the year and provide in the budget a lump sum to cover it. For next year we have provided Rs. 2 lakhs less than in the current year, because we hope that the expenditure on unforeseen items will be less by that amount.

Mr. J. C. SWAMINARAYAN: I have nothing to add.

The Honourable Sir CHUNILAL MEHTA: Sir, I do not wish to say much on the subject. The administrative departments concerned have

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already given their reply, especially the Honourable Minister for Forests. The only point that I think has not been quite fully explained yet is the one that was raised by the honourable mover suggesting that the reserved departments were unduly favoured in the allocation of the reserve. I think the honourable member made that point. He said that the reserved departments have got Rs. 7 lakhs allotted to them from the reserve with the Finance Department, while the transferred departments have only got Rs. 5 lakhs. Well, the honourable member is aware that when the reserve was originally started, it stood at the figure of some Rs. 20 lakhs. It has been reduced from time to time, from 20 to 15, and from 15 to 12 as in the current year, and from the first it was explained by the Honourable the Finance Member then, and I believe his suggestion was accepted and agreed to by the Council, that the proportion should be what it now is, that of 12 to 8. We have continued that proportion throughout, and I do not think that the experience of the last four or five years has made it necessary that any change should be made. But I should like to inform the honourable member that whatever the proportion may be, it is not observed as any hard and fast line. On many occasions the sums at the disposal of the Reserved Departments are handed over to the Transferred Departments and *vice versa*. I do not think the Transferred Departments have suffered. I think that will satisfy my honourable friend.

Question put and lost.

Question that the demand for Rs. 12,72,000 under 47, Miscellaneous (Reserved) be granted put and carried.

The Honourable Sir COWASJI JEHANGIR: Sir, I rise to make a demand for Rs. 17,32,000 under 46-Stationery and Printing, Partly Reserved and Partly Transferred.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District): I merely wish, Sir, to remind Government of a promise made two years back or thereabouts by the then Acting Revenue Member, Sir Lalubhai Samaldas, that revision settlement reports will be supplied to honourable members of this House. That promise does not seem to have been carried out because we do not get those reports, evidently because Government are afraid that we might offer severe criticisms about their revision settlement policy. I would like to know whether at least hereafter we shall be receiving such reports. I make this suggestion now because the subject of Government publications comes, according to my belief, under the jurisdiction of the Stationery Office.

The Honourable Sir COWASJI JEHANGIR: Sir, I do not see really how it comes within this budget. Although this budget does provide for all printing work, as a matter of fact it is the Revenue Department which decides whether any of its publications should be circulated to honourable members or not. This department simply carries out the instructions of the Revenue Department. I do not see how a question of policy therefore can be raised on this demand. If the honourable member

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wants to raise this question, he must raise it in the debate on the Revenue Department. As a matter of fact I have no knowledge of any assurance having been given to honourable members by the Acting Revenue Member Sir Lalubhai Samaldas. The Honourable the Revenue Member is not in a position to verify that statement just now. I think my honourable friend will be well advised to remind Government in the Revenue Department of any such undertaking if it was given, when the Revenue Department budget comes before the House and if he does that, I am sure my honourable colleague, the Honourable the Revenue Member will be able to give my honourable friend a satisfactory answer.

Question put and carried.

The Honourable Sir CHUNILAL MEHTA: Sir, I beg to ask for a grant of Rs. 50,53,000 under 45-Superannuation Allowances and Pensions (Reserved).

Question proposed.

Mr. L. M. DESHPANDE (Satara District): Sir, the demand is made for a sum over 50 lakhs under head Superannuation. The annual cost for superannuation under head 45 is more than 50 lakhs and we find expenses incurred for superannuation on other heads also and there is a similar expenditure in England under the High Commissioner, where it comes to ten lakhs and again there is a demand under head 45 for expenditure under the control of the Secretary of State where we find the demand comes to one lakh and some thousands. The total expenditure on superannuation, leave salary, pension allowances, if taken together from all heads like commercial undertakings which are 8 lakhs 95 thousand, the total amount comes to nearly one and a half crores. That means nearly 15 per cent. of our revenue is spent on these accounts. Almost all of this sum has been charged to ordinary revenue. I have pointed out that under Development and 55-Lloyd Barrage, nearly one crore of rupees is being spent from the ordinary revenue and general balances. Here under superannuation allowances, pensions and the like nearly one and a half crores is spent from the ordinary revenue and so the necessary heads that do require a great deal of expenditure are kept aside and a large sum is spent under this head. The superannuations and these pensions should really have been shown under the different heads on which they have been spent. Instead of doing that, they have been summed up under one head and so it is not known definitely as to whether the general administration or the police or which of these heads have to pay more than the sum which ordinarily that department should spend. I therefore hope that Government will at least henceforth make all these entries on the various heads and see that year after year the sum spent on these annuations is not increased.

Mr. G. WILES: Sir, I confess I find it very difficult to understand what the honourable member is driving at. If I have understood him correctly, he is under the impression that leave allowances are shown under this head as well as pension contributions. If he is under that impression, he is wrong. Leave allowances are not included under this head.

[Mr. G. Wiles]

As to the dividing up of superannuation charges under each department, I should think it must be quite obvious to the House that any such procedure is quite out of the question. It would be impossible to maintain separate accounts for every department of the pension charges for every man who happens to serve in that department during his service. Officers may be transferred in the course of their service to a number of departments.

Mr. L. M. DESHPANDE : Under every head.

Mr. G. WILES : That is what I have not understood. I do not know what the honourable member wants.

Mr. L. M. DESHPANDE : I do not mean that they should be under every man's name, but if the superannuation is to be paid under General Administration, then it must be shown under that head that a particular sum is to be spent on superannuation charges, and a similar item should be shown under the other heads, Land Revenue, Excise, etc.

The Honourable Sir CHUNILAL MEHTA : How would that help you ?

Mr. L. M. DESHPANDE : It will show what sum has been spent for pension and superannuation charges in every head. Instead of having a lump sum for superannuation charges, we shall be able to see how it is distributed under the different heads.

Question put and carried.

The Honourable Mr. J. L. RIEU : Sir, I move a demand for a grant of Rs. 6,27,000 under 43-Famine Relief and Insurance. In doing so, I should like to make a short explanatory statement for the information of this House, regarding the items which compose this demand.

In the first place, as honourable members will see on page 257 of the White Book, there is an item of Rs. 1,46,500 for storage of famine grass by the Forest Department. This is in accordance with the contract made with the Bombay Mofussil Grass Trading Company for the supply of 100 lakhs of pounds a year of grass at Palghar, Godhra and Dohad. Honourable members will perhaps remember that I came up with a supplementary demand for the same amount in the course of the current financial year, and the present item represents the same demand for next year.

Then, the next item is one of Rs. 26,406 for the cancellation of the contract for the storage of grass at Nawapur. As to this, I had asked for a supplementary demand of Rs. 50,000, for the current year, and this sum of Rs. 26,406 completes the total sum which Government have agreed to pay to the company as compensation for the rescinding of their contract. The circumstances under which it has been found necessary to rescind this contract have already been explained to the House.

The next item is one of Rs. 1,83,588 for the boring operations by the Agricultural Department in precarious and non-precarious districts.

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Only the costs of the operations in precarious districts are, however, debitable against 43-Famine Relief, and therefore, as honourable members will see, there is a deduct entry of Rs. 47,138, which represents the cost of these operations in non-precarious districts. The operations are being carried on all over the presidency except Sind, by means of a total of 69 boring machines, of which 17 are working in the Northern Division, 22 in the Central Division, and 25 in the Southern Division, while 3 machines are working in Indian States and one is actually at present in the workshop.

The next is the establishment of the Water Diviner to the Government of Bombay, Rs.10,886. Honourable members have had supplied to them the latest report issued by that officer.

MOULVI RAFIUDDIN AHMAD: Is it for one year?

The Honourable Mr. J. L. RIEU: Yes, it is for one year; the votable part of the total cost is Rs. 10,886.

The next two items Rs. 2,523 and Rs. 3,900 are practically identical in character and I do not know why they have been distinguished. One of them is described in the Blue Book under the head of new items. As a matter of fact, it is not a new item, properly speaking, because these operations which are intended to open out the forests in the Satpura range have been going on for some time. Presumably, it has been classed as a new item, merely because it refers to certain additional roads under construction but these roads form part of one general scheme for opening out, by means of roads and the provision of wells, certain forest areas in the Satpuras for grazing and also for the extraction of grass from them. At present they are insufficiently provided with communications, and there is no water supply for the cattle which are taken to these areas in times of famine.

Finally, the last item is one of Rs. 3,00,000, which is the annual provision which we make for grants-in-aid to local boards for village water supply. I think honourable members are already aware of the decision which Government recently came to, that instead of insisting on local board or popular contributions amounting to two-thirds of the total cost of a work and Government providing only one-third of the cost, which was the system in force upto recently, Government now undertake to provide upto a maximum of two-thirds, leaving one-third to be contributed by the local bodies or by the people of the locality.

Question proposed.

The Honourable the PRESIDENT: The next item is a cut of one rupee from the total votable demand, Rs. 6,27,000 under Famine Relief and Insurance. It is a one rupee cut with all its implications.

Rao Saheb D. P. DESAI (Kaira District): Sir, I move:

That one rupee be reduced from total votable demand under Famine Relief and Insurance, Rs. 6,27,000.

My complaints against this department are these. Government used to provide for this purpose 63·50 lakhs of rupees every year, but now

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unfortunately, owing to their administrative blunders the famine-stricken areas are hereafter to be starved, and no provision under this head from ordinary revenues appears to have been made this year. The only provision that appears to have been made is from the Famine Insurance Fund, from which a transfer of Rs. 21,23,000 has been proposed, and out of this, this Rs. 6,27,000 is to be provided. As there are some other expenditures from this amount under head 15, I take this opportunity of discussing the whole expenditure from the amount transferred from the Famine Insurance Fund, namely Rs. 21,23,000.

Last year, Sir, Government allotted about Rs. 7,90,000 for fighting the water famine in tracts of precarious water supply. Unfortunately that amount was not spent and has been carried over to this year also, and 5 lakhs appear to have been provided for those very schemes.....

The Honourable Mr. J. L. RIEU: Sir, may I ask the Honourable member what figures he is quoting?

Rao Saheb D. P. DESAI: The figures are at pages 60 and 61 of the Blue Book. They refer to minor irrigation works under the Superintending Engineer, Mr. Lowsley.

The Honourable Sir CHUNILAL MEHTA: Where from has the honourable member taken the figure Rs. 21,23,000?

Rao Saheb D. P. DESAI: From page 108, transfers from Famine Insurance Fund and 43-Famine Relief and Insurance: from the revenue side. It is a transfer. Out of that amount 5 lakhs only is to be devoted this year for those famine works which have been held over by Mr. Lowsley, or rather which Mr. Lowsley has failed to execute last year. The pity is when the Council has passed those items, Mr. Lowsley at once goes to the municipalities and local bodies and asks them to contribute in a substantial manner for the construction of those works. He calls upon the Collectors to ask the local bodies and municipalities to contribute substantially towards those works, and the Collectors unfortunately get the impression that it must be something coming direct from the Government and press the local bodies to contribute towards the construction of those works. If my honourable friend the Revenue Member will read the correspondence that passed between the temple committee of Dakore and the municipality of that place on the one hand and the Government on the other, he will find that immediately after the sanction by this House of the allotment of a sum of Rs. 60,000 for the improvement of the Gomti tank, Mr. Lowsley wrote to the Collector to get the municipality, the temple committee and other committees to subscribe at least two-thirds or more than half the amount sanctioned. Now, the whole work is held over. This House passed for the improvement of that tank a sum of Rs. 60,000. That was budgetted in the Blue Book of 1927-28.....

The Honourable Mr. J. L. RIEU: That is not from the Famine Relief grant.

Rao Saheb D. P. DESAI : The grant comes from Famine Relief and Insurance. It is to alleviate the water famine that these grants are made.

The Honourable Mr. J. L. RIEU : Sir I rise, to a point of order. We are discussing the grant under 43, Famine Relief and Insurance, and I have given a detailed account of the various items which are included under this head. The honourable member is referring to an entirely different provision, namely 15, Transfers from the Famine Fund, which has nothing to do with the present demand. I submit he is out of order in discussing, as I understand he is, the provision for the operations which are carried on by the Superintending Engineer on Special Duty. These operations are not provided for under this head at all : they come under an entirely different head.

Rao Saheb D. P. DESAI : Sir, I am entitled to discuss this matter. If you refer to page 108 of the Blue Book, you will find that on the revenue side Rs. 21,23,000 has been taken and on the expenditure side Rs. 6,62,000 has been allotted. In order to explain the whole thing, it is stated that Rs. 16,000 are to be taken to XIII—Working Expenses ; Rs. 14,45,000 to 15 (1) Irrigation and Rs. 6,62,000 to 43-A Famine Relief. When I was about to discuss this question on a different occasion, I was asked by you, Sir, to postpone the discussion till the grant for famine expenditure came to be discussed. So I have taken this opportunity.....

The Honourable the PRESIDENT : What has the honourable the Secretary to say on the point of order raised ?

Mr. G. WILES : Sir, technically we are asking now only for Rs. 6,27,000. That is the amount which is actually being provided under the head 43-A for the prevention of famine. But it is perfectly true, as the honourable member from Kaira says, that we are providing from famine grants for Mr. Lowsley, although that work is properly shown under Irrigation. That demand will be made under the head Irrigation 15, but we are financing it from the Famine Fund by a transfer from that fund. It is true that in the Blue Book we show in the same place for purposes of comparison Rs. 21,23,000, the revenue transferred from the Fund under XXXII a revenue head. In previous years we have met similar expenditure by transfer from 43-A. But it remains true that the present demand is only for Rs. 6,27,000 under the head 43, Famine Relief and Insurance, and does not include any expenditure on irrigation works. If under these circumstances you hold that the whole Famine Fund is under discussion, then the honourable member is in order.

The Honourable the PRESIDENT : I think the honourable member is in order.

Rao Saheb D. P. DESAI : Sir, I, therefore, ask the Honourable the Revenue Member just to explain why this policy of allotting funds in the budget for an item and not spending that, is followed by Government, though Mr. Lowsley has been given for his establishment the sum of more than Rs. 1,80,000 from the Famine Insurance Fund. It was quite necessary that the action immediately after sanction of this House ought to have been taken. Besides, before the work is undertaken, no contribution of the local bodies and other public bodies should have been asked for.

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Coming now, Sir, to the actual expenditure of Rs. 6,62,000 I may just be allowed to make a passing reference to one point and that is about the policy of giving contracts for the supply of grass to the private agencies. In my opinion this policy of giving contract is a sound policy. It has been our experience that whenever this Government undertake commercial undertakings, they are never successful in any of their attempts. They had undertaken to start a pottery work, they have failed there; they had also undertaken many other things, but nowhere they have got success. And still they are now trying to enter into this grass business. But I may assure them that here also they would not be successful. It is better that this work should be given to the private agencies. As a matter of fact it is liable to accident and at the same time a dangerous affair. So, I would request the honourable member to gather together a number of grass merchants and ask them to supply grass at certain stipulated prices and on certain conditions. Of course, if Government so desire they may not give monopoly to one person, and as I have said, they may send for a number of merchants and ask them to supply grass to Government. That should be the grass policy of Government.

Again Sir, we find that Rs. 6,54,000 out of Rs. 21,23,000 has been provided for irrigation works. Out of this amount of Rs. 6,54,000, Rs. 2,54,000 have been given to the Honourable the General Member for repairing the tanks, drains, etc., damaged by floods. I would ask Government if this Famine Fund is meant for repairing tanks which have been damaged by floods. Can these Funds be used for other departments? As a matter of fact this expenditure on repairs to tanks should be given from the irrigation budget.....

The Honourable Sir COWASJI JEHANGIR: Does the honourable member suggest that the Famine Fund should only be used for houses and not tanks damaged by floods?

Rao Saheb D. P. DESAI: You are aware, Sir, that we have already spent Rs. 5 lakhs last year on the Visapur tank and Rs. 4 lakhs are allotted this year. So, about Rs. 9 lakhs have been taken away by the Irrigation department. Besides, last year there was an expenditure incurred from the Famine Fund for repairing certain tanks in Gujerat and bunds in Sind to the extent of Rs. 23 to 25 lakhs.....

The Honourable Sir COWASJI JEHANGIR: Will the honourable member verify the figures?

Rao Saheb D. P. DESAI (After handing over budget estimates to the Honourable the General Member): It will be seen from these budgets that Rs. 16 lakhs have been spent in the current year in Sind and Rs. 9 lakhs in the current year for the irrigation works in Deccan and Gujerat. This expenditure was formerly met from the ordinary revenues. But in order to use the ordinary revenues for some other activities of Government or to meet their losses, Government are taking these steps. Government have started this Famine Fund for the purpose of using it on other objects. That is my charge against the Honourable the Revenue

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Member. He has allowed the Famine Fund to be depleted in this fashion by other departments.

Now turning to loans granted to the people in the flooded area, I am really thankful to the Honourable the Revenue Member for sparing about Rs. 85 lakhs from the Famine Fund. He has spared this amount to be given to people for the purpose of repairing or building their houses which have been damaged by floods. But I am sorry to state that the Government have decided to charge interest on these loans to the poor cultivators. This Famine Fund has been created from the ordinary revenues of this presidency for the purpose of giving help to the people in times of famine. That being the case, I fail to understand why Government should charge interest on the loans given to the people from this Fund. About Rs. 16 lakhs have been allotted from this Fund to the Irrigation Department. Is that department going to pay any interest for that amount? I do not think so. If that is so, why should the poor cultivators be charged interest on the loans given to them to repair their houses damaged by floods? We all know that we have been spending Rs. 10 lakhs annually, practically in charity in Sind and we do not charge interest on that item. But these house loans are to be recovered from the cultivators by instalments, and will it not be a hardship on them when they have to pay interest on the loans? If we charge interest to them then it will be just as ordinary tagavi and it would cease to be a Famine Insurance Fund. I would ask Government for Heaven's sake do not charge interest and manage famine affairs at least as China does. You may not follow other countries, other western countries, countries more civilised than yourselves. But at least follow the example of China. Borrow at least the flood and famine relief policy of that country if you cannot follow the flood relief policy of either America or any other western country. But at least have the goodness to borrow the flood or famine policy of China and help the ryots in this country. Unfortunately, the impression that prevails here and at least in the Government quarters is different. Of course, I cannot blame the Government. Bureaucratic as it is, it always tries to make itself prosperous. While allowing no prosperity to the persons left in its charge, it always tries to be prosperous itself by raising the pay, by raising the salaries. Of course, their sole attention is diverted not to prosperity of the country consigned to their care or to the poverty of the ryots consigned to their care, but whether the departments are well paid or not, whether the Settlement Commissioner's pay is raised by Rs. 500 or not, whether he can find more money out of the ryots' pockets or not to meet these increments. These are the considerations that weigh more with Government than any other considerations, and the pity is, Sir, that this money is advanced to the cultivators not on a cheap rate of interest, but rather at 6 per cent. Government give 4½ per cent. and they make a profit of 1½ per cent. by advancing the money to the cultivators. That is, I think, the climax to which this fund has come to be misused. And how that building loan is used by the cultivators? I was only yesterday informed by one of the most responsible persons that Government, though they should not

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have collected assessments in these flooded areas, have started collections at the bayonet's point and the full assessments are demanded. This loan seems to be used in flood affected areas to pay the Government demand and a number of applications have been received by that gentleman to this effect, and I should think that when conditions have come to such a pass where the cultivators are themselves penniless, it is wrong on the part of the Collector or for that matter of the Commissioner to collect land revenue, practically the whole of it, from these flooded areas. I request, therefore, that our famine policy should be re-affirmed by the Government. Before I withdraw this motion I would request the Honourable the Revenue Member to explain what the famine policy of this Government will be in future, that is, whether the Rs. 63 lakhs which have been absorbed in general revenue and which this Government allowed the Finance Member to take away, from the Famine Insurance Fund would be again restored to its legitimate position in the budget. With this request I move this cut of Re. 1 as a vote of censure on the famine policy of this Government.

Question proposed.

Mr. J. W. SMYTH : Sir, I propose only to deal with the point raised by the honourable member with regard to Mr. Lowsley's activities and the money which is provided for them out of the famine fund. As I understood the honourable member, he complained that Rs. 5 lakhs were placed at Mr. Lowsley's disposal and that in spite of having this sum he went about to municipalities and local bodies asking them for grants-in-aid for carrying out the works. Presumably he meant that the money, which was provided by Government, should be sufficient, and that the local bodies and municipalities should not be asked to make contributions from their own funds. And he then spoke specifically of the case of a tank at Dakor in Kaira district. As is well known, there is a very famous temple at Dakor. Also the tank there for some years has not had as much water as people would have liked, and proposals have at various times been made for enlarging it and so obtaining more water. These schemes have been going on for years to my knowledge. Consequently, two or three years ago when Mr. Lowsley began his special duty, he was invited to go to Dakor, to investigate the situation and to make proposals. He did so and sent in a scheme. Now, I understand from the honourable member that he considers that this scheme should have been entirely financed by Government. As a matter of fact, the Dakor temple is possessed of very considerable wealth and it has, lying in the hands of its trustees, something like Rs. 2½ lakhs; subject to certain restrictions placed upon its use by the High Court, it is true. But the point is that this was a scheme to provide water for a place in connection with a temple which is an extremely wealthy one and which is famous throughout this side of India, and yet we are now told by the honourable member that Government and Mr. Lowsley should not have asked the municipalities or local bodies for this money, but Government should have financed this scheme directly out of the famine

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fund. After this, we were treated by the Honourable Member to a diatribe as to how we entirely misuse our money and fail to spend it properly, and how, generally speaking, our famine policy is entirely wrong, and that we should borrow one from China, whatever that may be. The honourable member fails to see that if we were to carry out schemes like this one without getting assistance from local bodies, where, as in this case, they are perfectly able to contribute, the famine fund would be bankrupt, *i.e.*, we should land ourselves in a state of a chaos similar to that of the country to which the honourable member advises us to have recourse, namely, China.

Rao Bahadur B. R. NAIK (Surat District): Sir, I want to be very brief on this point. I agree with the honourable member Rao Saheb Dadubhai Desai's remarks about the use of famine insurance fund. I said in my budget speech that it was not advisable on the part of Government not to provide anything in the next year's budget for famine insurance fund. Moreover I told you that it was not only that nothing has been provided in the next year, but in future it is to be reduced by 12 lakhs from 63½ lakhs which was the amount originally fixed for this fund.

Now, I will come to the grant of Rs. 3 lakhs for village water supply. This is the main head on which I want to say a few words. Looking to the demand for village water supply this amount will not be adequate. As far as borings are concerned, at present there are several agencies with whom local bodies have to carry on correspondence, namely, the Revenue Department, the Agricultural Department, the Irrigation Department, in all about half a dozen agencies, and no end comes to the correspondence which is being carried on by the local bodies and these agencies and thus the work is delayed unnecessarily. Two years ago the District Local Board, Surat, applied for boring machines for its village water supply and only recently, after two years, three months ago, it succeeded in getting a boring machine from the Agriculture Department which sent it with a machanic who was to be paid by the Surat district local board. During the three months the machine has worked only for seven days as the operator does not know his job, and the work is being delayed under one pretext or another. Soon after the arrival of the machine the president of the district local board wired to the engineer in charge of boring operations informing him that the mechanic does not know anything of boring. A reply was received that another man was being sent. The second man came and showed the first man how to operate the boring machine and went away. Still the first man is there and the machine is doing nothing. Who is to be responsible for all this waste of public money ? For every Rs. 2 that Government pays Re. 1 is to be paid by the local board and all this money will go for nothing. I would invite the attention of the Honourable the Minister of Excise to this matter ; and I would therefore suggest that some one central agency should be created either under the Revenue or the Agricultural Department for working boring machines

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and carrying on boring operations so that district local boards or municipalities can get work done satisfactorily.

I entirely agree with my honourable friend Rao Saheb Dadubhai Desai about charging the Famine Insurance Fund with expenses of repairs of irrigation tanks. If himayat is levied on villagers for water supplied to them, I do not see any reason why the repairs of such tanks should not be done out of the revenue derived from those tanks. If the repairs to the tanks meant for village water supply are carried out from this fund it is not objectionable.

There is a provision for the water diviner. I have read the report but I do not think he has succeeded to any extent in Gujarat, whatever miracles or wonders the water diviner may have worked in the Deccan. I think I told the Honourable the Revenue Member about two years ago that Gujarat was hardly likely to be benefitted by the appointment of the water diviner. A few days ago, in reply to a question about the water supply to the village "Dilosa" in Olpad taluka, this matter was brought to the notice of this House. I wrote to Major Pogson that he should come and mark out a spot where we could get water. He sent a Hindu assistant of his who marked out a spot and suggested that potable water will be tapped at about a depth of 48 feet, and at his suggestion, I as president of the district local board asked the Agricultural Department through the Collector for the loan of a boring machine. It was lent to me. The experiment cost about Rs. 1,000 and although we went down for 150 feet, we could find no potable water. In several villages of Olpad and Chorasi talukas there is saltish and brackish water. We are also trying boring operations in certain other villages but we do not hope to meet with satisfactory results and I think artisan wells will be required for the purpose. What I therefore urge is that there must be some central agency either under the Agriculture or the Revenue Department to look after these boring operations if we are to obtain any good results at all. At present the number of boring machines is not adequate to meet the growing demands of the various districts and Government should therefore supplement their present stock by new machines. Small irrigation works such as bandharas or small reservoirs for cattle and for human beings and also for agricultural purposes are a great necessity and more money might very well be devoted to them. Mr. Lowsley has no doubt made a survey of Gujarat but I do not know whether any scheme has been taken up as a result of his enquiry as yet, nor do I know what recommendations have been made by him.

As for the Dakor temple, I do not wish to say anything particular about this temple except that in all other places of pilgrimage, Government supply water.....

The Honourable Mr. J. L. RIEU: No, No. It is the district local boards and the municipalities which supply drinking water.

Rao Bahadur B. R. NAIK: I know that of late it has become a habit with Government to throw such responsibilities on district local boards and municipalities, but I will dilate on this point when the demand is

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made for the public works by the Honourable Minister in charge of that department. No district local board or municipality can afford to allot such a huge sum as Rs. 50,000 for expenditure on water supply at such places of pilgrimage as Dakor or Nasik. At the latter place I am told free water supply has been provided by Government because it is a place of pilgrimage. Dakor is equally important as a place of pilgrimage and thousands of pilgrims visit that place every fortnight and I consider that it is the duty of Government to provide the necessary supply of potable water.

I will now request the Honourable Minister in charge of the Agricultural Department and to the Honourable the Revenue Member to take into consideration the suggestion I have made in regard to the institution of a central agency for boring operations, and conclude my speech.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I refer to page 257 of the White Book. Against the item "Water Diviner to the Government of Bombay, his Establishment, Contingencies, etc.," under Detailed Account No. 43-A, Famine Relief, there is an item of 35,000 rupees in italics and another item of 10,000 rupees without italics. Presumably the 35,000 is for the water diviner and his establishment and 10,000 is for contingencies. Perhaps it was due to a printing mistake that 35,000 in italics have been shown against contingencies. That means, it is non-votable. I would respectfully submit that this is a point for you to decide. In 1926 when the discussion was going on, the Honourable the Leader of the House led this House to believe that the post was only for one year up to the end of July 1927. The debates of 13th March 1926 show it. Before 1926-27 also it was for one year, that is to say it was to be continued up to July 1927. In July 1927, I find nothing in the debates making it an imperial and a non-voted post. Has Government the power to withdraw this sum from the vote of the Council? That is the point of order. We find that Rs. 35,000 is now withdrawn from the vote of the Council, by being shown in italics. How have Government done it after giving an undertaking that this would be an appointment for which they would come to the Council year after year in July?

The Honourable Sir CHUNILAL MEHTA: If the honourable member has no objection, we would like to refer to the papers. It would be difficult to answer this point of order at once as questions of facts are involved. If he will leave it over till after tea, then we will be in a better position.

Mr. B. G. PAHALAJANI: Most certainly.

The Honourable Sir CHUNILAL MEHTA: Thank you.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I endorse the views expressed by the honourable member Rao Saheb Desai. He referred to the appointment of Mr. Lowsley, Superintending Engineer, which is financed from the Famine Fund, and Government are spending Rs. 1,86,000 every year for his salary and establishment. Now, a sum

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of Rs. 5 lakhs was placed at his disposal, and a list of the works that were to be taken up was put down on page 68 of the Blue Book for the year 1927-28. There was an important item put down in that list, and that was in connection with the improvements to the Hebatpur drain in the Viramgaum taluka of the Ahmedabad district, and Rs. 30,000 were provided for this work. Sir, waterlogging is a serious problem in Viramgaum taluka, and it takes place even if there is a slight excess of rainfall. Government recognised this fact, and Mr. Lowsley also has referred to this important matter in his report, and he has stated that all agriculture is rendered impracticable in Viramgaum taluka on account of waterlogging. In spite of recognising this important fact, and instead of having provided a sum of Rs. 30,000 for the improvements to Hebatpur drain, nothing was done with respect to that matter in the current year. There are also other important works which have been drawn up by Mr. Lowsley for the Viramgaum taluka, but they are not taken up by Government. Waterlogging leads to wet famine in that taluka, and the kharif crops are thereby destroyed. The level of the Viramgaum taluka is much lower than the level of the surrounding districts of the Gaekwari territory, particularly of the Kadi district. Rain water is dumped into Viramgaum taluka, and as its level is lower, and as there are no proper drains, the fields get waterlogged, and the whole cultivation is destroyed, and during the last five years the crops have been so destroyed in two years. The year before the last, there were heavy rains and kharif crops were destroyed. Of course, last year was a year of unprecedented floods, and the crops were destroyed thrice. Year before last also, it had excessive rainfall, and the kharif crops were destroyed. I had put questions on this subject to the Revenue Member, and he had recognised that waterlogging was responsible for the damage to and destruction of kharif crops in Viramgaum taluka. Two schemes have been drawn up by the Superintending Engineer; one is known as the Odhav-Solgam drain and the other as the Chhaniar-Evdla drain. The importance of these drains has been recognised by Government, and the Superintending Engineer has also recommended these schemes, but they are still on the shelves of Government. These important items have to be immediately taken in hand by Government, in order to save the loss caused by waterlogging in the Viramgaum taluka. This scheme for the improvements to Hebatpur drain was actually provided in the budget, but no work was undertaken by Government. I have, therefore, to draw the attention of the Honourable the Revenue Member to this important fact, which has been recognised by Government, and for which recommendations have been made by the Superintending Engineer.

The Honourable Mr. J. L. RIEU: May I ask the honourable member what authority he has for saying that the sum was provided in the budget? All that I see there is a list of minor works "likely to be proposed for construction during the year 1927-28." That is all that is said. There is no question of any provision being made.

Mr. J. C. SWAMINARAYAN: That is all right, but for this work there is no objection like the one that was raised by the honourable

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member the Revenue Secretary, that they had to demand money from the temple authorities who are rich, or the local authorities who might be rich. This is a matter which has to be taken in hand by Government, and unless Government take up the work of constructing these drains in Viramgaum taluka, the prosperity of the taluka is going to suffer a great deal. Government have seen that, during the last so many years, there have been difficulties on account of these drains not having been constructed.

When Government have to revise the revenue assessment, they are very particular in finding out one excuse or another for the purpose of revising revenue assessment. In Viramgaum taluka the assessment has been increased by 29 per cent. Now, though this serious problem of waterlogging has not been solved by Government, though the taluka depends merely on rain water for its cultivation, though the taluka has suffered from famine every alternate year, all this history of the tract is not being taken into account, and the assessment is being raised by an abnormal percentage of 29. Now, when they want to increase the assessment without improving the condition of the taluka, I think the result will be the destruction of the population of the taluka. In the Matar taluka of the Kaira district, as the assessment was very heavy, the population declined. The people ran away from the place, and Government would take into consideration these factors only when the population begins to decrease, when people begin to run away from that particular area, or when lands are being relinquished. This is the only argument that is being put forward by Government. In the case of the Bardoli taluka also, the reply given by the honourable member the Revenue Secretary to a letter of the honourable member Rao Bahadur Naik is that the people are not relinquishing their lands, and therefore they are prosperous. Where are they to go if they relinquish the land. It is only when people relinquish their land that they would recognise that there is misery and that the people are incapable of paying. Now, in the case of the Viramgaum taluka, these important problems which bring about adverse conditions in the taluka are not solved by Government. Even in the Government Resolution No. 9226, dated 13th July 1927, by which revised settlement has been sanctioned by Government, a reference has been made to the drains, and unless they have carried out the improvements, and unless they have increased the prosperity of the taluka, they have no right to demand additional revenue from that taluka, because section 107 of the Land Revenue Code actually puts down that unless the improvement is effected by the action of the State, Government have no right to take that improvement into consideration. If the improvement is effected by the action of the cultivators the State has no right to take that into consideration in increasing the assessment. If the action of the State is responsible for improving the condition of a particular village, for example, by additional works conducing to increase the prosperity, then only they will be justified in increasing the assessment. I have made a passing reference to it, because the causes which bring about the

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decay of that taluka are recognised by Government. If on account of the absence of these drains, even a slight excess of rainfall produces waterlogging in the tract and thus brings about the destruction of crop, then it is the imperative duty of Government to pay attention to those drains. The Superintending Engineer has in his report recommended the excavation of these drains, and this is referred to in the Government Resolution dated the 13th July 1927 referred to above. The improvement of these drains will afford great relief to the cultivators of this tract. I would like to draw the attention of the Honourable the Revenue Member to this report of the Superintending Engineer, Mr. Lowsley.

Sir, Government think that they have performed their duty if they provide a high salaried officer for a particular purpose. I think much more would be gained if the amount which is being spent on the high salaried officer is spent on actually digging wells and on boring operations. If the people of a village apply for a boring to be excavated in their village they have now to provide Rs. 3,000. Formerly they had to provide Rs. 2,000; now, they have to provide about Rs. 3,000. Now, many villages have not a good supply of drinking water. If boring is undertaken there is a possibility of drinking water being made available. In some of the villages borings have been successful: in Viramgaum borings are successful generally. There was one village which had to go for its water supply a mile and a half. Even from that village Government demanded Rs. 3,000. I think that was the reply given by Government when I put an interpellation. If they wanted a boring they had to pay Rs. 3,000. If Rs. 3,000 is to be charged for providing drinking water which is a primary necessity for human existence, then, I think, callousness can go no farther. I find a sum of three lakhs of rupees provided in this budget for grants to local bodies for village water supply. But I suggest that the grant should be distributed more liberally, taking into consideration the capacity of the people to pay. The condition of the village must be examined before the contribution of the village is fixed. If it is a rich village, it may be able to pay the general quota: but if it is a poor village and not able to pay the general quota fixed by Government, it may have to go without water supply for ever and ever. If it is not able to pay its quota, it will have no water supply under the regime of this so-called civilized and benign Government. But it is the duty of Government to help even poor villagers though they may not be able to pay on account of their poverty. I have referred to these matters, and I hope Government will pay attention to what I have said.

Mr. N. A. BECHAR (Karachi City): Sir, I myself wanted to raise the question which has been referred to by the honourable member Mr. Pahalajani, namely, why this item of Rs. 45,000 has been made non-votable although the appointment of Major Pogson was sanctioned by this Council. From the report issued by this gentleman (the water diviner), I find that in 16 months he has been able to locate 286 wells, some suitable for purposes of agriculture and some suitable for providing drinking water. The average cost of each well located comes to Rs. 157. But

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if we take into account only the wells that actually gave water at some reasonable depth, the figure will go still higher. Now, so far as divining is concerned, from time immemorial there have been people in India who possess this knowledge and charge only Rs. 4 or Rs. 5 for the purpose of indicating where the water is. Here, you have one white elephant, (the water-diviner) who has to go and tell the people where water can be found, and for the purpose of maintaining him the presidency is saddled with an expenditure of Rs. 45,000. Sir, I am not sure that it is in the interests of the ryots. I do not think there was any application made to Government by the people of the villages for the provision of this kind of divination, but if Government had money for such purposes, I would prefer they spent it in the actual sinking and construction of wells. I would suggest that a part of this Rs. 45,000, be spent in Sind, more particularly in Thar Parkar and Nawabshah districts, for digging wells. I understand from my honourable friends coming from Sind that so far as sinking of wells is concerned, for the last few years Government have given up the practice of giving *tagavi* to aid or encourage people to sink wells. In the Thar Parkar district particularly the people suffer considerable difficulty owing to scarcity of drinking water. Therefore Government should see its way to find more money for the purpose of giving some kind of grant—either one-third or one-half or whatever they consider reasonable—to the people of Thar Parkar. In Thar Parkar the difficulty is that you get water at a very great depth and it is not possible to construct a well within about Rs. 500. They have to spend a large sum of money. In order that the people may be assured of pure and good water supply, these wells are absolutely necessary and in order that the wells may be sunk and constructed Government should find some money to pay as grants to those districts like Thar Parkar which are affected by water scarcity. I hope, therefore, that the Honourable the Minister of Local Self-Government will try to get some money from this department in order to construct wells in these areas.

Now, Sir, with regard to Major Pogson, I think it is time for this House to indicate its opinion as to whether it is desirable, whether it is a paying proposition, to retain such a big officer costing Government Rs. 45,000 a year. The representatives from the rural areas have already told Government that their necessity is not a highly paid officer with a large establishment to locate sources of water supply, but funds to sink and construct wells. If, therefore, Government are anxious to get these wells constructed, they should put more money into the hands of the people to build these wells.

Now, Sir, coming to the question of loans granted to the people in the flooded area, I may submit that my honourable friend from Kaira (Rao Saheb Desai) has quite strongly put up the case against interest being charged to the people. Government have given hardly about Rs. 4 to 5 lakhs to the people in the form of gratuitous relief.

The Honourable Mr. J. L. RIEU: Rs. 10,50,000.

Mr. N. A. BECHAR : I submit, Sir, that Government is not at all distributing Rs. 10,50,000 in one place. They have been distributing that amount in Sind, Gujarat and other districts. The sum of Rs. 10,50,000 in a calamity of the last floods is nothing. I am of opinion that something like Rs. 1 crore ought of have been given from this Fund. However, that may be, I shall come to the point of charging interest on the loans, which Government intend to do. I do not understand why Government want to charge people interest on loans, when the amount so given has already been lying for the purpose of famine relief. This is a very important point. I would quite understand if Government was going to borrow money for this purpose of lending to people for repairing their houses. In that case, I know that Government would incur any loss. But here is a question when money has alredy been ear-marked and is reserved as a Famine Fund. I, therefore, fail to understand why Government want to be a Marwari in exacting interest from people in the flooded area.....

The Honourable Mr. J. L. RIEU : I may inform this House that a part of this amount has to be borrowed, and for that Government has to pay interest. The other part comes from our general balances on which we are receiving interest, and there is thus a loss of interest.

Mr. N. A. BECHAR : If my honourable friend, the Revenue Member, looks at page 109 of the budget, he will find a large balance which is lying at the disposal of the Famine Relief Fund. This balance is far larger than the amount that has to be given by way of loan to the people for the purpose of constructing houses in villages. I, therefore, do not know inspite of this large balance, why it is found necessary to borrow money and give it to people on interest. I think it is merely explaining away the point. I say, Sir, that earning interest is a very good thing from the Government's point of view but have Government considered the difficulties of the poor people who have to pay loans by instalments and also interest thereon ? It would have been perhaps reasonable on the part of Government if they had demanded interest from the people after two or three years of respite. At present Government know the condition of the people in the flooded area, and it would not be reasonable for them to ask for interest. This item of Famine Relief Fund was kept apart and, therefore, to expect return on this is hardly fair and humane.

I, therefore, appeal to this honourable House to strongly indicate its desire that Government should change this policy of charging interest on loans.

The Honourable Sir COWASJI JEHANGIR : Sir, I think my honourable friend, Mr. Bechar, has misunderstood the honourable member Rao Saheb Desai. Rao Saheb Desai complained that Government should not use money from the Famine Fund for the repairs of tanks damaged through the floods. But I would inform this House that Rao Saheb Desai, in the October session of the Bombay Legislative Council stated that it would be a legitimate demand to make on the Famine Fund.....

Mr. N. A. BECHAR : No, I am not disputing it.

The Honourable Sir COWASJI JEHANGIR : Well, Rao Saheb Desai does dispute it. I remember having heard several honourable members on the opposite side speaking in eloquent terms on what Government should do for the floods in Gujerat and Sind. They stated that this was an occasion on which Government should use the Famine Fund. Accordingly Government have used the Famine Fund for the repairs to tanks damaged through the floods. Now, my honourable friend, Rao Saheb Desai, comes forward before this honourable House and takes Government to task for doing so. I do not think his position is at all consistent with the speech he made in the October session. I contend, Sir, that Government have rightly allowed the Irrigation Department to take money out of this Fund for the repairs of the tanks. My honourable friend complains that we have made inroads into the Famine Fund for repairing bunds in Sind. But he must know that these bunds are repaired under the advice given by the Indus River Commission. That Commission stated that the bunds in Sind required strengthening and repairing. If these bunds were not repaired, Government would run considerable risk of famine in certain areas. Therefore, I ask : " Is this not a legitimate claim on the Famine Fund ? " May I ask the honourable member what the Famine Fund was instituted for ?

Rao Saheb D. P. DESAI : May I inform the Honourable the General Member that formerly the expenditure on the repairs of this nature was incurred from the ordinary revenue ?

The Honourable Sir COWASJI JEHANGIR : Well, that is no argument to say that money spent for the repairs of bunds in Sind is not a legitimate demand on the Famine Fund. As I have already said, the river might wash away the whole country if the bunds were not repaired. I think the honourable member from the presidency had not understood the position in regard to bunds in Sind. We refused to take the responsibility by not including the item in the budget for the repair of these bunds. Under these circumstances, may I know from this honourable House whether we have not made a legitimate demand from the Famine Fund ?

Now, my honourable friend says that we have made inroads into the Famine Fund to the tune of Rs. 24 lakhs. If you will look into the Blue Book, you will find, Sir, that in the current year we have taken Rs. 5 lakhs and for the next year there is a provision of Rs. 6,54,000. Therefore, his figures are not quite correct. Then, I think my honourable friend also contended that we use money from the famine fund for the repair of tanks under the Irrigation Department. So far as my recollection goes, not one rupee from the Famine Fund has been spent on the repair of these tanks. The money comes from the himayat, and when it runs short, it comes from the ordinary revenues of Government, and I may tell honourable members that for the last number of years Government have had to make good from ordinary revenues the shortage on the himayat. In Surat District it is perfectly true that the himayat amounts to a larger sum than the costs of the repairs. But taking the presidency as a whole, there is a loss, and that loss is made good out of the ordinary revenues.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I rise to support the motion for the cut which has been moved by my honourable friend. The agriculturists in Sind get water only for three or four months in the year in some places and in some other places hardly any water is received at all by them. Famine conditions, therefore, always exist in Sind, due to shortage of water and grass. Thousands of cattle are lost and human beings also suffer very heavily on account of the extreme shortage of water in Sind. Sir, Sind is fittingly called a " run " or a desert. Government ought to spend generously in such a desert for supply of water to the people. Otherwise, neither cattle nor human beings get enough water and both suffer miserably. The same arrangements which are made in other parts of the presidency for irrigation and other facilities ought to be made for Sind also, in respect of grass, fodder and water. In Thar Parkar District especially, and also in parts on the border of Larkana and other places, there is absolute shortage of water, and special provision ought to be made for all these localities. When we had flood 5 on the last occasion in Sind, Thar Parkar District and the Hyderabad District suffered heavily. Government gave Rs. 6 lakhs as tagavi. But I have heard and understood from people that those zamindars alone were fortunate enough to get this tagavi who agreed to pay Rs. 10 for every Rs. 100 to the officers who came to distribute and Rs. 10 for every Rs. 100 towards the Blind Relief hospital fund. Those who refused to pay these percentages failed to get this tagavi. I believe that these matters had also come up at the Poona session, and Government had assured the House that the matters would be enquired into and proper steps would be taken to see that tagavi reached the proper people without any trouble. If 20 per cent. of what these poor people are to receive as tagavi is to be taken away from them, I say, Sir, that Government would be worse even than the moneylenders, Marwaris or the Jews whom we accuse of exacting heavy interest. I do not think people in Sind should receive such treatment, especially when they are already suffering very much under police harassment and so on. Now, I may tell this House of an instance of police harassment. Mr. Kalandar Sufi, who was a member of this House and a big zamindar, had several guns and rifles. He gave the numbers of his guns and rifles he had in his possession, and he was prosecuted because there was an error in one gun number. Poor man was convicted by lower court but eventually High Court acquitted him. Five or six other zamindars were also prosecuted at different times and some of them were sent to jail. My point Sir, is that when even big zamindars and other people are harassed, what about the poor zamindars and poor people of Sind generally ? I may tell you, Sir, and this honourable House that the Sind zamindars are as gentle and as mild as cows. Whatever you tell them, they will do. Hence they are made to suffer by such *zooloom*, which they certainly do not deserve in the least. Now, if 20 per cent. of what they are to get as tagavi is to be paid by them to Government officers and hospital funds, the very object of the tagavi would be frustrated. Government ought therefore, to change their policy and ought to go into all these questions

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most carefully and sympathetically and I am sanguine that the Government will take steps to stop this kind of *zooloom*.

Mr. S. A. SARDESAI (Bijapur District): Sir, I formally support this cut. As regards the storage of famine grass, as said by the honourable mover, it is very dangerous to store grass because of the risk of fire unless it is duly insured. I ask Government whether they have taken care to insure this grass.

As regards the storage of kadbi in my district, Government have not reserved any fund for doing so this year. The old stacks of kadbi need to be disposed of after three years as after three years the quality deteriorates.

As regards boring machines, I must tell the House that Bijapur needs boring machines—plenty of them—because that district is a famine-stricken district. The conditions for lending boring machines are very strict, however, and the rates are also very high. The department should reduce the rates and supply the Bijapur district with a good many of these useful machines.

As regards the village water supply, there is an item of Rs. 3,00,000. This item has been appearing year by year and Mr. Lowsley also has been very energetic in his work and yet the villagers in my district bitterly complain about the shortage of water. Although this matter has been agitated for two or three years, the scarcity has not been removed or reduced appreciably. Almost every taluka such as Hungund, Bilgi petha, Muddebihal, Bagalkote, suffers from acute want of water. Bilgi petha suffers most as villagers have to go 15 to 20 miles to bring water. As Government are aware, Bijapur is a famine-stricken district and I hope they will be kind enough to remove the scarcity of drinking water.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I rise to support the cut. Before I go to other items. I want to draw the attention of this honourable House to certain jugglery practised by Government without taking this House into its confidence in connection with the changing of Devolution Rules. I refer to Famine Insurance Fund. The Devolution Rules provide that the local Governments (Bombay in particular) should provide every year for expenditure for relief and insurance against famine, *i.e.*, Rs. 63 lakhs. Under these rules Government cannot annul the assignment unless and until the total amount comes to 3½ crores. Still, under the new rules which have been framed by Government, it has been provided that Government can annul the assignment when the amount is 75 lakhs. The Famine Insurance Fund was primarily started to meet famine scarcity, etc., and for that purpose it was wisely decided that a sum of 63 lakhs of rupees should be set apart every year. Last year, owing to the policy of Government it was decided that that amount of 63 lakhs should be reduced by at least 30 lakhs. This year, however, the Honourable the Finance

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Member has thought it fit not to provide any amount for famine insurance and the reason given is the need for retrenchment. As I said in my budget speech, he wants everybody to make merry at the cost of the agriculturist and the taxpayer. That is the reason why the Honourable the Finance Member has chosen not to provide a sum of 33 lakhs for the Famine Insurance Fund. Last time, in the October session, my honourable friend Mr. Swaminarayan protested against this policy of Government of wiping out the Famine Insurance Fund. Not satisfied with that, Government have failed to provide a single rupee towards the Famine Insurance Fund on the ground that the fund is so large that it does not need to be increased and that by drawing upon it deficit budgets may be converted into balanced budgets or solvent budgets. But, Sir, this is nothing more than jugglery to lead the outside world to believe that the finances of the Bombay Presidency are in a very good condition. If the full sum of 63 lakhs had been provided for famine insurance, the Honourable the Finance Member would have had to show a deficit budget to the tune of a crore of rupees, but to hide that fact from the people of the presidency, he has thought it proper not to provide any amount for famine insurance. Not satisfied with that, Government have chosen to alter the rules with regard to the Famine Insurance Fund. Under the new rules, instead of a sum of 63 lakhs, only 12 lakhs have been provided and instead of 3½ crores, only 75 lakhs has been provided as the limits to be observed in regard to the Famine Insurance Fund. I ask the Honourable the Finance Member as to why this House was not taken into his confidence before steps were taken to alter the devolution rules.

I agree with other honourable members as to why the post of water diviner has been made non-votable. There is nothing to show that this post was created by the Secretary of State or sanctioned by him. Possibly, the Honourable the Finance Member is so much enamoured of the water diviner's services that he does not want this House to have any control over the water diviner's activities. I hope the Honourable the Finance Member will give us proper explanation of this item also.....

The Honourable Sir CHUNILAL MEHTA: Why does not the honourable member ask the Honourable the Revenue Member about it ?

Mr. F. J. GINWALLA: I now come to the question of interest. I fully agree with other honourable members that it is not right to charge agriculturists any interest for money given to them for relieving their distress. The Honourable the Revenue Member has informed this House that some amount has been borrowed and that some amounts, that have been advanced carry interest. Whether they carry interest or not, it does not carry any conviction to me or other members of this House.

If, Sir, it is the desire of this House, and if it is the policy of Government to help agriculturists in distress and start an Insurance Fund, surely the

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agriculturist of this presidency is entitled to loans free of interest. Otherwise, it may be that all the agriculturists can get money at interest from Marwaris also. Then I fail to understand what is the difference between Government and a Marwari. Government charge lesser interest and a Marwari charges higher interest; that is the only difference.

Then, as regards the water diviner, I have read the report, and it has been stated that his work has been very successful, especially in tracts where water is scarce, and it has also been stated in the report that three local water diviners have been selected for this work. Sir, looking to the report, I find that no efforts have been made to train Indians for doing this kind of work. A huge amount like Rs. 35,000 is spent for engaging the services of Major Pogson, but Major Pogson has not been able to satisfy us, and he has not given an account of his work in the matter of training Indians in this kind of work. I do not think that this faculty of water divining is only confined to Major Pogson, and that suitable Indians cannot be found in this presidency for doing that kind of work. I therefore hope that, so far as Major Pogson's activities are concerned, he will give a better account of his activity at least next year.

Mr. M. D. KARKI (Kanara District): Sir, I rise to support the motion before the House, and I have got my own reasons for doing so. Though Kanara is not a district liable to be visited by famine, the scarcity of potable water is very keenly felt there. The Honourable the present Finance Member, when he was the Revenue Member, made it very clear on 6th March 1925, in stating to this House the policy of Government in regard to the Famine Relief Fund, that throughout the districts in this presidency, for making improvements in water supply, every year a sum would be allotted from this fund. Sir, the fact that there is scarcity of potable water in Kanara is a thing admitted on all hands. I put a question to the Honourable the Revenue Member on 11th March 1927, as to whether there is scarcity of potable water in Kanara. In his reply he has clearly admitted that Government are aware that in some jungle villages there is scarcity of water during the hot weather. Though I do not fully agree with the reply given by him, I submit that he was at least good enough to admit that there was difficulty felt at least in some villages. To me it appears that not only is there scarcity of potable water in jungle villages, but throughout Kanara, in every village, there is scarcity felt of potable water. No doubt, there is heavy rainfall in the district, but the supply of good drinking water is not to be had throughout the district. Early in 1921 or so, one Dr. Mhaskar was appointed to investigate into the heavy death rate in Kanara and suggest means to put down malaria prevailing there. According to my information, he suggested that an adequate supply of potable water was quite necessary in Kanara before malaria could be put down, or health could be improved. In one of the answers to my question in 1924, on the subject of "the decrease in population of Kanara," you, Sir, replied "since 1920 new wells have been dug out and constructed to improve drinking water supply in certain jungle villages. The total number of wells completed and under construction in 1924 was 23." Since then, no attempt has been made, it

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seems, by Government to improve the potable water supply in Kanara. It was on the 11th of March 1927 that I asked a direct question to the Honourable the Revenue Member, whether any part of the Famine Relief Fund was allotted and spent in Kanara, during the three years' period of 1924, 1925 and 1926. His reply was that Government did not think it advisable to allow something from the Famine Relief Fund to Kanara. It is this reply which has caused trouble. In 1925, when enunciating the policy of Government with regard to famine relief, the then Revenue Member was good enough to state before this House that in every district, whether that district is liable to be visited by famine or not, an amount would be allotted for improving the water supply, and the Honourable the present Revenue Member, also on 11th March 1927, in reply to another question, was good enough to say that a grant-in-aid was being sanctioned to the district local board of Kanara, as in the case of other districts, for the improvement of the water supply of villages other than forest villages. In the same session, on the same day replying to another question, he (the present Revenue Member) was pleased to say that there was no opportunity, or the Government did not think it advisable, to allot money from the Famine Relief Fund to Kanara. I do not know how to reconcile these two statements: they contradict each other. If Kanara has no claim for any amount from the Famine Relief Fund, then, how to reconcile with it the answer that for the Kanara district local board a sum from the Famine Relief Fund was being allotted along with other district local boards. I want to be enlightened as to whether or not Government is actually providing funds from the Famine Relief Fund for improving the water supply in Kanara. If Government is not providing, then, why do they not stick to the statement made in 1925 by the then Revenue Member that an allotment would be made for every district for improving the water supply. As I have already stated, the scarcity is felt not only in jungle villages but in all villages. The scarcity exists in places inhabited by backward communities, that is agriculturists and depressed classes. Almost all the houses belonging to such communities as *Mukris* the (untouchables), *Halkki Vakals* (cultivators and ryots) are situated in one place. They are utterly poor people ; they have no means at their command to dig good wells for drinking water. They dig *katcha* wells which provide unwholesome water. The drinking of this water brings in a retinue of ailments. Dr. Mhaskar, after a careful examination and study of the whole situation in Kanara recommended, I believe, that wells should be provided for good potable water and Government actually undertook to dig some wells up till 1924. It is not known why that scheme was abandoned and why the policy of allotting some money for Kanara for digging wells has been discontinued. The Honourable the Revenue Member said in his reply on 11th March 1927 that a special grant also was being made every year for the improvement of the water supply in the jungle villages. This special grant is as I think not from the Famine Relief Fund. I want to know from what fund this special grant is made. If special grants were being made every year, I want to know why were not wells constructed in

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these villages after the year 1924 ? To me it appears that no provision was made for that purpose after that year though it is contended that special grants were being made every year.

(At this stage an honourable member was noticed by the Honourable the President to be reading a newspaper).

The Honourable the PRESIDENT : Order, order. No newspaper reading in the House.

Mr. M. D. KARKI : If Government is going to give grants-in-aid for water supply schemes to the local boards, from the famine relief funds, of course Kanara will be one of them to share the grants. But, I submit, Sir, that the Kanara local board is not in a position to allot any money for this purpose from its revenue, if that is a condition precedent. The resources of the district local board are very slender, and there is no chance of improving the finances of the board by resorting to fresh taxation. The annual revenue of the district local board comes to nearly Rs. 4,20,000, but more than half of it is spent on education and nothing is left for improving the water supply in the villages. The need of water supply is keenly felt and the situation should be improved very soon. At present the position is, the district local board is not in a position to make provision for the improvement of water supply in Kanara, and Government also would not give any grants as the district local board would not share its liability to the extent laid down by them. If this state of things continues, there will be no potable water supply as desired in Kanara. This situation should not however be allowed to continue any longer. As the district local board is not in a position to allot a certain amount of money every year and demand from Government its quota, Government should allot a special grant for the improvement of water supply in all villages where water difficulty is being felt and not merely in jungle villages. This is in consonance with the practice pursued up till 1924. I therefore request the Honourable the Revenue Member to enlighten me whether any grant is actually being made to Kanara and whether that grant is being utilised for digging wells. If that is not being done, I would request him to be good enough to allot more money for this purpose, if not under this head under some other head as a special grant.

(*After recess*)

The Honourable the PRESIDENT : Order, order. Before we proceed with the business of the House, I am sure the House would wish me to refer to a matter which has been brought to my notice this moment and that is the sudden death of Lord Sinha. In his death, every honourable member will agree with me, we have lost a most eminent lawyer and one of the foremost citizens of India, whose merits were recognised by the Home Government and the Government of India in more than one way. In him we have lost one of those Indians of whom we were proud in every corner of India. I think the House will agree and join with me in conveying our condolences to his bereaved family.

The Honourable Sir CHUNILAL MEHTA : Sir, on behalf of Government I endorse every word of what you have said about the sad death of Lord Sinha.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, in associating myself with what you have said on the sad death of Lord Sinha, I give expression to my profound sorrow that his services would no more be available to us at this critical time. No one would have been more useful in connection with the Statutory Commission. I had the honour of personal acquaintance, I might say, long friendship with Lord Sinha and I bear testimony to his invaluable services of head and heart which were always placed at the disposal of his friends and countrymen.

Mr. B. V. JADHAV (Satara District) : Sir, on behalf of Non-Brahmins I associate myself with what has been said in this House about the death of the late lamented Lord Sinha. Lord Sinha was a great man of India and he took a prominent part in the shaping of the Government of India Act of 1919. I know from my personal experience how much he felt for this country and how he was strong in its defence. It is most unfortunate that on the eve of the Royal Commission we have lost such a splendid and trusted leader. His loss is a national loss.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, on behalf of my party and on behalf of Sindhis, I beg to associate myself with the feeling of regret that has been expressed by the Honourable Chair on the demise of Lord Sinha. So far as I remember he was the Under-Secretary of State for India, when the Government of India Bill was passed into an Act in Parliament. Whatever we got by that Act was through the energies of Lord Sinha.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, on behalf of Gujarat I associate myself with the sentiments expressed by the Honourable Chair on the untimely death of Lord Sinha.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi) : Sir, I fully associate myself with the feeling of regret expressed by this House for the sad death of Lord Sinha. I am sure the whole of India will feel for the sudden death of that prominent leader. He was a well-known Indian and in a short space of time he had risen to a very distinguished position. He was the first Indian Governor of a Province and Secretary of Maharastra Responsivist Party. By his death, a great void is created which it will take long time to fill. I join on behalf of the citizens of Poona in the condolences to be sent to his bereaved family.

Mr. S. C. JOSHI : Sir, on behalf of the Council Labour Party I associate myself with the sentiments expressed in connection with the sad demise of Lord Sinha by the previous speakers.

The Honourable the PRESIDENT : The next business is the debate on this last demand, Mr. Pahalajani.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I did not wish to take part in the famine insurance fund debate until I discovered that in the details given on page 257 there was a water diviner to the Government

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of Bombay turned into a non-votable item. Perhaps members who were in the last Council remember the history of the origin and the continuance of this officer. It was in the absence of the Honourable the Leader of the House on leave to England, that this matter was placed by his temporary successor, Mr. Lalubhai Samaldas. He laid before us the opinion of the present Leader of the House as regards the necessity of having a water diviner for famine purposes, for allaying the distress of famine, and the Council passed by a narrow majority, I think of two, the creation of this officer. Now, then, Sir, subsequently in the budget session of 1926-27,—still the old Council,—the matter was again brought up by a cut before this Council, and it was then that the Honourable Sir Chunilal Mehta gave an undertaking that the post would be continued for a year, that is to say, it had to exist till July 1927 and it would be brought again before the Council. Now, that was in March 1926. Then in July 1926, we have got on page 138 of the proceedings a special resolution brought by the Honourable the Revenue Member, in accordance with the undertaking given by the Honourable the Finance Member previously which was as follows :—

"This Council recommends to Government that the appointment of Major Pogson, special officer for locating underground supplies of water, and of his staff may be continued till the end of the current financial year."

That means the appointment was to continue till the 31st March 1927. Therefore, the last sanction that Government was given by this Council,—I need not go into the debate in detail for that purpose,—was given by a special resolution moved by the Honourable the Revenue Member on the 27th July 1926, whereby the Council sanctioned its continuance up to the 31st March 1927 only. From March 1925 to March 1926, and from March 1926 to March 1927 the appointment went on by the special sanction of the Council, and on each occasion by a special motion brought before the Council, even at the budget time an undertaking being given that the sanction of the Council would be taken. Now, when it was continued for one year, we discovered in the budget of 1927-28 placed before this Council last year, that head 43, that is to say, Famine Insurance, was passed under the guillotine measure, that is to say, by default, and was not discussed here. But the resolution of the Honourable the Revenue Member that the appointment would be continued for one year still existed, and from March 1927 and thereafter right up to the present day, the present session, no sanction of this House is obtained. All of a sudden we find that in the budget of 1928-29 the item has been converted into a non-votable item. I do not know, Sir, in a peculiar case of this kind what the privileges of this House are. That is a matter entirely for you, Sir, to decide and I have, therefore, raised that point of order, because this is certain that, so far as the privilege of this House is concerned, on a question of honour, on a question of dignity, on a question of duty of the elected side of this House, the matter cannot admit of any doubt that, when Government undertakes that a request for sanction was to be renewed from year to year, or that they will come as necessity arises, as stated by the then Revenue Member Mr. Lalubhai Samaldas, and the Honourable the Leader of the House on page 1014 of the budget, from time

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to time before this House, is it fair, Sir, that an appointment which was so much debated and which was so much objected to in this Council, and for which the Honourable the Leader of the House undertook to come to this House year after year, should have been suddenly converted to a non-votable item. I put it to you, Sir, I put it to the House, whether the House mindful of its own dignity, of its own honour, under these circumstances, should not assert itself. I think a cut should have been of Rs. 10,000 and odd or against the whole of the provision put in the budget for this. But this is certain, absolutely certain, that this was an item,—that the appointment of Major Pogson be continued,—that the Honourable the Finance Member undertook to subject it to the vote of the Council. The then Revenue Member, Mr. Lalubhai Samaldas, who first proposed it, gave an undertaking that year after year it shall be brought before the Council for approval. This undertaking being given, I would put it to the House, I would put it to you, whether it lies with Government to make it a non-votable item.

Another thing which was referred to by the member for the Millowners' Association, Mr. Wadia, on 15th March 1927 was whether Major Pogson should be allowed to have private practice. Last year he got Rs. 5,000 from private practice. Mr. Wadia himself had engaged him for certain purposes, and he raised the question whether private practice should be allowed to a water diviner who, I think, gets about Rs. 3,000 or Rs. 2,500 as pay. Therefore, as that question was not sufficiently answered last year and we did not go into vote last year over this item, for reasons I have already explained, this House is entitled to know whether Major Pogson still exists, whether he does the work of water divining, whether his work has at all succeeded or has not succeeded. Whether his work has succeeded or not, is good or bad, whatever the quality of his work may be, he becomes one of those protected people whom the Council cannot touch. The conversion of a highly objected appointment into a non-votable appointment is certainly not dignified, is certainly, I would say, Sir, an insult to this House. If it is not an insult, then the Honourable the Revenue Member ought to place before this House the work of this water diviner; and it was done in 1926. In this session no effort whatever has been made to place before us the work done by him. The item appears in 43-A in one corner, a big item, and that item is sought to be run in and got through as a sanctioned item and no opportunity clearly given to this House to apply its mind to the sanctioning of this appointment.

Now, then, Sir, if Major Pogson is to be a permanent factor, and to be an all-India man and non-votable, is this House not entitled to find out whether his work has been successful or not? All these matters should have to be considered and I would ask the Honourable the Revenue Member and the Honourable the Finance Member to tell us under what circumstances Major Pogson is allowed to continue his work and whether this House will have an opportunity of judging him or not. Even the report that has been lately published contains no further indication of the success of his work. The report for the first year was very rosy; the report for the second year was less rosy and it was much less rosy still

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in the third year and I do not know whether this appointment should continue at all. I would like to know from the Honourable the Finance Member whether the appointment, in his opinion, should continue and whether private practice should be allowed and whether, if it is allowed, this one rupee cut should not be carried.

The Honourable the PRESIDENT: I think I should separate the discussion from the point of order raised and as the Honourable the Leader of the House had said that he would like to express his views on the point of order raised after tea, I should like him particularly to say whether the Rs. 35,000 has been by error shown in italics and, if it is not so, then to satisfy me as to how, by what authority, relying on what in the constitution the change has been made, and after that, I will give my ruling.

The Honourable Sir CHUNILAL MEHTA: May I ask the honourable member, the Secretary to the Finance Department, to explain the facts to you, Sir?

The Honourable the PRESIDENT: Very well.

Mr. G WILES: Sir, I submit, in the first place, that there is no question of order involved in this. I understand that the honourable member from Sukkur has asked for an explanation as to why this item appears in the form in which it does appear and I am prepared to give that explanation.....

The Honourable the PRESIDENT: I should like to correct the honourable member. There is a point of order and a very important point of order raised, which affects the interests and the privilege of the House. The point of order is whether a temporary appointment which was to be brought up from year to year for sanction could be, without the knowledge of the House or the permission or consultation of the House, turned into a permanent appointment and made non-votable.

Mr. G. WILES: The explanation Sir, is, as I understand it, this. I think Major Pogson's first appointment was made for one year on a demand by Government at the sessions of July. The first year therefore expired in the middle of the financial year. Provision was made during that year for twelve months' pay of Major Pogson and his establishment. Since the original appointment was for an experimental period of one year only, the Finance Member at that time brought a resolution before the House that the appointment (money had been already voted by this Council for Major Pogson's services for twelve months) should be continued for the full twelve months of the financial year. There was a discrepancy between the budget provision for twelve months and the resolution of the House (agreeing to the appointment) which expired after seven months of that year. That was the position uptil the month of March 1927. In March 1927.....

Mr. B. G. PAHALAJANI: That is a wrong statement, Sir. The Honourable Mr. Rieu's resolution was that it be continued up to March 1927.

Mr. G. WILES: I do not think it differs from what I said. That was the position up to the end of March 1927, as the honourable member has corrected me. In the budget which was placed before this House in March 1927, a provision was made for 12 months' salary of Major Pogson and his establishment. The establishment was voted by this House together with the whole provision.....

Mr. B. G. PAHALAJANI: Under votable or non-votable head?

Mr. G. WILES: I am indifferent for the moment to the question of votable or non-votable heads. I am coming to that presently. Provision was made for twelve months and was voted by this honourable House. Unfortunately no discussion took place on it because this particular grant was put under the guillotine. It is perhaps unfortunate that owing to that an explanation of this part of the item having become non-votable could not be given. I find in this file before me a note of mine which was prepared at that time to be laid before the House, in answer to a motion which I think was tabled for the discussion on this item. We did not reach this item at that time and so we were unable to give the explanation that we intended to give. The facts are these:—

"After this provision was put in the budget as a votable item, we received orders from the Auditor-General through the Accountant General to the effect that it is persons and not merely posts which are protected under the Government of India Act, and that a protected person is always excluded from the vote, no matter what post he may be holding. The whole of Major Pogson's pay and allowance as the Water Diviner to Government was therefore to be treated as non-voted."

Mr. B. G. PAHALAJANI: Temporary or permanent?

Mr. G. WILES: Whether the post is temporary or permanent, the essential is that Major Pogson was first appointed by the Secretary of State to service in India. The fact that he was subsequently transferred to this temporary post did not alter this: his pay under the orders of the Secretary of State which were communicated to us by the Auditor-General continues to be non-voted. Those are the definite instructions of the Secretary of State communicated to us by the Auditor-General which we had no power to go against.....

Mr. B. G. PAHALAJANI: Was his military pay non-voted or his civil pay?

Mr. G. WILES: Major Pogson was first appointed, I believe, to the Military Department by the Secretary of State. Now, this Council was well aware.....

Mr. B. V. JADHAV: Has Major Pogson a permanent post to which he can be reverted now?

Mr. G. WILES: I presume he can be sent back to his regiment, but I am not certain of that. That does not alter the fact, and is not relevant to this discussion at all. The sole relevant fact is that Major Pogson was appointed to the service in India by the Secretary of State. That is all that the rules require us to ensure.....

The Honourable the PRESIDENT : I think it would be useful for the House and particularly for me to know whether the original appointment in the Army still continues or whether it has ceased and his services have been enrolled in a different direction.

Mr. G. WILES : As far as I know Sir, Major Pogson can be reverted to his military post. Major Pogson is in the temporary employment of this Government and his contract, to which I will now refer, definitely makes his post with this Government temporary. The Government of Bombay was well aware that the position might not be regarded as quite satisfactory by this honourable House, we did not regard it as altogether satisfactory ourselves. For that reason it has been made perfectly clear that any adverse vote by this House dealing with Major Pogson's establishment would be regarded as an adverse vote against Major Pogson himself, and that has been made perfectly clear in the contract with Major Pogson. I will read out clause 7 of the draft agreement :

" Notwithstanding anything herein contained the continuance of the party of the first part in the service of Government shall be subject to the vote of the Bombay Legislative Council as regards the retention of the necessary establishment for his work in the budget.

Although the pay of the party of the first part is technically non-votable, his services shall be liable to termination without notice if the votable provision for his work is at any time not sanctioned by the said Legislative Council. "

So that, far from there being any insult intended on the part of Government to this honourable House, we have done all in our power to make it clear to both Major Pogson and the House itself that if this House passes any adverse vote against Major Pogson's establishment, his services will be dispensed with.

The value of the sound and fury which we have heard from the honourable member from Sukkur regarding Major Pogson's work may be gauged from the fact that there is no reference in the motions for cuts to Major Pogson. Major Pogson's establishment is votable, but no honourable member of this House has seen fit to bring any motion with regard to the establishment.

Mr. B. G. PAHALAJANI : Can this House have the permission of the Chair now to object to that item, because this information is brought to the notice of the House now only ? Cannot the Chair give permission to move that cut ?

The Honourable Sir CHUNILAL MEHTA : Sir, the Finance Secretary had not this volume before him, which will completely answer the questions that have been raised now by the honourable member from Sukkur (Mr. Pahalajani). He says that the House were not aware that the item of Major Pogson's pay was a non-votable item. I am quoting now from the speech of the Honourable the Revenue Member (Mr. Rieu) on the 27th of July 1926, in reply to the debate that took place on his resolution that Major Pogson's services may be continued till the end of the currrent financial year, that is the year ending March 1927. At the end of the debate, in the reply, this is what the Honourable Mr. Rieu says :

" Government have an agreement with that officer that, in the event of this Council failing to vote the supplies required for his subordinate staff—I might mention that his

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own pay is a non-votable item—Government will be at liberty to dispense with his services."

But there is something more than that. The Honourable the Revenue Member had then moved:

"That this Council recommends to Government that the appointment of Major Pogson, Special Officer for locating underground supplies of water and of his staff may be continued till the end of the current financial year."

To that there was an amendment moved by the honourable member Mr. A. N. Surve in these words.

"Delete the words 'the current financial year' occurring at the end of the resolution and insert instead '15th of March 1927'."

These are the reasons which he gave for that amendment:

"The idea underlying this amendment is that if we at this stage make the appointment coterminus with the end of the financial year, then at the time of the next budget that item will automatically go into the budget, and it will be very difficult for us at that time to delete it, because then it will become a permanent department which could not be abolished."

That amendment was not only moved but debated at considerable length. I am trying to see whether the honourable member from Sukkur (Mr. Pahalajani) took part in the debate. I think he did—he was the Deputy President then—and I find his name occurring here at various places.

Mr. B. G. PAHALAJANI: I think I was in the Chair.

The Honourable Sir CHUNILAL MEHTA: Then certainly the Deputy President exercised exactly the same close attention which you, Sir, are exercising now, and he was fully aware of the circumstances under which this amendment came to be moved and the reasons advanced. What happened to that amendment? It was put and it was lost. This is what is printed in the proceedings:

"Question put that this Council recommends that the appointment of Major C. A. Pogson for locating underground supplies of water and of his staff may be continued till the end of March 1927."

So that, it will be.....

The Honourable the PRESIDENT: What was the result?

The Honourable Sir CHUNILAL MEHTA: It was lost; it was not even carried to a division. There was a previous division for adjourning the debate, but only 9 members voted for it.

It is quite clear from this debate that the House was fully aware of the circumstances at the time, in 1927, when a responsible statement was made by the Honourable the Revenue Member in reply to a debate which raised this specific issue before this House. The Honourable the Revenue Member then stated that technically the pay was non-voted, and he further went on to say what I have read out to the House just now. So, I do not think, Sir, under any stretch of imagination, can it be said that Government have departed by a hair's breadth from what they undertook to do. The honourable member the Finance Secretary has explained the orders of the Accountant General, and the opportunity

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was taken immediately to explain the situation to this House. The House was fully aware of it, and I do not think any indulgence of the nature asked for by the honourable member from Sukkur (Mr. Pahalajani) can be granted by you now. If there was a desire on the part of this House that Major Pogson should not be continued, it was open to them to move the deletion of the amount provided for the establishment. No honourable member with his knowledge of the facts as contained in the debates has tried to do so, and that apparently seems to me to show that there is no desire on the part of the House to do so.

I am not addressing the House now on the merits of the question.

The Honourable the PRESIDENT: I do not know whether I would allow an extensive discussion on the point of order, but if any honourable member has anything to say on the constitutional side of the question, I will be pleased to hear him.

Rao Bahadur R. R. KALE (Satara District): Sir, after hearing the explanations given by the honourable member the Finance Secretary and the Honourable the Leader of the House, the point that still remains is whether the salary of a servant of Government appointed by the Secretary of State to a military post in the first instance, after he comes over to civil employ and is paid by a civil department of the Bombay presidency from out of its revenue, can be considered to be protected. It is an appointment of the Bombay Government. Does he now continue to be a servant of the Government of India, or is he now a servant of the Government of Bombay. His salary is being paid out of the civil estimates, which has nothing to do with the military side. So, that point still remains. I quite agree that the honourable members of Government have explained to us the situation, and have mentioned the terms of the contract they have made with Major Pogson. That may be all very well. But he is not here as a person whose services have been taken on loan from the Government of India. We do not know exactly what is his status in military service at present; we do not know whether his lien on that appointment is suspended or not. He may be continuing there. There are certain appointments with regard to which we do not know the position of the officer. If Major Pogson continues in military service, then his pay will have to be paid out of the treasury of the Government of India. The question here is with reference to his services with this Government, and whether his appointment as water diviner is votable or not. It was stated that he is a person who was appointed to the Military Department by the Secretary of State. That may be so.

The whole point is, he has not been appointed to an all-India service. The military and the civil services are different, and so long as he is not appointed by the Secretary of State to any all-India service, it seems to me that it will not be competent to treat his salary as non-votable. The appointment may be quite all right on its merits, but there is the point of order regarding the treatment of his salary as a non-votable item. On

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that point of order, I think, Sir, that there has been no case made out in the explanation tendered by the honourable members on the opposite side.

MOULVI RAFIUDDIN AHMAD : Sir, I would further beg to suggest that if you are not clear upon this point, you may take some time, say, till to-morrow and not pronounce your decision now as to whether it is votable or non-votable.

The Honourable the PRESIDENT : There is one point on which I should like to have information from the Honourable the Leader of the House. What is the authority of the Accountant General to intimate to the Finance Department as he has done ?

The Honourable Sir CHUNILAL MEHTA : Sir, the question arose from a letter by the Accountant General, dated the 23rd February 1926 :—

" I have the honour to invite attention to Government Resolution, Revenue Department, No. 9182 dated 10th September 1925 regarding the creation of the appointment of a Special Officer in connection with the location of underground supplies of water, and to state that the pay and allowances of Major C. A. Pogson, who has been appointed to that post are classified as non-voted as he was originally appointed to his post in the Military Department by the Secretary of State. As the provision for meeting the cost of his pay and allowances, referred to in paragraph 8 of the Government Resolution quoted above is voted, I request that Government will be pleased to transfer an amount equivalent to his pay and allowances from 1st October 1925 to 28th February 1926 from voted to non-voted during the current year. The provision for the next year should also be made under non-voted if the appointment is to continue. In view, however, of the specific condition attaching to this appointment, in that its continuance with the vote of the Legislative Council, I may be informed how this condition is proposed to be fulfilled. Attention is invited to the note to list II, Appendix 8 to the Audit Code, in this connection."

On that, Sir, we made the condition, which the honourable member the Finance Secretary read, in the agreement with Major Pogson. Then, Sir, we raised the question again with the Accountant General, and this is another letter that he wrote to us :

" With reference to Government memorandum No. 9182A dated 30th April 1926, I have the honour to state that, on reconsideration, the question as to whether Major Pogson's pay and allowances as Water Diviner should be treated as voted or non-voted appears to me a doubtful one and has been referred to the Auditor General, whose orders may be awaited before any further action is taken in the matter. A further communication will be made to Government in due course. "

Then, Sir, came the resolution of the Honourable the Revenue Member in July 1926 the amendment to which was defeated.

Mr. R. S. ASAVALE : What does the Auditor General say ?

The Honourable Sir CHUNILAL MEHTA : This is what the Accountant General wrote to us again :

" In continuation of this office letter No. G11790 dated 17th December 1926, I have the honour to state that it has been held by the Government of India that it is persons and not merely posts which are protected under the Government of India Act and that the emoluments of a protected person are always excluded from the vote, no matter what post he may be holding. The whole of Major Pogson's pay and allowances as Water Diviner to Government should accordingly be treated as non-voted. It is requested therefore that Government will be pleased to transfer the provision made under the head 43-A, Famine Relief on account of Major Pogson's pay and allowances in the estimates for the current financial year (he writes on 21st February 1927).

" From the voted to the non-voted section and to make provision accordingly in the estimates for the coming year. "

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This is the final letter which the Accountant General wrote on the authority of the Government of India and on which we were bound to act.

MOULVI RAFIUDDIN AHMAD: What is the date?

The Honourable Sir CHUNILAL MEHTA: This is dated 21st February 1927.

The Honourable the PRESIDENT: Is there not the Auditors General's letter forwarded with it?

The Honourable Sir CHUNILAL MEHTA: No, Sir, the Accountant General wrote, as I told you, on the 26th May 1926, that the matter had been referred to the Auditor General whose orders might be awaited. He added: "A further communication will be made to Government in due course." The next letter is the one which I read out to you, and that is dated 21st February 1927.

The Honourable the PRESIDENT: The question is whether there is the letter of the Auditor General.

The Honourable Sir CHUNILAL MEHTA: I do not find that in this file. I shall get the other files. I find this letter from the Accountant General, dated 21st February 1927, stating that it has been held by the Government of India that it is persons and not merely posts.....

Mr. L. M. DESHPANDE: That is after the publication of the Civil Estimates for the year 1926-27?

The Honourable Sir CHUNILAL MEHTA: That is the final letter. Then again, he wrote on the 26th March 1927.

"I have the honour to invite reference to this office letter No. G. P. 14127, dated 21st February 1927, and to enquire whether the provision on account of the Pay and allowances of Major Pogson, Water Diviner to the Government of Bombay, has been transferred from the voted to the non-voted section of the estimates under 43-A Famine Relief. It is requested that an intimation of the transfer having been effected may kindly be sent to this office before the close of the financial year."

Mr. P. R. CHIKODI: Sir, I want to.....

The Honourable the PRESIDENT: I do not think I will allow a debate to be carried on. The House is entitled to assert its privilege, if it can be asserted, on the matter of a post of this kind which was up to this moment understood by most—I must say I am included in that—as a temporary one, the pay and allowances of which were within the control of the House. The situation seems to have changed. I see, on the other hand, that the Government of Bombay have not done that voluntarily. It appears that they too in the intitial stages held that appointment to be a temporary one and the pay of the officer as votable. I would like yet to be satisfied on further details after having had, if I may be allowed, an inspection of the file.

The Honourable Sir CHUNILAL MEHTA: Certainly, Sir.

The Honourable the PRESIDENT: And after discussing the matter, if necessary, with the Remembrancer of Legal Affairs, and the Advocate General, I will give my ruling in the next sitting day of the Council.

As to the second point that was raised whether, a cut would be allowed now at this stage, because circumstances have come to the knowledge of the House in this particular manner, I do not think that a cut for the

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assertion of the rights of the House is necessary at all, because when I put the whole demand, the House can assert itself on the whole demand, basing their intention on that particular item. There would be that chance to the House. But a cut in that fashion cannot be allowed if I follow strict technicalities of the Rules and Standing Orders.

The Honourable Mr. J. L. RIEU : Sir, may I know whether in the event of this cut of Re. 1 being passed by the House it would affect the item of the pay of Major Pogson and his staff ?

The Honourable the PRESIDENT : It would not directly affect that item. But the Government would understand that the House has carried out their intention against the whole demand because of that particular circumstance having come to their knowledge.

The Honourable Mr. J. L. RIEU : Sir, may I point out that a number of points have been raised on this demand ? The pay of Major Pogson and his staff is one of many points which have been raised in the course of the debate. I would, therefore, enquire why the cut should be taken as necessarily relating to this item.

The Honourable the PRESIDENT : That is for the House to decide.

The Honourable Sir CHUNILAL MEHTA : Sir, one difficulty arises from this, if I may venture to interfere. The point that has been raised by the Honourable the Revenue Member seems to be of great importance because you have ruled that Re. 1 cut is a vote of censure. Now, we have placed before you all the facts giving the reasons why the salary of Major Pogson was turned from the " voted " to the " non-voted." Therefore we cannot certainly regard this cut as a vote of censure for that item. It would be also unusual that a rupee cut should be passed for some other reasons than a vote of censure. I suggest that this is a point which you might take into consideration. The whole thing hangs together and if, on examination of all the papers which will be placed before you, you are satisfied that there was no attempt on the part of Government to go behind the undertaking that they gave to the House, you would give your ruling accordingly. I respectfully suggest this is a matter that may be considered by you before the motion for cut of Re. 1 is interpreted in one way or the other.

Rao Bahadur R. R. KALE : (Satara District) : Sir, I think when the whole demand is put, we shall oppose it and carry on the opposition on the ground mentioned by this House. We shall be justified in throwing the whole demand.

Mr. B. V. JADHAV (Satara District) : Sir, I submit that it will be very difficult if the whole demand is refused. We cannot refuse the whole demand. The demand consists of several other items and one of them is the salary of Major Pogson and his staff.

The Honourable the PRESIDENT : Order, order. I think there is no difficulty at all in this case. It is open for the House to discuss the various cuts that may come before this House and after having discussed

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and gone into division, there is still the right of the House when the whole demand is eventually put. The reasons, which may actuate particular honourable member, to go to a particular lobby are quite indifferent matter. The situation is no doubt a difficult one. The circumstances under which the Government were forced to transfer that particular item have been explained. The point that I have to decide is whether the action taken by Government under compulsion or voluntarily is constitutionally correct. If it is found that it is constitutionally right, then I may give my ruling accordingly. But now, I suppose the Honourable the Leader agrees with the suggestion made by some of the honourable members that the House should not proceed with the discussion of this demand until I decide the point of order.

The Honourable Sir CHUNILAL MEHTA: Sir, there are other items on the Famine Insurance Fund, which can be discussed now.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I had no desire at all to-day to take part in this debate. But after hearing for one and half hour on the point of payment of Major Pogson and his staff and after seeing how that post has been changed from a temporary and votable one to a non-voted post, I feel inclined to make a few observations on this point.

It is, Sir, very surprising to find that Government do not stick to their promises. When they came before this House and stated that the post of Major Pogson was to be a temporary one, how is it that they have made it non-voted and thus put this House into confusion? This is nothing but confusion for this House.

The Honourable the PRESIDENT: I find that the honourable member is going back on the facts mentioned just now, about which, I have to give my ruling. If he has any other ground to debate upon he may proceed.

Mr. R. S. ASAVALE: As regards the Famine Insurance Fund, I shall just point out to this honourable House that during the last two years no money was provided for the storage of grass by the Forest Department. Now, Sir, if I mistake not, this year I do not see any reason why this amount should be provided for the purpose of storing grass. We already have got plentiful rain this year in this presidency and as for grass and fodder I do not think there is any famine in respect thereof. Then, what is the reason for providing such a large amount for this purpose this year? This means that we have been putting this presidency to a loss of Rs. 9,000 per year by way of interest on the amount provided for the storage of grass.

The Honourable Mr. J. L. RIEU: May I correct the honourable member? A similar amount has been provided for in the current year's budget although it does not specially appear at page 257 of the White Book. That amount was provided by a supplementary demand made in the July or October session. The same amount stands in the next year's budget.

Mr. R. S. ASAVALE: Yes that may be correct but the figures are not shown in the columns where they ought to have been put. As regards the provision made for the pay of Major Pogson, I may say that a certain old system of Indian water diviners for finding water or locating water is very cheap and good and if these persons are employed they will not be so costly as Major Pogson. I regret to find that since the appointment of Major Pogson the presidency has not been benefited at all, although we spent nearly Rs. 1 lakh after the pay of Major Pogson and his staff. Instead of spending such a big amount after the pay of this officer and his staff, if Government had spent it for digging wells for the agriculturists by old methods through Indian diviners, they would have been benefited seven times more than as at present. But it could not be done, because we find that the policy of Government is to feed only the big and retiring officers and do nothing else. That policy has been carried on by the present administration in this presidency. Sir, I must again declare that Government have been feeding such white elephants in large numbers. That policy must be discontinued and unless that is done, this side (non-official) of the House will not be quiet at all. It is for the Government to see that such amounts are not wasted after the payment of an officer and his staff for doing nothing beneficial to the people of the presidency. With these words, Sir, I submit that at present I do not wish to say whether I would vote, against or for the cut.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, the way in which this famine fund is spent by Government is, indeed, a most wonderful one. The Honourable the Finance Member had brought to the notice of the public that in future this would be spent for village water supply. He had given certain promises when he was Revenue Member in this connection, and a department has also been started under a special superintending engineer. That superintending engineer was expected to carry out works which would meet the convenience of the poor people. Of course, some few people may have got some little benefit from his work. But I seriously doubt whether any large number of them received any benefit at all. There are many villages still which do not get water even for full three months in the year; and they have received absolutely no help or benefit from this officer's work. This famine fund is meant for the benefit of the whole of the presidency, and I do not know why this white elephant in the form of a Water Diviner has been created on a salary of Rs. 3,000 or Rs. 2,500 a month out of this famine fund. He has been of no use or benefit to any of the thousands of villages we have in this presidency. Perhaps he may have done something for those few places which may have motor roads, that is, roads over which this officer's motor car could suitably run. And he may have sunk lakhs of rupees in the ground in the name of sinking wells. In my district of Ratnagiri, which is a miserably poor district, whole villages have to go without water for four months in the year, and they have no food to eat even for full four months. The "Times of India" of the 25th February contained several articles about the deplorable state of Ratnagiri. Yet, Government

[Mr. V. A. Surve]

turns a deaf ear to all that distress of the people. For some parts of Gujarat and Sind, which suffered from floods last year, some help has been given. On November 12th last two steamers were drowned in the Ratnagiri district, and there was considerable loss of life and property. Has Government taken any notice of those poor people? Have they made any provision whatever for the survivors of those unfortunate victims? More than 50 per cent. of the victims were Mussalmans; yet Government does not even remember this disaster and absolutely ignore it! At least some little help, some little succour, could have been given by Government to these unfortunate people, leaving aside for the moment the wants of those people who are crying for water for their villages. It was the plain duty of Government to make some provision out of this fund for those who were drowned in this accident, which was due to flood, and which was due to timely information not being supplied by the department concerned of the impending danger, and their families and survivors ought to have been provided for.

Government has appointed a high officer called Major Pogson as water diviner. I say this is sheer waste of money. I can show you a hundred mahars in my district who can point out to you spots where wells can be sunk, if you only pay them 4 annas each. I would ask Government to remove this water diviner at once and utilise that money for the good of the people. I really do not know what name to give to this Government, which is behaving in this manner, by recklessly spending money over water diviner and other useless matters and pays no heed to the real distress of the people by doing the right things. Of course, we know all our talk here will have little or no effect on Government; yet we must do our duty. Some people in Gujarat and Sind were no doubt helped by Government in their recent distress. Similarly, something ought to be done for the families and survivors of the people who were drowned on the 12th of November last in those two steamers "Tukaram" and "Jayanti." Until this is not done and until the present extravagant waste is not stopped by Government, we must support this cut which is proposed.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Sir, several points have been made by the previous speakers on the motion for this cut and several matters have been brought to attention. I have only to add that Government have no doubt given money liberally for helping the people who suffered from the distress due to the floods in Gujarat and in Sind. But if you will carefully examine the whole situation and see exactly how the money has been distributed and given, you will find that, in many instances instead of doing any good to them, the so-called help has caused some harm on them. Because, for instance, money is given for building houses, but on that money interest is to be charged. Really speaking, no interest whatever should be charged on this help.

The second thing is, the history of this Major Pogson Saheb is very well known to this House. Major Pogson has gradually glided out of our control and made himself impregnable by the strongest attacks

[Mr. N. R. Gunjal]

which the non-official side can make against him. I would call him a "Jahagirdar of the Service."

Let us now take a peep into the work which he says he has done for the Poona district. He spotted two sites said to possess water underground. Out of these, only in one he struck water and the other was dry. His report does not give the figures of wells which he dug in the different districts in a way which would enable us to guage his usefulness with any advantage. He is merely trying to mislead the Council.

I believe honourable members have heard complaints that Major Pogson was in the habit of making use of local water finders and then claiming to have found good sites himself. I find that Rs. 30,000 was sanctioned for each of the tanks in Madanwadi and Ale, but we do not know whether the work of construction has been taken in hand or not. There are similar complaints in other districts.

As stated by me in my budget speech, mere discussion in this Council does not suffice. An honest attempt must be made to spend money reserved for famine relief for purposes of relief of distress. Government owe it to the presidency that they should spend the money which is sanctioned by this Council for the purpose for which it is sanctioned. I hope Government will suit their policy at least in the future to the real needs of the province which they are administering and thus earn the gratitude of the people.

Mr. L. M. DESHPANDE (Satara District): Sir, the report on the work of the water diviner was sent to us only a day or two before this Council met and it reached us only after we reached Bombay and so we were not able to verify some of the figures that are in it. We do not know who has submitted this report, but we may take it for granted that it is the water diviner himself who has prepared it. Paragraph 4 of this report contains negative reports and therein he tries to make out that the poor agriculturists are saved to the extent of Rs. 2,70,000 through the instrumentality of himself, that is, the water diviner. He says that in all he has examined 577 cases and out of these he located 220 sites. He also says that the poor agriculturists would have suffered had they not got the advice in exactly the manner that was required. I would like to point out one line in the report in which he says that the owners of those 370 fields, where he said there was no water available underground, were all potential well-excavators but on the advice of the water diviner to Government they have not wasted their money. Let us see how many, out of these 220 cases in which he said there was sufficient water underground, came forward to excavate the wells. Out of these 220, I think only 54 owners came forward, the work of whom was complete as stated in statement No. 2, and there are 36 others regarding which work is being carried on. That line is most instructive. In one of these paragraphs he says that wells have not been excavated to their full depth because of want of funds with the poor agriculturists. In one case he says that all the persons were potentially good well-excavators but in the case of 220 persons, only less than 100 have tried to excavate the wells and that in some cases wells have been abandoned for want of funds.

[Mr. L. M. Deshpande]

Had this report been supplied to us a week or so before the meeting of the Council, we would have been able to ascertain whether the depths of the different wells have been already dug and whether water has been found which is fit for agricultural purposes or for drinking purposes. As it is, the reports were sent very late and actually reached us after our arrival in Bombay. We do not know whether wells that are stated on page 6 of the report have also struck water which is useful for agricultural purposes.

Another thing is about 43-A. Storage of grass for famine purposes is made at certain headquarters. It is not known where a famine might occur, and the grass will have to be taken to that centre from the centre at which it is stored at present. But the grass from one place is not fit for use in other places, because the animals do not eat it.

An Honourable MEMBER : Why ?

Mr. L. M. DESHPANDE : Because they are not accustomed to grass from other places. We have experience of it. I know that lots of *ganjis* had to be thrown away, because there were no customers for it. Under these circumstances, I think the amount should not be spent on such a purpose, where it is not required, or where it is not likely to be of any benefit.

In different items we find a lot of money allotted to the Forest Department for making roads. Here also we find a sum of Rs. 5,000 to Rs. 6,000 for *katcha* roads and other roads in the Forest Department. In the other items also the Forest Department takes a good deal of money. I find that where money is not wanted it is spent, and where it is urgently wanted it is not spent.

Lastly, I would say that this question of the services of Major Pogson should be seriously considered, and if, as is apparent from the tone of the whole House, nobody comes forward to say that his services have been really useful to the public, his services should not be continued.

The Honourable the PRESIDENT : Order, order. I do not think that the debate can be concluded to-day. I would, therefore, postpone it till the next sitting day, that is to say, Wednesday.

Before I adjourn the House I should like to inform the House that an agreement has been reached between the Mahomedan members of this House and the Honourable the Leader of the House that, sunset being now later than it was when the month of Ramzan began, they could afford to sit till 6-30. The House will therefore sit from 1-30 p.m. to 6-30 p.m. from Wednesday.

Mr. J. C. SWAMINARAYAN : What about making up the time that the House lost ?

The Honourable the PRESIDENT : That is only half an hour, and that can be considered separately ; this is a different question. If the honourable member raises it on Wednesday, I shall consult the House about it.

The House is now adjourned till 1-30 p.m. on Wednesday, the 7th March 1928.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Wednesday, the 7th March 1928

The Council re-assembled at the Town Hall, Bombay, at 1-30 p.m. on Wednesday, the 7th March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE

ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, The
THORNBER, Mr. J. P.

TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

HINDU-MUSLIM TENSION, GUJARAT

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether they are aware that a number of *moulvis*, *moulanas* and *fakirs* have come to Gujarat from Northern India and that they have gone into the different villages of Gujarat to arouse Muhammadan feelings against Hindus ?

The Honourable Mr. J. E. B. HOTSON: No.

POLICE JEMADAR, ADADRA

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(*a*) whether is it a fact that the police jemadar Latifkhan of Adadra police thana in Kalol Taluka of Panch Mahals District brought a butcher from elsewhere and housed him in the room of a constable Parmeshwardin Ganeshdin in the police thana of Adadra ;

(*b*) whether it is a fact that he was allowed to do his trade there ;

(*c*) whether they are aware that this action of the jemadar has injured the feelings of the Hindus of the place ;

(*d*) whether the Jemadar abused a deputation, consisting of Baria Bharatsing, Jitsing, Baria Bhanabhai Kabhai and Baria Dabhai Motabhai who had gone there to request him not to hurt the feelings of the Hindus ;

(*e*) whether Government intend to make inquiries into the matter ?

The Honourable Mr. J. E. B. HOTSON: (*a*) A butcher came to visit the jemadar who was his friend. The jemadar himself put him up.
(*b*) No.
(*c*) Does not arise.
(*d*) and (*e*) No.

DISTRICT LOCAL BOARD, SURAT: MINIMUM WORKING BALANCE.

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether they are aware that the District Local Board, Surat, wrote to the Collector of Surat to move Government to cancel Government orders regarding minimum balance on the grounds set forth in his letter ;

(*b*) if the reply to (*a*) is in the affirmative. what orders they have passed on the reference ;

(*c*) if the reply to (*a*) is in the negative, the circumstances under which the reference has not yet reached Government ;

(*d*) whether it is within the competence of the Commissioner to refuse to forward a reference of a local body to Government on any of the Government orders though requested by a local body to do so ?

The Honourable Sir GHULAM HUSSAIN : (*a*) Yes.

(*b*) No orders have been passed by Government.

(*c*) The communication from the District Local Board was not forwarded by the Collector to Government because no such specific request was made by the Board.

(*d*) Attention is invited to the orders contained in Government Resolution no. 2057, dated the 16th September 1927, a copy of which is placed on the Council Table.

Official Correspondence.—

Correspondence by local bodies.

GOVERNMENT OF BOMBAY

GENERAL DEPARTMENT

Resolution no. 2057

Bombay Castle, 16th September 1927

RESOLUTION OF GOVERNMENT

It has been brought to the notice of Government that doubts have been expressed by local bodies regarding the authority to whom correspondence with Government should be addressed. Government are, therefore, pleased to issue the following instructions in the matter :—

(1) Correspondence on matters involving the exercise of the powers of the Collector, of the Commissioner or of Government, respectively, should be addressed to the particular authority invested with those powers under any Act or rules thereunder.

(2) Such correspondence should, however, be submitted through the Collector in all cases.

(3) Correspondence regarding other matters should be addressed to the Collector.

(4) Any representation in the nature of an appeal from the decision of the Collector should be addressed to the Commissioner through the Collector.

(5) Similar communications by way of appeal from the decision of the Commissioner should be addressed to Government through the Commissioner.

(6) Correspondence of which the subject matter falls within the powers of the Commissioner or of Government should be duly forwarded by the Collector.

(7) Appeals from the decision of the Collector should also be forwarded by him to the proper authority.

(8) Before forwarding any correspondence it is open to the Collector or the Commissioner to make such remarks as they may think fit on the subject matter of the correspondence or to return it to the local body for further information or elucidation of any obscure points.

2. The Collectors should be requested to communicate this Resolution to the local bodies in their respective charges.

By order of the Government of Bombay
(Transferred Departments),

A. H. DRACUP,

Under Secretary to Government.

G. R. no. 2057, G. D., dated the 16th September 1927.

To

The Commissioner in Sind,
The Commissioners of Divisions,
All Collectors including those in Sind and the Deputy Commissioner, Upper Sind Frontier.

No. of 1927

Copy forwarded for information and guidance to

Rao Bahadur B. R. NAIK : Is the Honourable Minister aware that Government have issued orders to district local boards to maintain much larger balances than prescribed under the District Local Board Act ?

The Honourable Sir GHULAM HUSSAIN : No.

Rao Bahadur B. R. NAIK : Is the Honourable Minister aware that by doing so the local boards have to lock up large balances and thus they are unable to meet the urgent requirements made on them ?

The Honourable Sir GHULAM HUSSAIN : That does not arise.

Rao Bahadur B. R. NAIK : With regard to (*c*) Government say that the communication from the district local board has not been forwarded by the Collector to the Government as no specific request was made by the Board to forward it. Is it not clear from the question that the President, District Local Board, Surat, had requested the Collector to move Government in the matter ?

The Honourable Sir GHULAM HUSSAIN : He is not bound to move Government in the matter.

Rao Saheb D. P. DESAI : Is it not the duty of the Collector to move the Government when requested to do so by the local board ?

The Honourable Sir GHULAM HUSSAIN : I refer the honourable member to part (*d*) of the answer.

Rao Bahadur B. R. NAIK : In the appendix it is stated in the 6th paragraph of the Government Resolution that " Correspondence of which the subject matter falls within the powers of the Commissioner or of Government should be duly forwarded by the Collector." Was it not the duty of the Collector to forward it ?

The Honourable the PRESIDENT : The Honourable Minister says there was nothing to forward.

SENIOR MINISTER AND PARTIES IN THE LEGISLATIVE COUNCIL

Mr. B. V. JADHAV on behalf of Mr. R. G. PRADHAN (Nasik District) : Will the Honourable the Senior Minister be pleased to state whether he is a member of the new party formed during the last session of the Council and led by the honourable member, Mr. Pahalajani ?

The Honourable Sir GHULAM HUSSAIN : I do not know anything about the party in question.

STAMP VENDORS' GRIEVANCES

Mr. B. V. JADHAV on behalf of Mr. R. G. PRADHAN (Nasik District) : With reference to the question put by the honourable member Mr. F. J. Ginwalla regarding stamp vendors' grievances, and the replies given to it and the supplementary questions (*vide* Debates Volume XX, Part XV, pages 1215-16) will Government be pleased to state—

(*a*) whether they have received from the stamp vendors' any representation requesting redress of their grievances ;

(*b*) if so, whether they have ordered inquiries to be made into those grievances, and what action they have taken to redress them ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) Inquiries have been made as a result of which Government decided that there was no case for the grant of any of the concessions asked for.

PUBLIC PROSECUTORS

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) What the number of public prosecutors and sub-public prosecutors is in each district ;

(*b*) how many of them belong to Hindu backward classes ?

The Honourable Mr. J. E. B. HOTSON : (*a*) The information is given in the Quarterly Civil List for January 1928 at pages 224-228.

(*b*) Seven

VILLAGE PANCHAYATS AND MUNICIPALITIES

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) the number of village panchayats and municipalities in each division of the Bombay Presidency ;

(*b*) the population under panchayats and the municipalities in each division ?

The Honourable Sir GHULAM HUSSAIN : (*a*) and (*b*) For the information required by him the attention of the Honourable Member is invited to the statements appended to the annual Local Boards and Municipal Reviews for the year 1925-26 copies of which are supplied to all Members of the Legislative Council.

KALYAN MUNICIPALITY : DRAINAGE AND WATER SUPPLY

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) whether the Municipality of Kalyan have submitted their schemes for drainage and water supply to Government ;

(*b*) if so, when the schemes were submitted ;

(*c*) what do Government propose to do in the matter, and when ?

The Honourable Sir GHULAM HUSSAIN : (*a*) No.

(*b*) and (*c*) Do not arise.

THEFTS IN VADA TOWN

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) the names of persons whose property was stolen in the town of Vada in the Thana District during the last 12 years ;

(*b*) the date of each thett ;

(*c*) the value of the property stolen in each case ;

(*d*) whether the offender in each case was found ;

(*e*) whether any stolen property, and, if so, how much was found ;

(*f*) what proceedings are going on in each case with regard to the offences ;

(*g*) whether it is a fact that most of the offenders in the thelts referred to above were not found ;

(*h*) if so, whether it is a fact that it was due to faulty police arrangements ?

The Honourable Mr. J. E. B. HOTSON : The collection of all the information asked for would be an impossible task. If the Honourable Member will give any specific instances in which he considers the police to have been at fault due enquiries will be made.

THEFTS IN VADA TALUKA, THANA DISTRICT

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) the names of the persons whose property was stolen in the taluka of Vada (excepting the town of Vada) in the Thana District during the last 12 years ;

(*b*) the date of each theft ;

(*c*) the value of the property stolen in each case ;

(*d*) whether the offender in each case was found ;

(*e*) whether any stolen property, and, if so, how much was found ;

(*f*) what proceedings are going on in each case with regard to the offences ;

(*g*) whether it is a fact that most of the offenders were not found ;

(*h*) if so, whether it is a fact that it was due to faulty police arrangements ?

The Honourable Mr. J. E. B. HOTSON : The collection of all the information asked for would be an impossible task. If the Honourable Member will give any specific instances in which he considers the police to have been at fault due enquiries will be made.

PUBLIC SERVICES : DEPRESSED CLASSES

Dr. B. R. AMBEDKAR on behalf of Dr. P. G. SOLANKI : Will Government be pleased to state the number of depressed class men taken up in the subordinate Government service in the presidency in the Revenue, Judicial, Educational and Excise Departments during the last three years ?

The Honourable Sir CHUNILAL MEHTA : The honourable member presumably refers to the posts to which the orders relating to the recruitment of members of the backward classes, issued from time to time since 1923, apply. On this assumption, a statement giving the requisite information is placed on the Council Table.

Statement showing number of persons from Depressed Classes appointed as clerks in the Presidency proper during the last three years

Department and offices	Number of Depressed Classes
Revenue Department—	
All Commissioners	..
Collector of Kaira	1
Collector of Panch Mahals	1
Collector of East Khandesh	5
Collector of West Khandesh	2
Collector of Nasik	1
Collector of Poona	3
Collector of Satara	6
Collector of Belgaum	1
Collector of Bijapur	2
Collector of Dharwar	1
Other Collectors	..
Judicial Department—	
District Judge, Ahmednagar	1 (resigned)
All other District Judges	..
Educational Department—	
Whole Department	..
Excise Department—	
Commissioner of Excise	1

REVENUE IN GUJARAT: LAND REVENUE, INCOME TAX AND EXCISE REVENUE

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state--

(*a*) the amounts realised from land revenue, income tax and excise revenue in each of the districts, *viz.*, Ahmedabad, Kaira, Panch Mahals, Broach and Surat in the year 1926-27 together with the population of each of the abovementioned districts;

(*b*) the amounts of cost to Government for the administration of each of the abovenamed subjects in each of the abovenamed districts in 1926-27 ?

The Honourable Sir CHUNILAL MEHTA: (*a*) Already answered.

(*b*) Besides the reply already given, the information regarding the cost of excise administration which was promised is as follows:—

District	Rs.
Ahmedabad	1,27,800
Kaira	72,420
Panch Mahals	1,01,580
Surat	1,08,000
Broach	36,300

GUJARAT COLLEGE : STRIKE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether there was a strike of students in the Gujarat College on Wednesday the 28th of September 1927;

(*b*) if so, what were the causes of that strike;

(*c*) whether the strike terminated on the Principal's assurance that he would redress the grievances of the students and his definite promise that he would give general amnesty to all the students;

(*d*) whether it is a fact that after the commencement of the October vacation, the Principal of the Gujarat College has commenced to write notes to parents and guardians of students who are in Government service threatening them that their sons would be dismissed from the College as they did not attend the classes along with other students;

(*e*) if the answer to (*d*) is in the affirmative, what steps Government have taken to prevent further troubles in the Gujarat College ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) On Wednesday, 28th September, some students (but not all) did not attend lectures.

(*b*) Alleged insult by a Professor.

(*c*) No.

(*d*) No.

(*e*) Does not arise.

Mr. J. C. SWAMINARAYAN: The answer to (*c*) is in the negative. Does the Honourable Minister mean to convey the impression that the students have no grievances against the principal like the cases of misappropriations of students' money which have been ventilated on the floor of this House ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The students may have grievance but not at the time the honourable member refers to in his supplementary question.

Mr. J. C. SWAMINARAYAN: Is it not a fact that the students struck because their money was being spent for purposes for which it was not intended ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not think that it is for that the students did not attend lectures.

Dr. M. K. DIXIT: How did the strike terminate ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I think the students eventually relented and came in.

Mr. B. V. JADHAV: Was there any amnesty ?

The Honourable Dewan Bahadur HARILAL D. DESAI: There might or might not have been.

Mr. J. C. SWAMINARAYAN: Why has the reply to (*b*) been so worded as to make the professor a scapegoat ?

The Honourable Dewan Bahadur HARILAL D. DESAI: There might have been some feeling among the students about the matters referred

to by the honourable member's several questions about the Gujarat College and it flared upon the occasion in question at the slightest pretext.

Mr. J. C. SWAMINARAYAN: What were the grievances against that professor ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The students alleged that they were insulted by that professor.

Mr. B. V. JADHAV: May I know the name of the professor ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Mr. Divatia.

Mr. J. C. SWAMINARAYAN: Does the Honourable Minister still believe that there were no grievances of the students against the principal ?

The Honourable the PRESIDENT: That is asking for opinion.

The Honourable Dewan Bahadur HARILAL D. DESAI: There may have been.

THAKOR OF SANAND: FORCED LABOUR

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether a horseman of the Thakor of Sanand went to the house of Patel Harjivan Girdhardas, a cultivator of Nidhrad in Sanand Taluka, and demanded his wagon for carrying bricks from the tank of Nidhrad to the Darbargadh of the Thakor in the month of June 1926 ;

(*b*) whether Patel Harjivan Girdhardas could not supply his wagon as he had no bullocks ;

(*c*) whether the Thakor of Sanand issued a notice on Patel Harjivan Girdhardas on the 18th December 1926 to relinquish his fields Nos. 216, 317, 322/1 and 358/2 for the fault of having failed to do the forced labour of carrying bricks, mentioned in (*a*) ;

(*d*) whether the Talati of the Thakor took Rupees two as a fine from Patel Harjivan Girdhardas for having failed to do the forced labour and gave a receipt for the same in the Khata book of the cultivator ;

(*e*) if the answer to (*d*) is in the affirmative, how the action of the Thakor to legalise forced labour is justified and what steps Government have taken to prevent such legalisation of forced labour by the Thakor ?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) Yes.

(*c*) Yes, but it is not known whether the notice was issued for failure to supply the wagon demanded. The Thakor has, however, taken no action thereon.

(*d*) Yes.

(*e*) The question is one of civil rights between the Thakor and his tenants, and it is open to the aggrieved party to get his grievances redressed in a court of law. Government, in the absence of any statement on the subject by the Thakor, are unable to say whether his action was or was not justified.

Mr. J. C. SWAMINARAYAN: Under what section of the Land Revenue Code the Thakor exacted the fine ?

The Honourable Mr. J. L. RIEU : Under no section.

Mr. J. C. SWAMINARAYAN : Can the Thakor take the law in his own hands and exact a fine for refusing to do forced labour ?

The Honourable Mr. J. L. RIEU : I have already replied that this is a matter in which the Government are unable to express any opinion, as the full facts are not within their information.

Mr. J. C. SWAMINARAYAN : Did not the officer who prepared this information take the statement of the persons concerned in order to verify the facts brought to the notice of Government ?

The Honourable Mr. J. L. RIEU : I am unable to say exactly how the information supplied in this reply was obtained. The Thakor declined to make any statement.

Mr. J. C. SWAMINARAYAN : If the Thakor did not make any statement, why was the statement of the aggrieved cultivator not taken for preparing this reply ?

The Honourable Mr. J. L. RIEU : I am unable to say exactly how this information was collected.

Mr. J. C. SWAMINARAYAN : It is stated in (*c*) that the Thakor issued a notice on the cultivator to relinquish his fields. Why was the Thakor permitted to issue such a notice of intimidation to compel the cultivator to submit to illegal demands of forced labour ?

The Honourable Mr. J. L. RIEU : No permission was asked for and no permission was granted.

Mr. J. C. SWAMINARAYAN : Then, did the Thakor take the law in his own hands and terrify this cultivator ?

The Honourable Mr. J. L. RIEU : I have already replied to that.

THAKOR OF SANAND : FORCED LABOUR

Mr J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether a horseman of the Thakor of Sanand went to the house of Patel Chunilal Parashottam, a cultivator of Nidhrad in Sanand Taluka, and demanded his wagon for carrying bricks from the tank of Nidhrad to the Darbargadh of the Thakor in the month of June 1926 ;

(*b*) whether Patel Chunilal Parashottam could not supply his wagon as his bullock was ill ;

(*c*) whether the Thakor issued a notice on Patel Chunilal Parashottam on the 18th December 1926 to relinquish his fields Nos. 191/1 and 359/2 for the fault of having failed to do the forced labour of carrying bricks, mentioned in (*a*) ;

(*d*) whether the Talati of the Thakor took Rupees two as a fine from Patel Chunilal Parashottam and gave a receipt for the same in the Khata book of the cultivator ;

(*e*) if the answer to (*d*) is in the affirmative, how the action of the Thakor to legalise forced labour is justified and what steps Government have taken to prevent such legalisation of forced labour by the Thakor ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) Yes.

(*c*) Yes, but it is not known whether the notice was issued for failure to supply the wagon demanded. The Thakor has, however, taken no action thereon.

(*d*) Yes.

(*e*) The question is one of civil rights between the Thakor and his tenants, and it is open to the aggrieved party to get his grievances redressed in a court of law. Government, in the absence of any statement on the subject by the Thakor, are unable to say whether his action was or was not justified.

THAKOR OF SANAND : FELLING OF TAMARIND TREE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether it is a fact that the Karbhari, Vahivatdar and Havaldars of the Thakor of Sanand, accompanied by labourers, forcibly entered the compound of Bawa Jhinabharati Motibharati, situated in Nada's Bhagol of Sanand Town on the 28th September 1927 and felled down a tamarind tree belonging to the said Bawa Jhinabharati Motibharati in spite of the remonstrances of the said Bawa ;

(*b*) whether it is a fact that the ancestors of the said Bawa Jhinabharati Motibharati have been living in that compound for many generations and enjoying undisputed possession of the compound for hundreds of years ;

(*c*) if so, on what authority the servants of the Thakor of Sanand forcibly entered the compound of the said Bawa Jhinabharati Motibharati and felled down a tamarind tree belonging to the said Bawa ?

The Honourable Mr. J. L. RIEU : (*a*) Yes, but the ownership of the tree is in dispute.

(*b*) Yes.

(*c*) The tree is in the wanta land and the right over trees in wanta lands is claimed by the Thakor. The Bawa on the other hand contends that the trees belong to him. He has lodged a complaint in a Magistrate's Court, but the result of the proceedings is not yet known.

Mr. J. C. SWAMINARAYAN : It is admitted that the ownership of the tree is in dispute. Before the ownership was established regularly in a court of law, how could the Thakor's men enter the compound of the Bawa by force and fell the tree ?

The Honourable Mr. J. L. RIEU : I do not know.

Mr. J. C. SWAMINARAYAN : Are these Thakors and landlords permitted by Government to take the law in their own hands and enter a compound of a private person and do anything they like ?

(No reply.)

"OFF" LICENSE OF MR. NOWROJI FRAMJI, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the Chief Excise Inspector, Ahmedabad City, wrote in March 1922 to Mr. Nowroji Framji of Lal Darwaza. Ahmedabad, that his foreign liquor "off" license will terminate from 1st April 1922 :

(*b*) if the reply to (*a*) is in the affirmative, under whose orders the Chief Excise Inspector wrote to Mr. Nowroji Framji as mentioned in (*a*), and what was the nature of those orders ;

(*c*) whether the local authorities of Ahmedabad received a representation during March 1922 from Mr. Nowroji Framji containing a request for either an extension or a renewal or a revival or a re-grant of the said license ;

(*d*) if the reply to (*c*) is in the affirmative whether the said representation contained a request for either the extension or renewal or revival or a re-grant of the said license on the ground of giving the licensee an opportunity to dispose of his balance stock ;

(*e*) if so, why Mr. Nowroji Framji was refused the facility of disposal of his balance stock ;

(*f*) the quantity and value of the balance stock of Mr. Nowroji Framji as on 31st March 1922, the date of the termination of his "off" license ;

(*g*) the orders of the Excise Authorities to Mr. Nowroji Framji directing him as to the way in which he was to dispose of his balance stock ;

(*h*) the way in which the balance stock of Mr. Nowroji Framji was disposed of on or after 1st April 1922 ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) The Commissioner of Excise ordered the cancellation of the license, and these orders were conveyed to the licensee through the Excise Inspector concerned.

(*c*) Yes ; a request for a renewal of the "off" license was received.

(*d*) The licensee did not put forth the ground that he required time to dispose of the balance of his stock.

(*e*) Does not arise.

(*f*) The licensee is not able now to say what stock he held in balance on 31st March 1922.

(*g*) No orders suggesting the way of disposal of the stocks were issued, as none was necessary.

(*h*) The balance of liquor was added to the stocks at the Viramgam "Off" and the Ahmedabad Hotel license held by Mr. Nowroji Framji.

GRASS CUTTING IN RAMGADH

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether Karbhari Manilal Govindji Shah, acting on behalf of Darbar Jivabha Takhatsinhaji, ordered the cultivators of Ramgadh

a para of Chekhla in the Sanand Mahal of the Ahmedabad District on the 8th November 1927 not to cut grass in their fields without providing sureties;

(*b*) if so, whether any such power of demanding sureties has been given to Darbar Jivabha Takhatsinhaji by Government;

(*c*) if the answer to (*b*) is in the affirmative, under what section of the Land Revenue Code such a power of demanding sureties has been given by Government;

(*d*) if the answer to (*b*) is in the negative, what steps Government have taken to save the cultivators from such illegal orders of their landlords?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

(*d*) No steps have been taken in the matter, as no complaint has been received from the cultivators.

Mr. J. C. SWAMINARAYAN: The answer to (*b*) says that no powers have been given to Darbar Jivabha Takhatsinhaji. How is it that he is permitted to intimidate and terrify the cultivators and to prevent them from cultivating grass in their own fields?

The Honourable Mr. J. L. RIEU: I do not know.

AHMEDABAD-KUHA ROAD: METALLING

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether they collected money from the khatedars of adjoining villages of South Daskroi taluka for the purpose of metalling the road between Ahmedabad and Kuha *via* Kanbha;

(*b*) if so, the amount of money collected for the said purpose;

(*c*) how far has the road between Ahmedabad and Kuha been metalled;

(*d*) whether it is true that further work on that road is at a standstill;

(*e*) if the answer to (*d*) is in the affirmative what are the reasons of stopping further progress on that road?

The Honourable Sir GHULAM HUSSAIN: (*a*) No, but the District Local Board, Ahmedabad, in whose charge the road is, collected some funds.

(*b*) The Board collected Rs. 5,616.

(*c*) The road has been metalled up to the 5th mile.

(*d*) Yes.

(*e*) Want of Local Board funds.

Mr. J. C. SWAMINARAYAN: Is it true that this road was in the possession of Government and was handed over to the local board?

The Honourable Sir GHULAM HUSSAIN: (Inaudible.)

Mr. J. C. SWAMINARAYAN: Is it not likely that the construction of the road will be indefinitely delayed because the local board has no funds?

I think Government should go to the help of the local board or take it back from the local board and finish it as a Provincial Road.

(The Honourable Sir Ghulam Hussain kept silent for about a minute).

The Honourable the PRESIDENT: Is there no reply ?

The Honourable Sir GHULAM HUSSAIN: There is no question, Sir.

Mr. J. C. SWAMINARAYAN: What does Government propose to do in view of the fact that the construction of the road would be indefinitely delayed ?

The Honourable Sir GHULAM HUSSAIN: Communications are a primary duty of the local boards.

MEHLOL ESTATE: OCCUPANCY RIGHTS OF TENANTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether Maha Raolji Shri Rayasinghji Narsingji Thakor of Mehlol in Godhra Taluka of the Panch Mahals District has sent a petition to His Excellency the Governor in Council, stating that his ryots had been enjoying the rights of selling and mortgaging the occupancy rights over their holdings even before and after the administration of his estate by Government and praying for the withdrawal of the restrictions on the transfers of those occupancy rights, imposed by the Collector of Godhra ;

(*b*) if so, what action they have taken on that petition of the Thakor of Mehlol ?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) The petition is under the consideration of Government.

CO-OPERATIVE SOCIETY: GOLI VILLAGE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the cultivators of village Goli in Mehlol Estate of Godhra Taluka in Panch Mahals District expressed a desire to form a co-operative society and sent an application to the Registrar of Co-operative Societies ;

(*b*) whether those cultivators were informed by the Registrar that a society could be formed if at least ten persons each paying at least ten rupees were forthcoming ;

(*c*) whether in response to the information received from the Registrar, twenty-two cultivators of Goli came forward and each of them paid Rs. 10 to the Co-operative Bank of Godhra during the month of January 1927 ;

(*d*) whether it is true that six months after the payment of money the cultivators were told that a co-operative society could not be formed in their village and each of them was paid back the amount of money deposited by him together with interest on the same at the rate of four per cent. per annum ;

(*e*) if the answer to (*d*) is in the affirmative, what were the reasons for refusing the formation of a co-operative society for the cultivators of Goli ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes : they submitted their application to the Assistant Registrar, Surat, through the Taluka Honorary Organiser of Co-operative Societies, Kalol.

(*b*) No such reply was given by the Registrar to the promoters. The Taluka Honorary Organiser informed them to that effect, as he was under the impression that they had permanent tenancy or proprietary rights over their lands.

(*c*) The promoters who were 18 in number contributed collectively Rs. 180 towards the initial deposits. This amount was deposited with the Kalol Branch of the Bombay Provincial Co-operative Bank. This was not done in response to any intimation from the Registrar.

(*d*) The amount was deposited on 22nd April 1926 and was returned by the bank on 4th August 1926.

(*e*) The registration of the society was refused because the promoters were found to be merely tenants-at-will of the Mehlol Estate and thus had neither proprietary nor permanent tenancy rights over the lands which they cultivated and because being without adequate security they could not raise the necessary amount of money. Moreover, the promoters were residents of Mokal, a village in Kalol Taluka, where there is already a co-operative credit society.

Mr. J. C. SWAMINARAYAN : Does the Honourable Minister say that there can be no co-operative societies for tenants of talukdari estates ?

The Honourable Mr. G. B. PRADHAN : There is a Society at the place from which the members came and besides they had no security to offer.

Mr. J. C. SWAMINARAYAN : They have no proprietary right or permanent tenancy right, and, therefore, they have no securities to offer ; if that is so, how can they have assistance from the Co-operative Society of Mokal ?

The Honourable Mr. G. B. PRADHAN : We are governed by the Act, and the rules made under it.

FLOOD RELIEF : TAGAVI TO CULTIVATORS OF MEHLOL ESTATE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether tagavi loans were given by them to the cultivators of Mehlol estate in Godhra Taluka of the Panch Mahals District in the famine years Samvat 1956 and Samvat 1968 (1900 A.D. and 1912 A.D., respectively) on the security of their holdings ;

(*b*) if the answer to (*a*) is in the affirmative, the reasons for not advancing tagavi loans to the same cultivators on the security of their holdings during the great distress caused by heavy rainfall and floods in the monsoon of the year 1927 ?

The Honourable Mr. J. L. RIEU : (*a*) No. In 1900 and 1912 tagavi loans were advanced to the cultivators of the Mehlol Estate on their giving sureties and on joint bonds.

(*b*) Does not arise.

SACHANA SURVEY

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether a joint survey was decided to be made for determining the boundaries of British and Gaekwadi limits between the village of Sachana in the Viramgam Taluka and the village of Khoraj in the Kadi Taluka in the year 1925;

(*b*) whether the Superintendent of Land Records, N. D. was appointed a British Delegate for the purpose mentioned in (*a*);

(*c*) whether the British Delegate who lived at Ahmedabad sent a public notice to the Mukhi of Sachana on the 22nd April 1925 for a broadcast advertisement among the khatedars of Sachana that the joint survey would take place on the 24th April 1925;

(*d*) whether it is a fact that the said notice was not at all given by the Mukhi to the khatedars of Sachana;

(*e*) whether it is a fact that the khatedars of Sachana knew nothing of the matter even after the surveyor had come and departed after doing his work;

(*f*) whether it is a fact that as a result of the survey having been conducted in the absence of the Khatedars of Sachana, the rights of many of them have been prejudicially affected and a field road between the boundaries which was in British possession has been characterised as belonging in common to both the States;

(*g*) if so, why the British Delegate gave such a short notice of less than two days;

(*h*) whether it is a fact that two days are hardly sufficient even for the post to go from Ahmedabad to Sachana.

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) Yes.

(*c*) It was not the British Delegate, but the Surveyor in charge at Sachana, who issued a notice on 22nd April 1925 stating that the survey of the boundary would be made on 24th April 1925.

(*d*) No.

(*e*) No.

(*f*) When the survey of the boundary line was made, several khatedars were present. No one's rights have been prejudicially affected. The road, marking the boundary between Sachana and Khoraj, the neighbouring Baroda village, was common to the British and Baroda Governments and is so accepted by both Governments.

(*g*) Under the convention for the settlement of boundary disputes between the British Government and the Baroda State approved by the Government of India, it is not necessary to give any notice to the public. Nevertheless two days' notice is given for the information of the public and to facilitate the work.

(*h*) This may be so. But in this case notices were not issued from Ahmedabad, but on the spot by the Surveyor who had been supplied with the forms of notices signed by the Superintendent of Land Records. The Surveyor recorded the date on which the notice was served.

DHOLKA MUNICIPALITY : MANAGEMENT

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether during the concluding months of the year 1926, attention of the local authorities was drawn to the mismanage in Dholka Municipality by correspondence printed in "Guj. Punch" of Ahmedabad;

(*b*) whether the Collector of Ahmedabad instituted enquiries to verify the facts referred to in that newspaper;

(*c*) whether the enquiry, instituted by the Collector, revealed many instances of misappropriation and defalcations in the said municipality and the enquiry officer concluded his remarks by saying that the facts published in the press were not altogether false;

(*d*) if so, what action the Collector of Ahmedabad took against the municipal councillors and municipal authorities concerned ?

The Honourable Sir GHULAM HUSSAIN : (*a*) and (*b*) Yes.

(*c*) The enquiry disclosed that two clerks of the Municipality attempted to misappropriate small amounts of Rs. 20 and 19 but a newly appointed clerk brought this to the notice of the authorities concerned. There were no actual defalcations as alleged.

(*d*) No action was deemed necessary in the matter as the Municipal Board had due notice of it.

AHMEDABAD MUNICIPALITY : ASSESSMENT OF BUILDING TAX

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the city municipality of Ahmedabad uses a gradation of annual letting values, framed under rules and bye-laws passed under the old Act and deprives many rate-payers of Ahmedabad city and especially most of the rate-payers whose annual letting value is less than Rs. 200 of the benefit of deduction compulsorily provided in section 78 (2) of the Bombay City Municipalities Act, 1925 (Bombay Act No. XVIII of 1925);

(*b*) on what grounds the municipality of Ahmedabad is permitted to use a gradation of annual letting values framed under the old Act;

(*c*) what steps they have taken to prevent the city municipality of Ahmedabad from depriving the rate-payers of Ahmedabad of the benefit compulsorily granted to them by section 78 (2) of the Bombay City Municipalities Act, 1925 ?

The Honourable Sir GHULAM HUSSAIN : (*a*), (*b*) and (*c*). The assumption of the Honourable Member that rules and by-laws framed under the Bombay District Municipal Act, 1901, are not valid under the Bombay City Municipalities Act, 1925, is not correct. The Ahmedabad Municipality makes the deduction required by section 78 (2) of the City Municipalities Act in the case of all the properties valued on the basis of annual rental value.

SETTLEMENT COMMISSIONER'S MEMORANDA NOS. S.T.-301

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to place on the Council table—

(*a*) memorandum from the Settlement Commissioner and Director of Land Records No. S.T.-301, dated 3rd July 1923;

(*b*) memorandum from the Settlement Commissioner and Director of Land Records No. S.T.-301, dated 14th April 1925?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) No.

Mr. J. C. SWAMINARAYAN: What are the reasons for not placing these memoranda on the Council table?

The Honourale Mr. J. L. RIEU: These communications passed between Government and one of their Officers, namely, the Commissioner of Settlements. Government do not consider it desirable that they should be given publicity.

Mr. J. C. SWAMINARAYAN: Is it true that these memoranda contained certain correspondence which would reveal the attitude taken up by Government as regards the revision settlement of Viramgam taluka in which they wanted to levy four times the increase recommended by the assistant settlement officers? Is it because of that fact that Government do not place the memoranda on the Council table?

The Honourable Mr. J. L. RIEU: I neither affirm nor deny that.

REVENUE DEPARTMENT COMMUNICATIONS NOS. 9226-B, DATED 11TH MAY 1925

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to place on the Council table—

(*a*) Government memorandum No. 9226-B, dated 11th May 1925, to the Commissioner, N. D.,

(*b*) Government endorsement No. 9226-B, dated 11th May 1925, to the Settlement Commissioner and Director of Land Records?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) No.

REVENUE DEPARTMENT TELEGRAM NO. 9226-B DATED 28TH JUNE 1924

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to place on the Council table Government telegram No. 9226-B dated 28th June 1924 to the Commissioner, N. D.?

The Honourable Mr. J. L. RIEU: No.

HARVEY-NARIMAN CASE: COSTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) the total amount of expenditure incurred by Government on behalf of Mr. Harvey in the Harvey-Nariman case;

(*b*) whether the costs were to be recovered by Government from Mr. Harvey if he lost the case;

(*c*) what arrangements Government have made to recover the costs from Mr. Harvey and in what time and manner the costs will be recovered from the said officer ?

The Honourable Sir COWASJI JEHANGIR : (*a*) The total amount of expenditure incurred by Government in the Harvey-Nariman case is Rs. 60,800.

(*b*) The proceedings were instituted at the cost of Government but if the complaint was dismissed due to Mr. Nariman proving his allegations against Mr. Harvey the cost was to be borne by Mr. Harvey.

(*c*) As Mr. Nariman has not succeeded in proving his allegation against Mr. Harvey the question of recovering the costs from Mr. Harvey does not arise.

Rao Saheb D. P. DESAI : Has Mr. Nariman made any allegations against Mr. Harvey ?

The Honourable Sir COWASJI JEHANGIR : Yes.

Rao Saheb D. P. DESAI : Has Mr. Nariman made the allegations personally against Mr. Harvey ?

The Honourable Sir COWASJI JEHANGIR : He had made allegations against the Superintending Engineer.

Mr. H. B. SHIVDASANI : What was the nature of agreement between Government and Mr. Harvey ?

The Honourable Sir COWASJI JEHANGIR : It is mentioned in the reply.

Mr. H. B. SHIVDASANI : Will Government be pleased to place that Agreement on the Council Table ?

The Honourable Sir COWASJI JEHANGIR : There was no such agreement at all.

Mr. H. B. SHIVDASANI : The Honourable the General Member told us that there was an agreement. So, will Government be pleased place that agreement on the Council Table ?

The Honourable Sir COWASJI JEHANGIR : There was no agreement. But the orders of Government were in writing.

Mr. H. B. SHIVDASANI : Will Government be pleased to place these Orders on the Council Table ?

The Honourable Sir COWASJI JEHANGIR : I will have to consider the matter.

Rao Saheb D. P. DESAI : Is it true that the Magistrate said that Mr. Nariman made no allegations against Mr. Harvey ?

The Honourable Sir COWASJI JEHANGIR : No.

FOREIGN LIQUOR LICENSE, AHMEDABAD : CONTINUANCE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the foreign liquor "off" license granted to Messrs. E. R. Fanibanda & Sons near Saher Kotda Police Chowki, Ahmedabad,

which was to terminate on the 31st January 1928 is to be further continued by Government;

(*b*) if the answer to (*a*) is in the affirmative, what are the grounds of further continuing that license ?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) The grounds for continuance of the license are—

(1) there is a genuine public demand for it on the part of the inhabitants of the locality;

(2) there is no reason why a rival should have a monopoly, and so keep up prices; and

(3) no disservice to the cause of temperance will be done if an "off" license is retained on premises which already have a refreshment room license.

FOREIGN LIQUOR LICENSE, AHMEDABAD: RESOLUTION OF MUNICIPALITY

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether at the time of further continuing the "off" foreign liquor license granted to Messrs. E. R. Fanibanda and Sons of Ahmedabad they took into consideration the resolution of the Ahmedabad Municipality protesting against the temporary revival of the license and demanding its discontinuance when the temporary period expires;

(*b*) if so, what were the grounds of rejecting the demand of the Ahmedabad Municipality ?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) The honourable member is referred to the reply to clause (*b*) of his previous question*.

WATER CESS, NASIK

Mr. B. V. JADAHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that they charge water cess according to the area mentioned in the applications of the irrigators and not according to the land actually measured;

(*b*) if so, whether this system is also applicable to lands under canals in the Nasik District;

(*c*) whether they now propose to charge water cess to lands actually measured and not as mentioned in the applications ?

The Honourable Sir COWASJI JEHANGIR: (*a*) Yes. Action is taken according to the Bombay Canal Rules, 1922.

(*b*) Yes.

(*c*) No.

Rao Saheb D. P. DESAI: Why the Government want to charge for services not rendered ?

* Printed above.

The Honourable Sir COWASJI JEHANGIR : I do not follow the question.

Rao Saheb D. P. DESAI : We find that if there is five acres of land and out of that land, only one acre is watered, then, I think, the usual practice prevailing is to charge only for the area actually watered. But according to the reply given, I find that Government want to charge for the whole survey area ? Why is it so ?

The Honourable Sir COWASJI JEHANGIR : The answer is very clear. If the honourable member wants further details, he will please give me notice.

Rao Saheb D. P. DESAI : Question is already there. I want to know whether Government propose to charge water cess for the area actually measured.

The Honourable the PRESIDENT : The reply is in the negative.

Rao Saheb D. P. DESAI : May I know the reasons of Government for not charging the area actually measured ?

The Honourable Sir COWASJI JEHANGIR : If the honourable member will give notice, I shall answer that question.

WATER CESS

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) whether it is a fact that they charge water cess not in proportion to the water actually taken by irrigators but for the whole year whether the supply lasts for the whole year or not ;

(*b*) if so, whether they intend to remove this grievance ;

(*c*) whether it is a fact that they charge the same water cess for taking water from Bhudkees as they do for taking water from canals ;

(*d*) if so, the reasons for doing so ?

The Honourable Sir COWASJI JEHANGIR : (*a*) Water rates are charged for the areas sanctioned by the Executive Engineer for the seasons concerned but remission of the whole or part of the water rate payable by any person may be given where such person has suffered loss,

(1) from any stoppage, diminution or increase of his water supply due to any of the causes mentioned in clause (*d*) of section 31 of the Bombay Irrigation Act, 1879, or to any act or omission of a canal officer not provided for in the aforesaid clause ; or

(2) from failure of his crops due to any local or general calamity where the failure is total or the outturn does not exceed one-quarter of the normal crop.

(*b*) Does not arise—*vide* reply to (*a*) above.

(*c*) and (*d*) Yes. It is presumed that the Honourable Member refers to the water rates levied under section 48 of the Bombay Irrigation Act,

1879, for lift irrigation from Budkis in the Deccan Irrigation and Irrigation Development and Research Circles. The reasons for levying the same rates as for water from canals are :—

(1) that the budkis or lifts erected on the banks of rivers above the headworks of canals or on the canals themselves have the effect of diminishing the legitimate supplies to the canals ; in the former case water impounded for the canals is made use of, while in the latter case water flowing through the canals is used ;

(2) that the demand for water on these canals is great and that the whole of the supply available for them can be utilised for irrigation at full rates and consequently there is no reason why the canal revenue should suffer by permitting lift irrigation at lower rates ;

(3) that in the majority of cases budkis or lifts are situated in comparatively shallow soil and as water can be taken whenever desired, it is often taken at shorter intervals than is permitted for canal irrigation ; and

(4) that the advantage of being able to take water exactly when desired is such an asset that this counterbalances the cost of lifting.

WATER CESS : VEGETABLE AND FRUIT FARMERS

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) whether they are aware that the enhanced rates for irrigation water to vegetable and fruit trees are very hard for agriculturists ; and

(*b*) whether they have received any representations from the Irrigators' Associations in the Central Division in this respect ?

The Honourable Sir COWASJI JEHANGIR : (*a*) No.

(*b*) Several petitions were received praying for a reduction in the revised water rates sanctioned for major irrigation works with effect from February 1926—not specifically for vegetables and fruit trees, but for crops other than sugarcane (which also include them).

RAILWAY PROJECT : NASIK-BELAPUR

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether it has been decided to undertake the Nasik-Belapur railway scheme in the near future, and if so when the work is expected to be started ?

The Honourable Mr. J. L. RIEU : Yes, after the question of the best alignment, which is now under consideration, has been finally decided.

RAILWAY SCHEME : MANMAD-MALEGAON

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether they are aware that a deputation from the Nasik District had waited upon the honourable the Revenue Member in connection with the Manmad-Malegaon Railway scheme on the 29th March 1927 last, and if so with what result ?

The Honourable Mr. J. L. RIEU : Yes. In the light of the representations put forward by the deputation, Government recommended to the Agent, Great Indian Peninsula Railway, the very early reconsideration of the Manmad-Malegaon-Satana Railway project. The Agent accordingly instructed his Chief Traffic Manager to re-examine the project. The prospects of connecting Manmad and Nardhana *via* Malegaon and Dhulia were also investigated at the same time. The line from Malegaon to Satana is shown by the Traffic Survey Officer to offer such poor financial prospects that when added to the Manmad-Malegaon length, the project as a whole would not provide earnings sufficient to cover the working expenses. Further, a line from Manmad to Malegaon would not in itself be justified but when a line from Manmad *via* Malegaon to Dhulia and Nardhana is considered, the position is entirely altered and the prospects are favourable. The Agent has therefore recommended to the Railway Board the construction of the Manmad-Malegaon-Dhulia-Nardhana Railway on the 5′ 6″ gauge.

PUBLIC SERVICE : CLERICAL APPOINTMENTS AT NASIK

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to lay on the Council table a statement showing the number of vacancies of clerks' posts, the number of such vacancies permanently or temporarily filled and the castes of the persons so appointed from 1st January 1925 to 31st December 1927, in the offices of the Executive Engineer, Public Works Department and Irrigation, Nasik, the Collector of Nasik, the Forest offices at Nasik and the District and Subordinate Courts in the Nasik District ?

The Honourable Sir CHUNILAL MEHTA : The information has been called for.

RESERVED FORESTS : FENCING

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether they have received any representation requesting Government to put fencing round reserved areas as before, in order to prevent animals being unnecessarily taken to the pounds and providing admissions to the watering places in the forests ?

The Honourable Mr. G. B. PRADHAN : This was one of the grievances brought to the notice of Government in the report of the Forest Grievances Enquiry Committee. Government have directed that villagers shall be encouraged to fence paths by the grant of thorns free of charge and that they shall be allowed to keep the 50 feet path, to which they are entitled under the rules, clear of all undergrowth.

DISTRICT FOREST COMMITTEES

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) whether they have received any recommendations from the Chief Conservator of Forests regarding the constitution, etc., of District Forest Committees as proposed in the latter part of paragraph 3

of Government Resolution, Revenue Department, dated 19th July 1927 on the report of the Forest Grievances Enquiry Committee ;

(*b*) if recommendations have not yet been received by Government, the cause of the delay ;

(*c*) if they have been received by Government, what are the principal proposals of the Chief Conservator and what action have Government taken or are taking on them ?

The Honourable Mr. G. B. PRADHAN : (*a*) No.

(*b*) Government do not admit that there has been any delay. The submission of the report must take some time, as the scheme has to be framed in consultation with the Divisional Commissioners.

(*c*) Does not arise.

FREE FUEL FOR JAGRI MANUFACTURE, KANARA

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether the Chief Conservator has taken the necessary action to bring into force Government's approval of the proposal to supply free fuel for the manufacture of jagri in Kanara ?

The Honourable Mr. G. B. PRADHAN : Yes.

The Honourable the PRESIDENT : Order, order. Before we proceed to the business of the House, I am sorry that this is the third time in this session that a sad and an unfortunate circumstance has arisen when I have to allude to the death of a worthy Indian gentleman. To-day I have to allude to the death of a gentleman who was formerly a member of this House—in the pre-reformed Council and also in the present reformed Council. I have had the pleasure of knowing him personally for the last thirty years and that gentleman is Sir Ramanbhai Nilkanth. He was an illustrious member of an illustrious family and a social reformer working mostly in Gujarat and particularly in Ahmedabad. I am sure the House will join with me in sending condolences to his bereaved family.

The Honourable Sir CHUNILAL MEHTA : Sir, on behalf of Government I associate myself with the sentiments you have expressed on the sad death of Sir Ramanbhai.

Rao Bahadur R. R. KALE (Satara District) : Sir, I associate myself with the sentiments expressed by you. I am sure in the death of Sir Ramanbhai the whole country has lost a good social worker. He was working hard for the cause of social reform and also for female education. He belonged to that school of liberal religion and politics to which I have the honour to belong.

Mr. B. V. JADHAV (Satara District) : Sir, on behalf of the Non-Brahman Party, I associate myself fully with what has been said about Sir Ramanbhai.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, on behalf of Sind, I associate myself with the sentiments expressed by the Honourable the President, and I join in the condolences to the family of the deceased

gentleman. I have had an opportunity of working with him in the first reformed Council and his arduous work during those three years is still in my momory. You will agree with me that in him we have lost a good social worker and a great public man.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, as an old colleague of Sir Ramanbhai, in this Council I fully associate myself with the sentiments expressed by you regarding his sad death.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, on behalf of Gujerat and especially Ahmedabad I fully associate myself with the sentiments expressed on the sad death of Sir Ramanbhai in Ahmedabad. He was a resident of Ahmedabad to which I also belong. He was a public worker of a very long standing and he was a member of this Council. So, it is but natural that we should express our condolences to his family.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, on behalf of Ahmedabad and Surat cities I associate myself with the sentiments expressed by you. The peculiarity about the late Sir Ramanbhai was that he knew no distinction between the Hindus and Muhammadans. He considered both alike, and I would inform this honourable House that he was the President of the Anjuman-e-Islam at Ahmedabad in which he took personal interest for about 26 years. I worked with him in various capacities on the Ahmedabad municipal board for about 20 years, and he made no distinction between the sister communities and worked very harmoniously in the interests of both the communities. Sir, with these few remarks I join myself with the sentiments expressed by previous speakers.

Dr. P. G. SOLANKI: Sir, on behalf of the depressed classes, and particularly of Gujarat, I beg to associate myself with the sentiments conveyed by the other honourable members of this House. I had the pleasure of knowing the late Sir Ramanbhai as a friend of mine for the last twenty years and I know very well of the keen interest he was taking in the betterment of the conditions, welfare and happiness of the depressed classes of Gujarat. With these words I join with the sentiments expressed by the previous speakers.

Mr. S. K. BOLE: Sir, I associate myself with what has been said by previous speakers. Sir Ramanbhai was a great social reformer and was a great friend of the backward and working classes. May his soul rest in peace.

(Mr. J. C. SWAMINARAYAN *rose*)

The Honourable the PRESIDENT: What does the honourable member want to say?

MOTION FOR ADJOURNMENT

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir with your permission I want to beg to move the adjournment of the House for discussing the grave and serious situation created in the Bardoli Taluka

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of the Surat District by the rupture of negotiations between the cultivators and Government.

The Honourable the PRESIDENT: Order, order. The honourable member has placed an adjournment motion in my hands and I have to dispose it of before he says anything. He cannot make that request in the open House here. As a matter of fact, I do not know what leads him to repeat that request here. Would he tell me why he makes that statement ?

Mr. J. C. SWAMINARAYAN: I have placed the adjournment motion in your hands.

The Honourable the PRESIDENT: That is all right. Then, I was just going to inform the House as to how I dispose of that request. Usually, the House knows that under the Standing Order VII, a motion has to be placed in the hands of the President and his orders are to be obtained as to whether he allows it, and then the rest of the procedure follows. This has to be done before the Council sits. I could have disposed of this matter before coming to the Council. But I purposely intend to do so openly in the Council, because I think my ruling in this respect ought to be generally known and as first hand direct from me to the House. I quite understand that the question of assessment in Bardoli is agitating the minds of people in Gujarat particularly. Bardoli is a part of my own constituency and I feel interested in the matter. But the honourable House knows, and particularly honourable members who bring in motions for adjournment should know, that I have to deal with the rules and standing orders which govern motions for adjournment. I am sure most honourable members know what the law is, but I would repeat it here to make matters clear as to what those rules and standing orders regarding a motion for adjournment are. Now, there are two rules in this connection, rule 11 and rule 12. Rule 11 lays down that—

"A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President."

Here, the words to be remembered are "urgent public importance." Then, the next rule, 12, lays down that—

"The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions,"

and these are the restrictions which I have strictly to construe and adhere to. I would draw the attention of the House to the restrictions (*ii*), (*iii*) and (*iv*), particularly (*ii*) and (*iv*). (*ii*) is "not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence." "Recent occurrence" are the two important words. Then, (*iv*) is that "the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given." That is to say, it should not anticipate a matter which has been previously appointed for consideration. Now the question of recent occurrence is an important question to consider; and I find that this is not a matter of

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recent occurrence. The honourable member has mentioned here in his motion that a serious situation is created by certain negotiations with Government having fallen through. That is not the point. The situation created is the enhancement of assessment, and that, I understand, was ordered in July last. The matter has been before the public for a long time. As to negotiations there were none, as far as I can understand. There was a correspondence or rather a letter written by one of the leaders who is taking interest in this matter, that is, Mr. Vallabhbhai Patel, and a reply has been given by the Revenue Department. That reply is, of course, disappointing to those who wish that Government should reconsider the matter, and that disappointment has become intense, because Government have definitely said that they will not reconsider the matter. That does not lead any honourable member to think that there were negotiations which were being carried on and they have fallen through, and that, therefore, a new situation has arisen. The situation is the *status quo*, that is, the enhanced assessment would exist. Now, every one knows and knew that under the Land Revenue Code, steps would be taken if that assessment is not paid. There is, therefore, nothing new which has come into existence. That is one important matter that has to be borne in mind. Therefore, I cannot accept it as a matter of recent occurrence. The second important point that has to be considered is that the question is anticipated in various ways in this Council. There are resolutions tabled by several honourable members. One by the honourable member Mr. Swaminarayan himself, No. 42, which deals with a specific matter, and he recommends that "the revised land revenue assessments in the Chorasi and Bardoli talukas sanctioned by Government should not be given effect to." That embodies this very specific question. Similarly, there is another resolution, by the honourable member for Surat, Rao Bahadur Naik, and there are two others by the honourable member Mr. Mukadam and the honourable member Mr. Swaminarayan, No. 4 and No 13 respectively. All these resolutions deal more or less with the enhancement of assessment and the Bardoli assessment in particular. It may be argued or probably honourable members may imagine, that those resolutions may not be reached, because they have not secured suitable places in the ballot: but permission can be asked for priority. If the other honourable members whose resolutions have precedence are agreeable, the subject can be brought up for discussion. There is another way the subject can be brought up for discussion and it is at the time of the Land Revenue demand. It may be argued that the Land Revenue demand may not be reached. That is not the point for me to consider. It is for the House to manoeuvre debates in such a way, and curtail discussion, as to get through all demands and discuss them. On the whole and considering the question from every point of view, I do not hold it in order.

The second point of order raised was the one raised by the honourable member from Sukkur regarding Major Pogson's pay. I understand he wishes to say something on the point.

Mr. B. G. PAHALAJANI : Sir, I wish only to draw your attention to section 72D of the Government of India Act. Clause (2) of this section says :—

"The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the Council in each year, and the proposals of the local Government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the Council," etc., etc.

Clause (3) says :—

"Nothing in the foregoing sub-section shall require proposals to be submitted to the Council relating to the following heads of expenditure," etc., etc.

I specially emphasize the words "nothing in the foregoing sub-section shall require."

Sub-clause (*iv*) of this clause (3) reads :—

"Salaries and pensions payable to or to the dependants of—
(*a*) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council."

In the present case, when the demand is to be made, the demand is to be made by the local Government as regards its own services, not the services of other Governments or of the Central Government and therefore the local Government, in making its demands, has to exclude those officers, who are appointed by the Secretary of State. We do not know, whether Major Pogson is still in the employ of the Government of India. We do not know under what conditions he has parted company from that Government. Apart from that, what the local Government has to look to is whether or not it should exclude him from the vote of this Council, he having been appointed by the Secretary of State in Council. At present Major Pogson is entirely under a contract with this Government ; he is at present entirely under an undertaking given by the Government through the Leader of the House that his salary would come up from time to time for the approval of the Council. All these things, taken together with the interpretation of the words "nothing in the foregoing sub-section," make it rather a constitutional question as to whether he does or does not come under the vote of this House.

The Honourable Sir CHUNILAL MEHTA : Sir, I have discovered some further information during the holiday that intervened, but before I give that information to you, I would like to say just one word about the ground that is being taken by the honourable member from Sukkur now. I do not think it is a new ground. I think the specific question was raised by him when he argued a previous point of order and I thought that I had sufficiently enlightened him as to the view which the Accountant General as well as the Government of India take with regard to the point which is repeated this morning. It is not a question, as I read out from the Accountant General's letter, of posts being non-voted, but it is a question also of persons being non-voted, and if the honourable member's argument were to apply, then an officer of an Imperial Service, if he were lent to any other Government, would cease to be an Imperial officer and would come under the vote of the Legislative Council of the Province he was serving in. That is a position which cannot possibly be taken up.

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Sir, you were good enough to ask me what happened to the reference that was made by the Accountant General to the Auditor General. I told you then that the file was not with me at the time. I have now found it. In the letter of the 26th of May 1926, the Accountant General said that he had referred the question to the Auditor General. After that I read the letter dated the 21st of February 1927 to the House, but intervening were two further letters. On the 3rd December 1926 this Government wrote to the Accountant General asking whether the orders of the Auditor General on the point had been received. To that the Accountant General replied on the 17th December 1926 as follows :—

" With reference to Government, Revenue Department, letter, dated the 3rd December 1926, I have the honour to state that the question of the classification of Major Pogson's pay and allowance has been referred by the Auditor General to the Government of India in the Legal Department whose orders are still awaited. In the meantime the pay and allowance of the officer should continue to be shown as voted as before."

So that on the 17th December this is what the Accountant General informed us and finally on the 21st February 1927 he wrote us stating that he was writing in continuation of his office letter dated the 17th December (which I have just read out to the Council) and stated that the Government of India had decided that Major Pogson's pay should be treated as non-voted.

Now, Sir, the Council will see that it was so late as the 21st February 1927 when this letter was written by the Accountant General. By that time, the preliminary issue of the budget had already been printed....

Mr. B. G. PAHALAJANI : Read clause (4) of section 72-D of the Government of Indian Act, which says " if any question arises..... the decision of the Governor shall be final." The sole authority is the Governor and not the Government of India or anybody else.

The Honourable Sir CHUNILAL MEHTA : The question, in the first place, did not arise. The section says " if any question arises." The Accountant General raised that question first himself and then withdrew it. He referred it to the Auditor General and the Auditor General placed it before the Government of India and the Auditor General informed the Accountant General that the question did not arise, and therefore there was no necessity whatever to refer it to His Excellency the Governor. But on the 21st February, as I stated, the Accountant General gave us his final reply. By that time the preliminary issue of the budget had already been placed before the House and the honourable member for Sukkur is quite correct in saying that in the preliminary issue Major Pogson's pay was shown as voted. On page 255 of the White Book of last year, the Water Diviner to the Government of Bombay, his establishment and contingencies, etc., have been lumped together and have been put down at Rs. 43,600 voted. What the honourable member for Sukkur however omitted to inform the House (and I confess, Sir, that at the moment it escaped my memory as probably it did his) was that after the receipt of the Accountant General's letter of the 21st February, Government, through the Honourable the Revenue Member, definitely informed the House of what had

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happened and on page 1120 of the Council Proceedings, dated the 15th March 1927, this is the demand that was moved by the Honourable the Revenue Member. He said.....

Mr. B. G. PAHALAJANI : Not the demand but a resolution.

The Honourable Sir CHUNILAL MEHTA : No, the resolution had been moved in July 1926, as I informed the House the day before yesterday. This is what the Honourable the Revenue Member said while moving his demand under Famine on the 15th March 1927 :

"Sir, I move for a grant of Rs. 5,62,000 under 43—Famine Relief and Insurance, Reserved." Rs. 35,000 has been declared to be non-votable by the Accountant General and the demand is therefore presented for only Rs. 5,62,000 instead of the Rs. 5,97,000 shown in the schedule."

Honourable members will see that in the preliminary issue the total demand was shown as Rs. 5,97,000 including the Rs. 35,000 for the Water Diviner's salary.

The Honourable the Revenue Member deliberately omitted this Rs. 35,000, informed the House that he was omitting it because the Accountant General had ruled it to be non-voted, and asked for a reduced demand of Rs. 5,62,000 only. That demand was passed by the House, and we were informed by the Secretary to the Legislative Council that the House had accepted the demand being put at Rs. 5,62,000 only. So that, on two separate occasions, once at the time of the resolution on which a debate had taken place at great length and to which an amendment had been moved and rejected by the House, and on the second occasion at the time of the budget session when asking for a demand, the Council was fully apprised of the decision at which the Accountant General had arrived. Sir, I speak on this at some length, in order to make the position perfectly plain to you, in order to show that no letter from the Accountant General, which I was unable to produce the day before yesterday, was kept from the knowledge of the House, and throughout we have behaved with the most scrupulous care to observe the rights and privileges of the House. I trust that the House will recognise that that has been done in this case, and I will request you to decide the point of order now.

The Honourable the PRESIDENT : As I said the day before yesterday, the point of order raised is of considerable importance, because under the system under which we are working, the two elements, voted and non-voted, are elements which are jealously guarded on either side of the House, and perfectly rightly. It is therefore proper on the part of any honourable member to bring it to my notice that a departure has been made in the manner in which certain items are treated. I was myself surprised a great deal when I saw that, whereas formerly Major Pogson's salary and his establishment were voted items, now his salary is made non-votable. I therefore reserved my right to give my final opinion until I saw the correspondence and, if necessary, consulted even the Advocate General. I went through the whole correspondence—several files—during the interval that I had yesterday, and I found one thing to the credit of Government, that they have tried to the very last moment

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to see that the promise, which they gave to the House that Major Pogson would be a temporary servant until the House approved of his services, and as soon as the House disapproved of his services they should terminate, has been kept up. But a technical difficulty arose, and the pay of Major Pogson had to be eliminated from the votable part of the budget and marked as non-voted. The Auditor General relies on the explanation in the Audit Code, which is important, that if a member of a service, appointments to which are made by the Secretary of State in Council, is appointed to a post the filling of which is in the hands of any authority in India, his salary or pension should be treated as coming under this list, that is to say, the list of non-voted items of expenditure. That is his main authority. In this case, the matter was referred to the Government of India also, and in the correspondence I found that in the Bombay Government also the matter had reached His Excellency, and was, I presume, considered in Council.

MOULVI RAFIUDDIN AHMAD: In the Cabinet?

The Honourable the PRESIDENT: It was considered by the Governor in Council, I suppose. All that I had to see was whether the change in the classification of the salary was *bona fide* on the part of Government. I found in the correspondence that Government all along, in their correspondence through the Accountant General with the Auditor General made it clear that they would show the alteration in the budget after informing the Council of the same. But when I found from the correspondence that the Council was not informed of it, I had the Honourable the Leader of the House this morning in my office and I informed him of it. I told him that I thought that the Council ought to have been informed of the change, particularly as they had intimated to the Accountant General that the change would be made after the Council was informed of it. On that he immediately showed me the Council proceedings which he has read just now, that the Council was informed about it when the Honourable the Revenue Member moved his demand last budget session. So that one important step also has been complied with.

The next point, which is very important, is whether, by this change, the House has been deprived of its privileges in dealing with Major Pogson's services in any manner; and I find that it has not been so deprived, because his establishment is still votable, and it can be dealt with, according to the very learned ruling of my predecessor that the House can effectively deal with any matter like that by attacking the demand for establishment. But the important ground is that Government also have taken care to get an agreement from Major Pogson that as soon as the House disapproves of his services, his services would be dispensed with. I may inform the House of one important element in this, that the Government of Bombay would not give in even to the Army Department when they insisted on a condition that they should have sufficient notice of the termination of Major Pogson's services with the Government of Bombay, because they would have to make arrangements to fix him

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up in the army somewhere ; the Government of Bombay said that they would not be able to do that, and that as soon as the Council disapproved of his services they would terminate, and the Army Department should make their own arrangements immediately with regard to Major Pogson's future posting. The House, therefore, still has its privileges preserved to deal with this item.

The difficulty which this side of the House finds itself in is that no notice of any motion for a cut so far as Major Pogson's establishment is concerned has been given, but, as I have said, the House can discuss the point when the whole demand is asked, and go to a division on that one understanding regarding Major Pogson. However, that is an action which is left to the House to take or not to take.

Mr. F. J. GINWALLA : Sir, we have not been able to follow the grounds on which Major Pogson's salary has been made non-votable. We do not know whether it is because he is appointed by the Secretary of State or for some other reason.

The Honourable the PRESIDENT : Major Pogson is an army officer, and in the Army List he is shown as holding the rank of Major, and he is shown in the Army List as seconded to the present appointment ; he holds a King's Commission, and he is appointed not only by the Secretary of State but by His Majesty the King.

Mr. N. A. BECHAR : I request, Sir, that the letter of 23rd April from the Accountant General should be read out to the House.

The Honourable Sir CHUNILAL MEHTA : I have read out the letter, and I will read it out again if necessary.

The Honourable the PRESIDENT : That is not necessary.

Question again proposed :

That one rupee be reduced from the total votable demand under Famine Relief and Insurance, Rs. 6,27,000.

The Honourable the PRESIDENT : Order, order. The discussion on the one rupee cut proposed by the honourable member Rao Saheb Desai will now be resumed. (After a pause.) If there are no more honourable members who desire to speak, I call upon the honourable mover for a reply.

Rao Saheb D. P. DESAI (Kaira District) : Sir, the Honourable the Revenue Member argued that if this amount was not given, Government would have lent that amount somewhere else and would have earned interest. I fail to understand the reason behind that argument. I request the honourable member to bear in mind one fact that this fund is not created for earning interest but it is a fund created for relief operations during famines. Instead of giving relief from that fund Government have lent about Rs. 85 lakhs for housing at 6¼ per cent. (The Honourable Mr. J. L. RIEU : The percentage of interest stated by the honourable member is wrong.) The Honourable the Revenue Member must be aware that there is decay in all the three divisions. In the Southern Division already decay has set in as has been stated by the

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honourable member for Kanara. In the Central Division there is a large area of decay. In the North Gujarat a very large area is suffering from the same decay. If the presidency instead of advancing in civilisation and making economic progress continues on its decay in this manner I do not know where the country-side will be landed. In my own district the population of the agriculturists is decreasing and their suffering has increased immensely. I am really ashamed to say that they have to approach charitable institutions for relief like ordinary beggars, and in spite of this fact Government want to charge interest on the loans that are issued to them. It is a surprise to me to see that Government should sit unmoved and calm with folded hands as if it were an ordinary or natural state of affairs. Under the British rule even after hundred years people carrying on an honest industry are in the abject position of begging for financial help from philanthropists and Government, and unfortunately for the mere purpose of constructing houses agriculturists have to go to charitably disposed men for help. This is where we have come to in the course of a century on account of a wrong Government policy and yet Government sit with folded hands without taking the necessary action. I think Government should consider the whole question from that standpoint. Unfortunately I am very very sorry to say that our Bombay Government have on account of their previous blunders brought this presidency to such a deplorable condition that a stronger attitude on the part of this side of the House alone will bring them to their senses, if I may say so.

There is one point which I wish to bring to the notice of this House. The Honourable the Finance Member while he was in charge of the Revenue portfolio paid a visit to our district and saw with his own eyes that in many villages, drinking water, an absolute necessary of human life, had to be brought from a long distance. In order to provide for village water supply a scheme was formulated by which in five years Rs. 5,00,000 should be expended for that purpose ; and lakhs of rupees were to be provided from this famine fund annually to meet the expenditure. Now that fund has been depleted. I do not know how the Honourable the Finance Member is going to keep up his promise which he made as a Member of Government on behalf of Government.

The honourable member the Revenue Secretary stated that while referring to China as an example I failed to give a description of the famine and flood policy obtaining there. I thought that it was the duty of the Government to keep in touch with the practice on such vital matters in the neighbouring countries. But unfortunately our Government is very dull. They never care to enquire and know what the policy is on such matters in backward countries like China. I may state for the information of this honourable House that in China they have got a huge fund to which Government contribute. I may even say that even the contending armies and the generals that pass through these territories are compelled to contribute something towards that fund. That fund is kept inviolate by Government. In China that central fund is not disposed of as our Government do here. There not even the general who

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is in temporary possession of the territory is allowed to touch that fund. This central fund is started by Government and it has got organisation all over the world—they are receiving contributions from Europe, America and other places. It is not managed in any bureaucratic way when any necessity for expenditure from that fund arises. They have got organisation in every village. Here, when there is famine or mishap, the village patil has to represent to the mamlatdar and mamlatdar in his turn has to approach the deputy collector and the deputy collector has to make a representation to the Collector and the Collector in his turn to the Commissioner who at last communicates the matter to Government, which places it before their executive Council. Imagine the circuitous way and the time it takes. Imagine the difficulties of the villages under the present system in matters like these which require immediate action. That is one of the evils of the present system. There (in China) the local organization being themselves responsible take action immediately. And look at their achievement: They have constructed miles of roads; they have opened hundreds of schools; they have constructed a number of dams on rivers; and in some cases they have taken measures to prevent large areas from being flooded. If this Government can learn the lesson from a neighbouring country, then I think the amount spent on the salaries paid to them will be well spent by this House. Otherwise, I do not think this Government deserves the salary we pay them.

Mr. G. WILES: Sir, can the honourable member tell us where he got this information from? I should like to study it.

Rao Saheb D. P. DESAI: And, Sir, I come to Major Pogson. He is our old friend....

The Honourable the PRESIDENT: I wonder whether the honourable member has heard the request of the honourable member the Finance Secretary. There was a request made by him for information as to where the honourable member got this great knowledge about China.

Rao Saheb D. P. DESAI: Sir, he may refer it to the Chinese Consul. He would say that I am not wrong.

The Honourable Sir CHUNILAL MEHTA: Sir, apparently there is no Chinese Consul here. Where are we to get it from?

Mr. B. V. JADHAV: There are at least Chinese crackers.

Rao Saheb D. P. DESAI: I now come, Sir, to Mr. Lowsley's establishment. Out of the five lakhs, Rs. 1,86,000 are allotted for establishments. What does that show? Does that not show that the bureaucracy is always desirous of keeping the bureaucracy well paid? Of course, despotism will see that despots are well paid, and democracy will see that democracy is well paid. That is the distinction. Major Pogson's salary in the Military Department was, I think, not more than Rs. 800—perhaps was even less. Now, his salary is Rs. 2,500 in the civil department.

The Honourable the PRESIDENT : His original salary in the Military was somewhere about Rs. 1,200 and Rs. 1,300.

Rao Saheb D. P. DESAI : Then, Government have doubled his salary. Government are fully aware of the attitude of the non-officials as regards Major Pogson and if they do not go by the non-official opinion in that matter, I think we will be compelled to go to a division on that point.

I also wish that the Honourable the Revenue Member will give us an assurance that the advances from the Famine Insurance Fund will not be charged any interest and that the interests on house-building loans will be reduced. That assurance is extremely necessary in view of the fact that the agriculturists have not fared well in the last season, and in view of the fact that in flood-stricken parts of Kaira they are collecting Land Revenue, and in the taluka of Dholka, where also the agriculturists have suffered, Government are attempting to collect one and a half times the assessment. In my own district the whole amount of assessment of 27 lakhs is being collected by the Collector, and we have been receiving many complaints from our constituency—from all parts of the district —about the injustice of collecting assessment in such bad times, and we are therefore compelled to request Government not to collect assessment. On the other hand, we had anticipated that the assessment would be remitted. Unfortunately, Government instead of remitting the assessment, I do not know whether they have passed orders, but the Collectors are collecting the Land Revenue.....

The Honourable the PRESIDENT : Order, order. I would point out one thing here. I hope every honourable member is clear about it, that in giving a reply, honourable members have got to confine themselves to replying to points raised during the debate. They cannot make a speech raising fresh points or attempt to make a second speech on the same subject.

Rao Saheb D. P. DESAI : I have to reply to points raised in the debate. The honourable member the Revenue Secretary was the only one who spoke on the side of Government, and I am replying to his remarks. The Revenue Member has still to reply. I want to bring to his notice the fact that the Collectors have started collecting Land Revenue in those very areas which have suffered. I touched on this point even before. Owing to their indebtedness to the co-operative societies, the sowcars and to Government, the people have been reduced to a very abject condition and the demand of assessment will add to their liability further.

I, therefore, request Government not to harass the people in this manner. If this state of thing goes on, they may positively turn out to be disloyal to Government. With these remarks, Sir, I move a vote of censure on Government by way of Re. 1 cut on the Famine Insurance policy.

The Honourable Mr. J. L. RIEU : Sir, the motion before the House is one for a cut of Re. 1, which you have ruled as implying a vote of censure on Government with regard to, in this particular case, the Famine Relief policy of Government. I expected, when this amendment came up for

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discussion, that we should have a debate on one or other of the most important questions connected with the Famine Relief policy of Government and then the effort of honourable members on the opposite side would be to concentrate on that particular question. But, contrary to my expectation, what has actually happened is a long and discursive debate in the course of which a large number of points of more or less minor importance have been brought forward in connection with the various objects of expenditure under Famine Relief Fund. If, by any chance, this vote of censure were to be passed by this House, Government would find itself in a somewhat difficult position in deciding in regard to what particular aspect of its famine policy the House had expressed its dissatisfaction. Many honourable members have spoken, but they have spoken on many different points of detail regarding famine relief. On no one such point have more than one or two honourable members spoken. If the vote of censure were passed, therefore, it would leave Government wondering in what respect the Famine policy of Government as a whole has really dissatisfied this House.

The only really important point which seems to have been brought forward and was touched upon by the honourable the mover of this amendment, as also by the honourable member from Surat, is the question of the administration of the Famine Relief Fund. Regarding this question, however, honourable members have heard the full statement on the subject made by the Honourable the Finance Member in his budget speech and I would refer them to paragraph 20 of that speech.

The honourable member from Kaira has made a complaint that Government formerly used to apply this fund for the direct relief of famine, while now they are applying it for the granting of loans at interest. As a matter of fact, the reverse is really the case. As honourable members will have seen from the statement made by the Honourable the Finance Member in his budget speech, formerly and up to now it has been open to Government under the Devolution Rules to utilise the Famine Relief Fund for indirect famine purposes, that is to say for protective measures. In future, however, if the draft Devolution Rules which are now awaiting the Secretary of State's sanction come into operation, Government will be confined to expenditure from the Fund on direct famine relief, with one exception namely that if the fund exceeds the standard minimum balance of Rs. 75 lakhs, Government may spend such excess on expenditure connected with the famine relief. As regards the so-called depletion of the Famine Fund, which has been made the subject of complaint by the honourable mover of this amendment, the reasons therefor have been fully stated by the Honourable the Finance Member in his budget speech. The minimum balance of a crore and fifty lakhs which was originally prescribed under the Devolution Rules, was based on the average famine expenditure in the period of 20 years previous to 1916. On an examination of the statistics of later years it has become apparent that the maintenance of so large a minimum balance is unnecessary, and it is therefore now proposed to reduce this minimum balance to one of seventy-five lakhs. Apart from other considerations,

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this change is in the interests of the finances of this presidency, inasmuch as the balance maintained in the Famine fund involves a loss of interest of from 1¼ to 1½ per cent. on its amount.

The next point which the honourable the mover has raised—and here again he has practically no support from other honourable members—is the charging of interest on the reconstruction loans. I have already stated the reasons which prevent Government from acceding to his suggestion that these advances for reconstructing houses in the flood areas should be entirely free of interest. As I pointed out when speaking in the general debate on the budget, this would involve an expenditure of about Rs. 6 lakhs a year to Government. Apart from this, there is no reason why Government should now depart from the decision which was arrived at in full consultation with this House. In the October session I presented a demand for funds to make these advances, and I then stated in detail the terms on which Government proposed to give these loans. The demand was agreed to by the House and the terms of the loans were also approved. I must correct the statement made by the honourable mover to the effect that Government are charging 6¼ per cent. interest on these loans. That is not the case at all; as the House must be aware, there are very considerable concessionary terms. Loans below Rs. 200 are charged so low a rate of interest as 3 per cent., while loans above that amount are charged 4½ per cent. for the first two years. This represents a very substantial concession. The House fully approved of the scheme and passed the grant subject to these conditions. It is impossible and the House would never agree to it, that Government should now go back on the decision then arrived at.

I would further point out that loans when given from the famine fund as ordinary agricultural tagavi are subject to the usual rate of 6¼ per cent. interest. There is no valid reason at all why loans for reconstruction, which will largely be given to non-agriculturists, should be made free of interest, while loans to agriculturists for agricultural purposes are subject to interest.

Now, I will deal as briefly as possible with the various points which have been raised by other honourable members in the course of this debate. The question of boring operations has been referred to, more particularly by the honourable member for Surat, Rao Bahadur Naik. He made a complaint that a great deal of delay takes place in connection with the execution of these boring operations owing to the fact that the operations are controlled by more than one agency. That is a complaint the reasonableness of which I admit. There are at present two separate agencies dealing with these boring operations. There is the Executive Engineer for Borings, who deals mainly with deep borings for domestic water supply, mostly in the towns and larger villages, and there is the Agricultural Engineer, who deals with what are known as shallow borings for irrigation purposes. We recognise there is a certain amount of delay and confusion as a result of this dual agency being at work, and we have now under consideration a scheme for placing all these boring operations under the

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direction of one officer, and I hope that this will result in the improvement of the conduct of the operations. Then, the same honourable member referred to the fact that there were not a sufficient number of boring machines at work, that the supply is short. I quite agree. This point came to my notice a little time ago. There was an insistent demand from various quarters for boring machines and the supply was not up to the demand. I accordingly asked the Agricultural Department to put up a scheme for considerably increasing our stock of machines, and they did so. But unfortunately, the cost of providing the extra number of machines, 48 I believe, amounts to Rs. 7,00,000 and in our present financial circumstances we are not able at present to provide for such heavy expenditure. But I shall bear the question in mind as I consider that as soon as possible Government should meet a demand which I have recognised to be a reasonable one.

One or two members referred to the cost of these boring operations. I am not sure whether they were referring to the cost charged to local bodies where boring operations were undertaken for them with a view to providing a domestic water-supply. But, so far as the agricultural boring operations are concerned, I contend that our charges are extremely moderate. I have before me a statement of the conditions under which these boring machines are lent, and they amount to this roughly. Each applicant is required to provide a certain number of carts, 8 or 10, to convey the machines from the nearest railway station to the site of the boring. As in the majority of cases there are several applicants in a village and this cost is spread over them all, the amount charged on this account to each individual applicant generally comes to a very small sum. Then an applicant has to provide about five coolies for work on the machine and to pay the cost of lubricating and kerosine oil at the rate of Rs. 2 per foot of boring and of coal at about a rupee for every ten feet of boring. The charge for the use of the boring machine is Re. 1 per foot for the first fifty feet and Rs. 1-8 per foot for anything over. No charge on this account is made if the boring is unsuccessful. I think that honourable members will agree that these conditions are not onerous, and, as a matter of fact, we have an enormous number of applications on these conditions, which shows that they are not of a prohibitive character in any sense.

Then, with regard to the question of famine grass operations. The honourable member for Kaira said that these operations were conducted in a very expensive manner. He appeared to think that they were being conducted departmentally, and suggested that they should be given out on contract. Well, I thought that this honourable House was sufficiently well aware that these grass operations are being conducted by a particular company, the Bombay Mofussil Grass Trading Company, under a contract. It is impossible to split up operations like these amongst a large number of small contractors. There might possibly be some advantage in doing so from one point of view, but the difficulty is that these operations involve the laying down of very expensive plant involving a large capital expenditure. In 1921, when the question was taken up of organizing

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these operations, it was this company alone that was in a position to take up so large a contract. The departmental work by the Forest Department is confined merely to the provision of storing sheds. All the other operations, of cutting the grass, railing it to the depôts and there pressing and baling it, are undertaken by the company. We recognise now that these operations are unremunerative. One of the principal reasons is that the demand for grass in Bombay City has greatly fallen off owing to the extensive introduction of mechanical transport and our surplus grass now commands no remunerative prices. Consequently a loss has necessarily to be borne. We have managed to get out of one contract by paying compensation, and we have very carefully considered the question of getting out of the other contract, namely, the one now current in connection with Palghar, Dohad and Godhra. But we found on an examination of the figures that it would cost us more to pay compensation than to allow the contract to run for its remaining period of about a couple of years.

Then, one honourable member, I think the honourable member for Bijapur, Mr. Sardesai, asked whether our kadbi stocks were insured. They are, in most cases. Unfortunately, we have had a series of conflagrations of these kadbi stocks due to spontaneous combustion. There was no indication of any incendiarism. As a result of this, the insurance companies are becoming very chary about insuring these kadbi stocks, and they demand higher rates. In most cases the stocks are still insured but in some cases we have taken the risk on ourselves. I may add that these kadbi storage operations are now suspended pending an examination of the whole question.

I now come to the question of the provision of wells, the item for which is Rs. 3,00,000. Several honourable members have referred to the great scarcity of drinking water in the mofussil. The districts of Bijapur, the desert portion of Thar Parkar and Kanara have been specially instanced. I have already mentioned the fact that Government have largely enhanced the share of the cost which they are willing to bear. The amount to be provided for this object is practically dependent not on the number of wells which are necessary and which it is desired to have, but on the amount of local contributions which are forthcoming. Government must demand first that the local contributions should be forthcoming, namely, at least one-third of the total cost of the well. Until that is forthcoming, it is no use Government providing money for their contribution as the work obviously cannot be carried out. Therefore it is only a question of local contributions being forthcoming to the requisite extent, when Government will make their contribution pro-rata, and if honourable members desire Government to speed up these operations, it is within their power to do so by arranging that local contributions should be furnished in the required proportion. In view of the complaints that have been made by certain representatives from Gujarat as to the deficiency of water in the Gujarat Districts, I may point out that out of this sum of three lakhs which is provided this year, Rs. 1,34,000 or very nearly half the total amount, goes to Gujarat. That

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ought to prevent honourable members from Gujarat from having any complaint. The next largest allotment is that for the Central Division, namely, nearly Rs. 98,000. While I am on the question of Gujarat, I may refer to the complaint made by the honourable member Mr. Swaminarayan that nothing is being done in connection with Mr. Lowsley's operations in the Viramgam taluka. I am surprised to hear that he made that statement in view of the fact that a large drainage scheme in that taluka is being carried out, namely, the Odhav-Solgam drainage scheme, estimated to cost in all Rs. 1,32,000 of which the first part costing Rs. 1,04,000, has been sanctioned for execution in the current year, and presumably has been actually started. There are two other schemes also in contemplation in this taluka, although the final plans for them have not yet been submitted by the Superintending Engineer. One of them is the Hebatpur drainage scheme.

With regard to Major Pogson's operations, that hardy annual, the honourable member from Karachi Mr. Bechar has worked out an estimate of what each site indicated by Major Pogson costs to Government on an average. He calculates it at Rs. 127 and he compares that with the charges paid to local *Panades* amounting hardly to anything at all. But as to this I only ask honourable members to read Major Pogson's last report and to see how he brings out the fact that these local *Panades* have been the cause of an enormous waste of money on wells which have not given water and never will give water, and he quite rightly emphasizes the value of his work, though of a negative character, in saving the cultivators from digging wells which have no chance of giving a proper water supply. That is a very important point.

I would further draw attention to Major Pogson's statement regarding his efforts to find *Panades* whom he could train and use under his control. He has tested a very large number of these men, and in the case of only two individuals did he find that their successful indications come up to a 40 per cent. standard and that there was consequently justification for employing them under him.....

Mr. J. C. SWAMINARAYAN : The Honourable the Revenue Member mentioned that the Odhav-Solgam drainage scheme had been taken up. May I know where it has been provided for ?

The Honourable Mr. J. L. RIEU : I quote from the Government Resolution dated the 1st October 1927 which sanctioned the project estimated to cost Rs. 1,31,000 and under which administrative orders were issued for carrying out that drainage scheme. If by any chance, the work has not been actually commenced, I can give the honourable member the assurance that it will be started. A note has just been handed to me by the honourable member, the Revenue Secretary, which shows that Rs. 20,000 will be spent on the scheme up to the end of this month. A beginning therefore has been made and the honourable member may rest assured that the work will be pushed on.

Mr. M. D. KARKI : May I know whether any special grant will be made to Kanara ?

The Honourable Mr. J. L. RIEU : Kanara not being a famine district, no grant can be made directly from the Famine Relief Fund. Kanara will get such share as may be allotted to it by the Commissioner, Southern Division, from the allotment for grants made to his division. No direct expenditure independent of this grant can be incurred for Kanara from the Famine Relief Fund because Kanara has never been and never will be a famine district.

Mr. M. D. KARKI : Nothing from the Famine Relief Fund for drinking water supply ?

The Honourable Mr. J. L. RIEU : Kanara is entitled to share in the allotment for the Southern Division out of the three lakhs for village water supply.

With your permission, Sir, I would like to refer to one point in regard to this question of village water supply which I omitted to mention before. Government have had impressed upon them the fact that there has been no systematic survey over the presidency for the purpose of ascertaining definitely what the several requirements of the different districts are in the matter of village water supply. They have, therefore, ordered that a regular survey should be undertaken in all districts of the presidency including Sind, with a view to the drawing up of a comprehensive programme for the provision of village water supplies and when this survey has been made and the results of it are before Government, Government will consider the whole question with regard to this important matter. The standard which they aim at attaining is one well per village.

Question put and lost.

Question put, that the demand of Rs. 6,27,000 under 43—Famine Relief and Insurance be granted, and carried.

The Honourable Sir COWASJI JEHANGIR : Mr. President, I ask for a demand of Rs. 3,78,000 for 42—Bombay Development Scheme.

Question proposed.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I move,

"That the sum of Rs. 1,19,000 provided for total establishment be omitted."

In the course of the general discussion on the budget, I had promised the Honourable the General Member that there would be many occasions when I would have the pleasure of meeting the Honourable the General Member in the course of the budget debate, and this is one such occasion.

Now, Sir, I stated at the time of discussing the Suburban Development schemes that there was no justification for the continuance of that department, and I say that that remark applies with still greater force so far as the present demand is concerned, which is the demand for Industrial Housing scheme. I do not wish to deal with the administration of this department, because that subject will be dealt with very exhaustively in the next cut of Re. 1 which I am going to propose. For the present, in response to the call from the honourable members on the

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other side, when they asked me to put in practical suggestions, I am putting up a concrete proposal before the Honourable the General Member hoping that, just as he did on the last occasion, he might be persuaded to accept my suggestion. But before doing that, I want to point out a few figures to honourable members on this side in order to convince them that, so far as the Industrial Housing scheme is concerned, further expenditure on establishment is in no way justified.

I would ask honourable members to refer to page 104 of the Blue Book, which deals with this department, and look at the figures of receipts and expenditure. Honourable members will find that the total receipts during the current year are Rs. 20,64,000. There again, I want to draw the attention of honourable members to what we described as window-dressing in the arrangement of the figures, or what I call jugglery in figures. This is one instance of it. In the total receipts of Rs. 20,64,000, we find included an item of Rs. 14 lakhs from cotton cess receipts. Now, we all know that the whole of the cotton trade has complained about this cotton cess, and it is really additional taxation. It certainly is not a receipt on the amount spent on industrial housing, as is attempted to be shown. This sum of Rs. 14 lakhs is the return from additional taxation, and yet it has been shown here as an actual receipt from the housing schemes, and the figure of receipts is thus swelled to Rs. 20,64,000. There might have been an excuse for it if it had been explained that this is done only for convenience, in the absence of an additional column, and therefore instead of being shown separately as a return from cotton cess and then debiting it to the loss account of the Industrial Housing scheme, it has been shown in the way in which it is done in the Blue Book. That would have been the honest way of dealing with this amount of Rs. 14 lakhs. I say, instead of merely mentioning the figure, it might have been stated that it was for convenience or facility. But when we look to the last paragraph on page 107 of the Blue Book, we find that they calculate that the total loss on this department would be Rs. 5·05 lakhs, taking into account this amount of Rs. 14 lakhs which is included in receipts under this head. Instead of showing that the loss is Rs. 20 lakhs, considering the actual receipts and expenditure, they have calculated this sum of Rs. 14 lakhs as a receipt, thus artificially reducing the loss from Rs. 20 lakhs to Rs. 5·05 lakhs. This, I say is jugglery in the accounts, with a view to show that the actual loss on this department is not Rs. 20 lakhs, as the figures show, but only Rs. 5·05 lakhs. But a little closer scrutiny shows that this position is not at all tenable. Now, I want the House to consider the position from the figures. The actual receipts during the current year, leaving aside the Rs. 14 lakhs from the cotton cess, are Rs. 6,64,000. They anticipate a little more during the next year, that is Rs. 7,25,000, but I may assure the Honourable the General Member that, at the close of the year, he will be disappointed, his conclusions will prove wrong, and he will have to revert to the figure of the current year. But, even if we take it that the anticipated receipts will actually be Rs. 7,25,000, let us consider the investment. The Honourable the General Member, in the course of a debate three or four

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years ago, stated that this department is worked on commercial lines. Let us look at it from a commercial point of view.

The Honourable Sir COWASJI JEHANGIR: May I correct my honourable friend ? The industrial housing scheme was never worked on a commercial basis.

Mr. K. F. NARIMAN: I should like to point out that in the booklet written by St. Nihal Singh, the gentleman who advertised this department not only in this country but outside, it is described as a commercial undertaking. We look at it, so far as these figures are concerned, from a commercial point of view. What is the total investment, on which we are actually recovering Rs. 6,64,000 ? And, mind you, this is not the total receipt, because from this amount of Rs. 6,64,000 you have to deduct the expenditure for the collection of rents and repairs, etc., which comes to Rs. 3,14,000. We can thus see that the net receipts are Rs. 3,50,000.

We have spent Rs. 3·49 crores according to the latest figure and we get a return on this of Rs. 3·50 lakhs. A further sum of one crore by way of cotton cess has been sunk in it. Therefore the actual investment is Rs. 4·50 crores. I leave it to the honourable member who represents a commercial community to work out the percentage of return which I think works out at $\frac{1}{2}$ per cent. This return of $3\frac{1}{2}$ lakhs of rupees we should get from a capital outlay of Rs. 55 lakhs, taking 6 per cent. as the ordinary investment return which every man expects. Instead of that we have sunk nearly $4\frac{1}{2}$ crores including the revenue from the cotton cess which has been sunk into it. What would have been the fate if it had been a private commercial concern with the Honourable the General Member as a shareholder or director in it ? Would he have dared to place such a balance sheet before a shareholders' meeting ? If he had done so a sensational insolvency would have been created and the company would have gone into liquidation. Without exaggeration that would have been the fate if it had been a commercial concern. I ask you, Sir, under these circumstances, is there any justification for continuing this department ? I will deal with this further according to my point of view when I move my one rupee cut. Why has this enormous loss occurred ? I am now simply putting it as a business man—some of you are business men, some of you might have been shareholders and some honourable members might have been directors. I put it to them that when they are trustees of public funds, so far as this item is concerned they have got to deal with it with the same vigilance and sagacity as if they were the shareholders or directors of that concern. If it had been a private commercial venture there might have been some excuse. On the contrary there is less excuse for this state of affairs, because we all know Government resources, Government capacity and Government power are much larger than those that are given to a private commercial concern. What are the advantages which Government possess over private landlords ? For the recovery of rents private landlords have to resort to courts of law ; if it is Rent Act they have

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to get a certificate from the Rent Controller. So far as this biggest and most rapacious landlord is concerned, they do not know Small Cause Courts, and the Police Courts dare not interfere with them. They recover the rent under the Land Revenue Code. Straightway they can recover the rents. They can take possession of the things of the occupants and turn him out forcibly, because the officers are supposed to exercise their rights under the Land Revenue Code. This is one of the benefits according to the gentleman who first introduced this scheme and stated that it was for the benefit and welfare of the huge class of labourers. But we all know that the labourers have not received any relief but the ratepayers have been relieved of their money. This is nothing more than pickpocketing ratepayers' money. I want the Honourable the General Member to seriously consider this question. He may say that now we have launched it there is no way out. But if Government have the will to get out they can get out of it. For this receipt of Rs. 3½ lakhs we are paying an interest of 21 lakhs of rupees on the total outlay. Just imagine the commercial sagacity of Government, the efficiency of Government, to get a return of 3½ lakhs of rupees from a total outlay of nearly 4½ crores. We are paying an interest of Rs. 21 lakhs besides Rs. 2½ lakhs which is spent for recovering Rs. 3½ lakhs. Now, Sir, it is not the Development Department alone which holds chawls in the city. We know and my honourable friend who represents the landlords and is also a member of the Improvement Trust knows that many private people own chawls, and the Improvement Trust owns many chawls. While the position of the Improvement Trust is the same the circumstances are different. It is the same ratepayers' money and it has the same sort of management. But the Improvement Trust does not show the same state of affairs. There may be losses here and there, but the conditions are quite different. In an Improvement Trust chawl in the vicinity of the Development chawl whenever there is a vacancy there is regular scramble and you never see any vacancy in the Improvement Trust chawls for labourers. What is the reason that in spite of the amenities, and comforts and the attraction of reduced rents below the economic rent provided by the Development chawls nobody cares to entangle in the tentacles of the Development chawls ? Why are these chawls not popular even with the labouring classes in spite of the temptations put in their way by the Honourable the General Member ? They do not want to get into these spiders' nets and wants to keep away. Therefore there is something in the management, in the state of affairs, in the construction, quite different from the state of affairs in other chawls in close vicinity, which I will deal with on the next motion. My suggestion is that there is no use of good money being wasted on the money that you have already lost. I assure the Honourable the General Member that Government are not going to recoup the loss. They have sunk even the cotton cess without any return to the millowners. When the cotton cess was introduced it was supposed to be a temporary measure ; and it was further held out that the mill labourers would be housed in those chawls which would solve one of the problems before the millowners.

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But to-day the problem stands as it was then. If the millowners had arranged to contribute 14 lakhs of rupees a year for housing their labourers they would have managed it much cheaper and much better without loss, if Government had not interfered. Now, Sir, the position is we are incurring a loss of 20 lakhs every year in order to recoup about Rs. 3,50,000 from these chawls. The time has come therefore, when Government should negotiate with one or other of the existing bodies—it may be the Improvement Trust, or it may be the large employers of labour like the Millowners' Association, or it may be the Railways or the Municipality—for the disposal of these chawls. That is the only way to get rid of this white elephant which has been thrown on the city of Bombay, which is almost sucking their blood every year and extorting from taxpayers money which they can ill afford to pay. They must enter into some concrete negotiation and try to dispose of these chawls, no matter what loss they make. Instead of incurring a recurring loss year after year without any hope of improving the situation, they will at least get rid of it once for all. I must appeal to those gentlemen who are responsible to find a way out of the present situation. It is, I say, an annual torture to the taxpayers of Bombay to pay year after year 20 lakhs of rupees without getting any return. If the suggestion I have made is not concrete, I think certainly some other method must be found. I have based my criticism on absolutely concrete figures and I move the cut.

Question proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I rise to support the cut that my honourable friend Mr. Nariman has moved. Sir, it is quite clear from the figures that we have got that the return we are getting out of these schemes is very very small. We have spent nearly 3½ crores and we are getting a return of 3½ lakhs, a return of one per cent. Although we had anticipated some loss on these schemes, we never anticipated that the loss would be so heavy. When we go into the figures we find that we pay as much as 22 per cent. for establishment charges. We have an income of Rs. 6,64,000 and we spend Rs. 3,14,000. Therefore, the net revenue is 3½ lakhs, against which we are paying one lakh for establishment charges. That makes it 22 per cent. Now, this is a heavy charge. The Honourable the General Member may probably say that at present out of the 207 chawls only 92 are occupied, but that in future all the chawls may come to be occupied and yet the establishment charges will not much go up. But I ask how long is he going to wait? Is it not already time that we should seriously review the position? While we are paying nearly 6 per cent. interest on 3½ crores, or 21 lakhs of rupees, we get a return of 1 per cent. that is 3½ lakhs. If we deduct from our revenue of Rs. 6,64,000 the expenditure of Rs. 3,14,000, we get a net revenue of Rs. 3,50,000. Against that we spend Rs. 80,000 on annual repairs and Rs. 5,000 for sanitary stores, which means 25 per cent. of the net rental income is spent on repairs. Taking the net revenue and the net expenditure, we find that the expenditure amounts to 47 per cent.

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of the total net revenue. These figures are very high indeed, but that is not all: we have also to take into consideration one more fact, and that is we have also to provide a sinking fund, and that sinking fund will swell the percentage of expenditure. Therefore, it is high time that we devised some means by which we can dispose of these chawls. My honourable friend Mr. Nariman suggested that they might be transferred to the Improvement Trust or some other body. But I am not sure whether they will take them. It is a concern which we have to dispose of in the same way as we disposed of the Salsette Railway. Or you can dispose of them by auction. At the present moment we get a return of 3½ lakhs, which, calculated at six per cent. return, gives a capitalised value of 55 lakhs. Therefore, if we get for these 207 chawls at least 55 lakhs, I shall be only too glad, because we will get that amount of money back and we will get rid of these chawls. It will be that as a result we shall suffer a loss. But if we go on with this, we will have to suffer much more losses. Further if we dispose of these chawls, we shall be able to avoid collecting this 14 lakhs of cotton cess.

Sir, I am of opinion that this department ought to be abolished as soon as possible to save further heavy losses. If we want retrenchment in this department that is certainly one means at present. I would also like to suggest to the Honourable the General Member to consider whether it will not be possible to get the Improvement Trust to manage these chawls. They will collect the rents and charge a percentage for collection. The Improvement Trust is a body which at present mostly exists for nothing else but collecting rents, therefore, they can be asked to collect the rents of these chawls also. I think Government would be well advised to get the rents of this Development Department collected by the Improvement Trust or some other agency until these chawls are disposed of instead of spending such a large sum of money on establishment. I am supporting this cut with one desire and that is to get from Government a reply that they will curtail this department and I am sure Government will assure us that they will do so soon.

Mr. LALJI NARANJI (Indian Merchants' Chamber and Bureau): Sir, we find that a new head has been opened and under this head a further loss of Rs. 5 lakhs has been provided for from the general revenue. The previous speakers have suggested that something concrete must be done to wipe off this loss of 3½ crores. Re. 1 crore are said to have been recovered from the taxation or cotton cess on this account. Still after crediting this one crore the item of Rs. 3½ crores is in the book of Government against this housing scheme. For that purpose what sum is required? I think Rs. 50 lakhs can be taken as value of all the chawls if net return is capitalised at 6 per cent. If the values as stated by the other honourable members are taken, then I think Rs. 50 lakhs will be recovered by outright sale out of the cost of Rs. 3½ crores. I must acknowledge that the Honourable the General Member has saved to this House from considerable losses by decreasing 50,000 tenement programme to 16,000 tenements. Government take about Rs. 14 lakhs from the cotton cess every year on the full proposed programme of 50,000

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tenements, but if the one-third programme is executed and if only one-third is taken of the cotton cess, then I think there will be a further and more loss of Rs. 10 lakhs. I would submit, Sir, that if the cotton cess is to be continued, if agricultural people are willing to pay it, Government should not utilise that amount in this way. Why cannot Government utilise that amount in a better way? By the present system, Government must know that our liability will remain the same without any reduction, and cannot be wiped off. There are various ways of wiping off this loss. But it is no use bringing such off-shoots from the Development Department as housing scheme head. Government should come forward boldly and show to this House that the loss is incurred. They should come forward and say "for the circumstances well-known to this House, Government have to write off a loss." In this way this honourable House may know as to how much they have to provide for and in what manner, by what instalments every year as we are providing 20 lakhs per year for Back Bay.

As regards the chawls, I submit that we have been getting only Rs. 3 per tenement. Government gets Rs. 3 per tenement; there are 10,000 tenements and the net return comes to Rs. 3,50,000. So, roughly speaking it comes to Rs. 3 per month. If we have to receive only Rs. 3 per month, I say "Why should we not offer these chawls to the employers of labourers, who have already sacrificed so much for those chawls?" Last time I had suggested that the rooms in these chawls should be rented at Rs. 4 each.....

The Honourable Sir COWASJI JEHANGIR: Well, we have accepted your suggestion.

Mr. LALJI NARANJI: But you have not acted upon it.

The Honourable Sir COWASJI JEHANGIR: This honourable House will remember that during the last session I offered these chawls to be rented at Rs. 4 per tenement if taken *en bloc*.

Mr. LALJI NARANJI: You put that proposal before this House. I do not know whether there are any employers of labour in this House. But you ought to have put this suggestion to the public at large.

The Honourable Sir COWASJI JEHANGIR: I may inform the honourable member that we published this fact in the newspapers. We informed the Millowners Association, the Railways and different other public bodies.

Mr. LALJI NARANJI: May I know if these chawls were offered at Rs. 4 per tenement free of taxes and other charges?

The Honourable Sir COWASJI JEHANGIR: We did offer the chawls at Worli at Rs. 4 per room. They had to pay nothing except this rent.

Mr. LALJI NARANJI: But even taking that we shall be receiving Rs. 4 per tenement, there will be some loss. I would, therefore, ask Government: "Why not provide in the budget for the further loss?" If we receive Rs. 3 or Rs. 4 per tenement, the realising capital value of all our chawls will be Rs. 60 lakhs or maximum Rs. 80 lakhs. And there

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will be a loss of Rs. 3 crores, as the sum of Rs. 3½ crores is standing in the book.....

The Honourable Sir COWASJI JEHANGIR : How are you going to realise that amount ?

Mr. LALJI NARANJI : I cannot say that. It is for Government to find out ways and means. What you are doing at present is that you are taking taxes, you are incurring expenditure and you are keeping an establishment of Rs. 1,19,000. The Honourable the General Member knows that the Income-tax Officer does not allow more than six per cent. for the establishment charges. So, if Government are going to get something like Rs. 7 lakhs, they should not spend more than Rs. 42,000. They should not spend the sum of Rs. 1,19,000. It is on these grounds, Sir, that I support the cut of Rs. 1,19,000.

I would also like to know from the Honourable the General Member whether he would be willing to hand over this department to some other department, as the previous speakers have suggested. I do not know whether he is willing or not, but this is certain that he will have to do something to get rid of this loss.

Mr. J. B. PETIT (Bombay Millowners' Association) : Sir, we must remember that whatever we may do, we have got to face one fact ; and it is this. The chawls are already there ; we cannot remove them elsewhere ; and they cannot be got rid of. There is only one way out of the difficulty ; and it is to find out some way by which more rent can be realised out of them, in order that at least the cost of management may be substantially reduced. It must be remembered, Sir, at the same time, that, for various reasons, the Government have given us only a third of the original programme of 50,000 one-room tenements, and that therefore the cost of management and the ratio of supervisional expenditure over these chawls must necessarily be much higher than would have been the case, had all the chawls, originally contemplated, been available for occupation. But, as far as I have been able to follow the speech of my honourable friend, the member for Bombay, his concrete proposal is that some way should be found for reducing the current expenditure of the Department by transferring the management of these chawls either to some other department of the Government, or to some public or semi-public body that may be willing and ready to take it up. I think the honourable member for Bombay suggested that by handing these chawls over to the P. W. D. for management, a good deal of saving can possibly be effected. I am not at all sure if it will be possible for the Government to translate this suggestion into action. I would first like to hear the Honourable the General Member on this point. I would like to know from him whether, in his opinion, the suggestion is a practicable one ; and if so, whether he will be prepared to make use of that suggestion for the purpose of reducing expenditure. Personally, I do not think it is a practicable suggestion to have the chawls transferred for management either to the Improvement Trust or the Municipality, for the simple reason that both these bodies have their

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hands already too full and I do not think they will be prepared to take up the management of these chawls.

So far as the cotton cess is concerned, it has been repeatedly pointed out to this House,—and I wish to place this aspect of the question before the House once more with all the emphasis that I can command,—that it is not fair to the cotton industry and the cotton trade that this cess, inspite of the altered circumstances, should be taken from these sources to the fullest possible extent, as originally contemplated. It is a well-known fact that the cotton industry cheerfully and readily agreed to pay this tax in order that the Industrial Housing Scheme started by the Development Department, chiefly to house those engaged in the cotton trade and industry of the city, may be quickly brought into existence and completed. Now however that the original programme, for reasons beyond the control of the Government, has been reduced to about a third of its former size, I submit, Sir, that it is not fair, under these circumstances, to call upon the cotton industry and trade, to bear the burden to the same extent as they were originally expected to do. I think, it is reasonable to demand that they should be relieved at least to the extent of the reduction of the housing scheme from its original size to its present proportions. I do most earnestly hope that the Government will seriously consider and give effect to this aspect of the question, if not to-day, at least at a very early date.

Turning again to the question of the transfer of these chawls for management, to some public body or some other department of the Government. I am afraid, the transfer, even if possible, will not help the Department in the slightest degree. I know that every endeavour is being made by the Development Department to let out all these chawls, but it is not possible to do so. I may say, Sir, with my personal experience of these chawls, that there are many reasons why they are not all fully occupied. One of them is that they are not well-lighted. The other reason is that the labourers like to live among their own people in their own way amidst their old familiar surroundings. A third reason is that they are now occupying chawls which are insanitary and not as well-provided for as the Development chawls, and for which consequently, they have to pay much less than they have to pay for these chawls. These are some of the reasons why they are unwilling to occupy these chawls. It must be added that the continuance of the Rent Act also very largely comes in the way of the occupation of these chawls. The right way of solving this problem is to abolish the Rent Act and to get the municipality to bring pressure to bear upon the owners of unhealthy and insanitary chawls which are at present occupied by the labourers, and compel them either to improve them and make them more sanitary, or to pull them down. In any case, I believe, Sir, that it is not the fault of the department at all. And so long as these chawls remain occupied, it is quite natural that there should be a deficit. However, every attempt should be made not only by Government but also by the municipality and other public bodies to devise ways and means of solving this problem.

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Before I conclude, I do hope that Government will consider the advisability of reducing the cotton cess, to the unfair incidence of which on the cotton trade and industry of the presidency, I have already alluded It is no fault of the cotton trade and industry that the Government, for various reasons beyond their control, have not been able to complete their original programme. It is quite fair and right that those on whom this tax mainly falls should expect Government at least to substantially reduce if not altogether abolish it at an early date.

Mr. G. L. WINTERBOTHAM: On a point of information. Does the honourable member support or oppose the proposal?

Mr. J. B. PETIT: No; for the moment I am neither opposing nor supporting it. I have an open mind on the question and will decide after hearing the Honourable the General Member.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I am sorry the Honourable the General Member is not here just now when I have to say something about these Development chawls. Looking to the vacancies in these chawls which have been built at an enormous expenditure of public money, I am inclined to support my honourable friend Mr. Petit's statement that proper efforts have not been made by Government to get these chawls filled up by inducing public bodies and private individuals to come and take up these chawls. (The Honourable Sir Cowasji Jehangir comes in) I am glad that the Honourable the General Member now comes in. I say that Government's efforts have been altogether on wrong lines. My complaint against them is that just as they have offered certain facilities to public bodies, similarly they have not given equivalent facilities to private individuals wishing to occupy these tenements. The reason why the chawls did not attract more tenants was that even the rents now charged were more than an average labourer was able to pay. Last year also, in discussing this very item of Development chawls, I made certain suggestions regarding the reduction of rents. The Honourable the General Member has acted on those suggestions but he has done so only in respect of chawls which are at a very great distance from business places, by roads insufficiently lighted and inadequately policed when the tenants have to go from these chawls to their places of work. These labourers are subject to attacks from budmashes and other undesirables who molest them especially in the evenings and during nights. As the Honourable the General Member is aware, these people leave their homes at 6-30 to 7 in the morning and return from work at about 6-30 or 7 or even later than that in the evening. I mean the Worli chawls. A woman residing there was killed by two Mahomedans only five days ago when in the evening she was returning with her brother after redeeming some of her ornaments from the Marwari with whom they had been pledged. This case has been reported in the " Times of India " and other newspapers of this city.....

The Honourable Sir COWASJI JEHANGIR: When did the murder take place?

Mr. R. S. ASAVALE: About five days ago, I think. The woman was residing in one of the Worli chawls. I bring this to the special notice of the Honourable the Home member. The chawls are big chawls containing 80 tenements with 20 rooms on each floor. The length is over 100 feet. There is not a single light there, the *Nhanis* cannot be kept clean for want of enough water. The labourers have to scramble for water every evening after return from work at about 7 in the evening. Considering the large number of tenants that occupied each chawl, I would strongly urge that more water taps should be provided on each floor and there should be sufficient lighting arrangements in the chawls. If these two conveniences are provided for these chawls, I am sure there will be no vacancies. In fact our Textile Labour Union sent in a representation to Government some three months back about this matter but I do not know what action has been taken on it.

I find that the estimated income has been put down at Rs. 7,25,000 by way of rents from these chawls. As against this income, there is an estimated expenditure of Rs. 3,76,000, or nearly 50 per cent. expenditure. Can the Honourable the General Member, who himself is one of the biggest landlords in the city of Bombay, tell me whether he considers 50 per cent. as a reasonable expenditure and whether he himself is spending that much on maintaining his own property? Is it not a sheer waste? Here we have got an officer called the Land Manager on Rs. 1,000 per month. Then there is an assistant land manager who used to be paid Rs. 1,000 but who will now be paid Rs. 550 per month. Is it necessary to have such highly paid officers for doing this kind of work?

One suggestion I would make this year is that the chawls which public bodies are prepared to take should be given to them within three months from now. The remaining chawls should be farmed out to the public under contracts at a deduction of ten per cent. This would bring about a reduction of 40 per cent. of the present expenditure. There would of course be deposits kept by the farmers in respect of almost all the chawls. If this is done, far from there being 100 chawls unoccupied as feared by the Honourable the General Member, there will not be a single chawl remaining vacant. They are not pigeon-holes as stated by some honourable members. If Government act on my suggestion, there will be a saving to Government on the contrary.

The other point I would like to urge is about the reduction of rents. At present only Rs. 3 on an average is recovered per room. If an average of five rupees per room is charged, I am sure the results will be good. The labourers earn not more than 20 to 25 rupees per month, and out of these earnings, they cannot afford to pay more than five rupees for rent. In other parts of the city the rents for such rooms in old buildings owned by private owners are Rs. 8 or Rs. 9 still, and therefore my suggestion may profitably be considered by Government.

With these few remarks and suggestions, I would again request the Honourable the General Member to give kind consideration to my suggestions whereby Government will be profited and the labouring classes will also be benefited.

Sir VASANTRAO DABHOLKAR : Sir, the honourable mover of this amendment has said that Government has not used its commercial sagacity in building these chawls. From the very beginning when this scheme was put forward, I was entirely against the scheme because I knew it for certain that the labouring classes would never take advantage of these chawls, and the fact remains so to-day. But may I know what commercial sagacity has been shown by the honourable mover of this motion ? What does the honourable member want by his motion ? He wants that the establishment charges should be reduced without handing over the chawls to any public body. Who is going to look after the chawls if the establishment is curtailed. As long as Government is not in a position to dispose of these chawls, how will it be possible for Government to reduce the establishment ? There must be somebody to look after the chawls, and the establishment must be there.

My honourable friend Mr. Nariman has stated that these chawls should be handed over to the Improvement Trust. My honourable friend, who is a trustee of the Improvement Trust Board, does not know the Improvement Trust Transfer Act. The Improvement Trust cannot take over this property from Government, because they are governed by a different Act. Even assuming that these chawls are transferred to the Improvement Trust, what can the Improvement Trust do ? The Improvement Trust will not be able to put in tenants into these chawls, because of one reason, for which this House and particularly my honourable friend the mover of this motion is responsible. This House has extended the life of the Rent Act, and I am quite sure that there will be a recommendation from the Development Advisory Committee that, as long as the Rent Act remains in force, there will be no possibility of these chawls being occupied. The Improvement Trust wanted to acquire Dharavi, as it is one of the most insanitary areas, and this insanitary area has been occupied very largely by the mill-hands, and this in spite of the fact that the mill-hands come from such districts as Worli, Fergusson Road and other places. If they can afford to go and stay at Dharavi, surely they can stay at Worli in these sanitary chawls, but they do not want to go and stay there, even when the rent has been reduced to Rs. 4. An offer has been made to the millowners and mill agents to take the chawls for the labouring classes, but the labourers prefer to go and stay at Dharavi, because they know, as a matter of fact that, under the Rent Act the landlord cannot increase the rent, and moreover it is very difficult for the landlords to recover arrears of rent because the process is such that by the time you go and get the rent controller's certificate the tenant will have gone away keeping broken chatties for the landlord. Now, as the honourable member has pointed out, rents are recovered from these chawls under the Bombay Land Revenue Act, and it is, in his opinion, not a healthy system. But if these rents are to be recovered in the same way as an ordinary landlord does, then you will find that to-morrow all these chawls will be full. The tenants will come and occupy the rooms, the rents will fall in arrears, and when the rent is to be recovered in the ordinary way, they can leave the chawls in any

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way they like. Now, Sir, it has been stated that the Rent Act does not affect the chawls.

An Honourable MEMBER: You want it to be abolished, and the landlords left free to do as they like ?

Sir VASANTRAO DABHOLKAR: Certainly. It is their birthright, and the landlords must have it. It was on account of the War that the Rent Act was introduced. But the War was over ten years ago, and in these days of democracy, my honourable friend Mr. Nariman wants to extend the life of the Rent Act, and there will be another Nariman who would want to extend it by three years. Why should there not be a limit on the incomes of pleaders ? Why should the landlords only be restricted ?

Sir, a reference was made to the Improvement Trust. In the Improvement Trust, we have got about 9,000 rooms, and there too we have got vacancies to the extent of more than 10 per cent. We have about 1,000 rooms vacant to-day, and the loss of revenue, on account of the Rent Act, which the Improvement Trust has to suffer is to the extent of somewhere about Rs. 7 lakhs.

There is one more point, and that is that mill agents like my honourable friends Mr. Hooseinbhoy Lalljee and Mr. Lalji Naranji can take advantage of the *bona fide* offer of Government that they are ready to give them these Worli chawls at Rs. 4 per room, which is absolutely dirt cheap. Even a poor labourer, who is working as a mill-hand can safely take a room and by sharing it with another family can incur an expense of only Rs. 2 per month for rent. My honourable friend Mr. Asavale has put the average income of the mill-hand at Rs. 20 per month, but I think he is rather modest. Any man working as a labourer can make Rs. 30 a month, and if he shares a room with another family, a rent of Rs. 2 per month is not much to him.

There is one aspect, which was also referred to by my honourable friend Mr. Asavale to-day. It was pointed out to Government some two years ago in one of the reports of the committee meetings of the Development Advisory Committee—and my honourable friend Mr. Bell will bear me out—that unless sufficient police help is given in the locality, it will be very difficult to rent the chawls, and that recommendation is in one of the reports of the Development Committee. Then, as regards medical relief, that is another drawback, but as far as that is concerned, that is more or less the function of the Corporation and the Government, and some improvement has been made in that respect by the opening of the King Edward Memorial Hospital.

Then, Sir, it was stated that it is much better to negotiate to dispose of the property. But we must try to make the best out of the worst. Who is going to take up this white elephant ? Merely out of sympathy for the working classes, Government came to their rescue, by spending Rs. 3½ crores, in order to house the poor labourers. But this sympathy on the part of Government was abused by the labourers. Not only that, but it has been further encouraged by the mill agents themselves. With

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the exception of one or two mills in Bombay, the rest of the mills have got their labour scattered all over the city; the labourers live so far north as Dharavi and Sion, and some of them go even as far as Thana. If these mill agents would take up the offer of Government, Government would be able to make some profit. No doubt, Government would not be able to make as much profit as they had expected, or even be able to make both ends meet. A rent of Rs. 4 a room, with 6,000 rooms, will bring in a monthly rent of Rs. 24,000 a month, which means about Rs. 2,40,000 a year as far as Worli is concerned. But Rs. 3½ crores have been spent on the whole scheme, and even assuming that all the 15,000 rooms are occupied at an average of Rs. 6 per room, that will come to Rs. 90,000 a month, or about Rs. 10 lakhs a year. But even that would not be sufficient to pay the interest on the Rs. 3½ crores that have been spent. But there is one more offer, which is in the hands of my honourable friend Mr. Nariman, and that is that in the year 1935, if it is the desire of the Corporation, the Corporation can take this property. Why does not the honourable member Mr. Nariman suggest this to the Corporation, that in 1935 as they have the option of taking over this property, the Corporation should do so?

An Honourable MEMBER: It is a long way off.

Sir VASANTRAO DABHOLKAR: It is not a question of its being a long way off. These chawls are located in the midst of the mill area.

Mr. K. F. NARIMAN: Will they last till 1935?

Sir VASANTRAO DABHOLKAR: I can assure my honourable friend and compliment him that he is a good police court pleader, but is a bad engineer. He ought to know better than to expect these chawls to come down in 7 years. One should use common sense in this matter.

Now, my honourable friend Mr. Asavale said that these chawls are pigeonholes.

Mr. R. S. ASAVALE: I never said so.

Sir VASANTRAO DABHOLKAR: It was mentioned that these chawls were pigeonholes; I do not know whether it was by the honourable member Mr. Asavale, or by somebody else. What idea has that honourable member got of pigeonholes? When every chawl has got a surrounding open space of 30 feet, and enjoys 63½° light how can the chawls be called pigeonholes? Not only that, but I have found that in DeLisle road the chawls have been provided with windows in place of concrete shutters. All these facilities have been provided. As regards *nhanies* which my honourable friend suggested they have been provided in all the chawls which are now occupied. When the chawls are not occupied and when there is no tendency on the part of the people to occupy those chawls how can you expect Government to spend any money? If there is a tendency on the part of the people to occupy, Government will spend more

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money on the construction of *nhanies*. This is rather a big proposition. The scheme was first started in the interest of the working classes and to remove congestion from the city by the Government. Then the Municipal Commissioner, Mr. Monie, took the census and found out that 50,000 single tenements would be required. He found that so many people were sleeping in the streets. The scheme to build 50,000 tenements is based on the statistics prepared by him. Government have stopped to build any more chawls because they find that the chawls are not being occupied.

Then my honourable friend Mr. Asavale suggested that these chawls could be given on contract. If you give these chawls on contract, the working classes will be left to the mercy of the contractors. In the Improvement Trust we have got a collectorate. If you give these chawls to the contractors what will they do ? They may not let the chawls to the working classes and the occupants that come in will be at the mercy of the contractors. Now, we have built these chawls, we have to maintain them till such time when we get co-operation from the railway and mill agents, and when representatives of the people like my honourable friend Mr. Nariman induce the people not to stay in insanitary places like Kamatipura and Dharavi and to occupy these chawls. (Interruption) I am talking in the interest of the people and telling the representatives of the people to induce the people to occupy these chawls. The honourable member Mr. Nariman comes here with the argument of commercial sagacity and cutting down the expenditure on establishment without handing over the chawls to anybody. There must be some time at the disposal of Government to transfer the chawls to the Public Works Department. Assuming these chawls are handed over to the Public Works Department, even then they must have an establishment. Unless establishment charges are provided it is difficult to hand over 15,000 rooms to any body. At present it is much better if the honourable member who moved the amendment withdraws it.

Mr. S. C. JOSHI : Mr. President, I rise to offer a few observations on the motion of my honourable friend Mr. Nariman. Now, Sir, it is an admitted fact that the housing condition of the working classes in the Bombay city is most miserable. More than 66 per cent. of the population of the city is living in one-room-tenements. The living in single-room-tenements has a serious consequence on the health, morality and infant mortality of the people who reside therein. The statistics for the last five years show that the infant mortality in the city of Bombay is appalling. The infant mortality in the city of Bombay is 562 per thousand births registered. Analysing these figures further we find, Sir, that the infant mortality per thousand in single-room-tenements is 784 ; in two-room-tenements it is 482 per thousand ; in three room tenements it is 386 per thousand ; and in four-room-tenements it is 212 per thousand births registered. So, we find that the proportion of deaths varies inversely as the number of rooms occupied by the parents.

No doubt, it was very good of the Government that they undertook the Housing Scheme not on commercial basis but for the benefit of the

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poor to relieve their distress so far as the housing condition was concerned and to provide better and more improved tenements for them. But while doing so they committed a sad mistake in having launched on a scheme of building one-room-tenements. These one-room-tenements may be superior to the tenements at present occupied by the 66 per cent. of the population of the city and more than 90 per cent. of the working class population. Still we find, Sir, that out of the total of 207 chawls only 92 chawls are so far occupied by the strenuous efforts made by Government. Therefore it is necessary to find out the main reasons which are at the bottom of these large vacancies in chawls.

Sir, when we consider the question we find that the present condition of the houses is very miserable. Still we find that people are not prepared to go to better places. Are they so conservative that they do not like to go to better places to live? Certainly not. The only thing that stands in their way is the economic cause. We find from the statistics published in the *Labour Gazette* by the Labour Office that the average wages of a labourer per month come to Rs. 30-10-8. Further, according to the statistics published by the same office we find that the average rent paid by a working class man ranges between Rs. 3-8-0 to Rs. 5. Now, Sir, we understand that only so much they can afford to pay. If we take into consideration the present reduced rates we find that the percentage that these people will have to pay varies from 23 to 33 per cent. of the pay they now get. Can they afford to pay so high a percentage by way of rent only? The chawls have been built with the main object of housing the working classes. If that is so, is it not fair on the part of Government to reduce the rents to a figure which will be within the capacity of those people to pay? I submit, Sir, that it is the first duty of the Government to see that the chawls are occupied by the labouring class people. When times change, the prices come down and the wages of the labourers are increased, then that will be the time of Government to reconsider the whole question and they may if advisable think of the proposals for increasing the rents. If rents are reduced it will be possible that all the chawls will be occupied. On behalf of the labour unions in the Bombay city I assure the Honourable the General Member that we shall try and make every effort to see that the remaining chawls are occupied by the labouring people. The Labour Office addressed letters to the labour unions in the city and we held a meeting for considering the position of the labourers. The labourers contended and very rightly contended that they were not in a position to pay as much rent as was being charged by Government out of the poor salary that they were getting.

There are other suggestions which I have to make for the consideration of the Honourable the General Member. First, it is necessary to have good transport facilities afforded to the areas where these Development chawls are situate. The Tramway Company may be asked to lay their lines in all the chawl areas. Another thing which must be done is that there must be given police protection of person and property. It is necessary to establish schools, markets, shops, temples and other

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amenities of life. It is also necessary to give a more adequate and larger water supply.

Sir, it has been suggested that these chawls should be sold, and disposed of once for all at whatever price they will fetch. We have spent already Rs. 4,50,00,000, and if they will bring only Rs. 50,00,000 then may I know how the deficit will be made good ? Will it not even then be a burden to the extent of four crores of rupees on the tax-payers for years to come ? That being so, why not make the best use of this white elephant ? Why not economise the management ; reduce the expenditure on the management as far as you can ? We see in the present budget that an assistant land manager drawing Rs. 1,100 has been replaced by another officer drawing Rs. 700. That is no doubt a welcome proposal. But it is necessary also to make further reductions in the expenditure. An effort should also be made to see that all the chawls are properly and immediately occupied. If these chawls are sold, it will be a danger to the working class population from the rapacious landlords, and I am entirely against any such thing being done.

Similarly it has been suggested that these chawls should be given on the contract system to the millowners and other employers of labour. I think that also will certainly put difficulties in the way of the employees.

If these chawls are not at present filled up, every effort in the direction I have suggested should be made to popularise them. Once they are popularised and people get accustomed to them, then the time may come to reconsider the whole situation in the light of the circumstances then prevailing.

In conclusion, I have only to submit that any proposal to dispose of these chawls should be opposed as prejudicial to the interests of the working classes.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, while going over the note of the Honourable the General Member in the Blue Book, I was considering whether it was any part of the Finance Department to put down any unnecessary expenditure or any expenditure that appears on the very face of it to be unjustifiable or excessive. I do not know what the functions of the Finance Department are exactly, but I consider that this should be one of the functions of the Finance Department. Now, the irony of the whole situation is in the note in the Blue Book :

"The provision of Rs. 80,000 this year is for the 207 chawls constructed. Of this 207 chalws, 92 were occupied in the beginning of the current year and about 125 chawls are likely to be occupied by the end of the year. Therefore the average number of occupied chawls during the year is 108. The provision of Rs. 80,000 is for current repairs to both the occupied and the unoccupied chawls. It is assumed that the average number of occupied chawls next year will be 126."

(that is only one more than the number occupied at the end of the year).

"Allowing only Rs. 700 per chawl for current repairs to occupied chawls, which is the figure recently accepted by Government, Rs. 88,200 would be required for the 126 occupied chawls leaving Rs. 11,800 only for the 81 unoccupied chawls."

So that, whereas Rs. 80,000 is the revised estimate (for repairs and maintenance) for the current year, with the same total number of occupied and unoccupied chawls (207) with one more occupied—at present 125,

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and Government expect 126 to be the number occupied next year—Rs. 1 00,000 is the amount budgetted for the next year.

The Honourable Sir COWASJI JEHANGIR: Where is that figure '125'?

Mr. B. G. PAHALAJANI: At present, it is 125 and not 108; 108 is the average. It was 92 in the commencement and 125 at the end of 31st March 1928, and therefore the average was 108. For the present year they begin with 125 and at the end of the year, if they have any hope, it ought to be more than 126, but they take it only 126. Now, with 125 occupied chawls at the end of the year, the pay of officers is estimated at Rs. 12,000 in the revised estimate; but with 126 occupied chawls, the estimate for next year is Rs. 17,000.

Mr. R. D. BELL: Sir, may I make a correction? The figure '17' is a misprint for '7.' The total '119' is correct; but the figure '17' is a misprint.

Mr. B. G. PAHALAJANI: Then the pay of officers has gone down from Rs. 12,000 to Rs. 7,000. But the pay of establishment has gone up from Rs. 54,000 to Rs. 63,000 (I hope that is not a misprint); allowances and honoraria from Rs. 15,000 to Rs. 19,000. So that, after all, when 125 is the number estimated to be occupied at present and 126 is the expected average at the end of the next year, I cannot understand—I hope the Honourable the Finance Member and the Honourable the General Member will assist me in understanding it—why the pay of establishment should increase by Rs. 9,000 and allowances and honoraria by Rs. 4,000. The losses sustained by this adventure in the current year is Rs. 3,86,000 debited to revenue, and next year the loss is expected to be Rs. 5,05,000, and admittedly it is likely to grow. While there is this increase, which is, apart from interest charges, mainly due to the increase in pay of establishment from 54 to 63 and allowances and honoraria from 15 to 19, what is the proportional increase in income? The proportional increase estimated for occupation is very small.....

The Honourable Sir COWASJI JEHANGIR: How is it very small?

Mr. B. G. PAHALAJANI: It is 125 actually occupied at present. At the commencement of the year it was 92; the average for the current year is 108; but we are starting the next year with initial number of 125 occupied.

The Honourable Sir COWASJI JEHANGIR: Will you please read it again?

Mr. B. G. PAHALAJANI: They have in all 207. Of these 92 were occupied in the beginning of the current year and "about 125 chawls are likely to be occupied by the end of the year. Therefore, the average number of occupied chawls during the year is 108." At the commencement it was 92, but about 125 chawls "are likely to be occupied by the end of the year." "It is assumed that the average number of occupied chawls next year will be 126," against 125 at the end of the current year.

The Honourable Sir COWASJI JEHANGIR: The average this year is 108.

Mr. B. G. PAHALAJANI: We started this year with 92 and at the end of the year it was 125; so the average will be 108. But there has been a progressive increase and it was 125 at the end of the year. If we expect to progress and not retrogress, then certainly beginning with 125 at the commencement of the next year we must progress not only up to 126 but much more.

On the question of loss for expenditure, I find its increase from Rs. 3,86,000 to Rs. 5,05,000. Details of the establishment for chawls is not given at this page. But other establishments are given at page 242. If you will turn to page 242 of the Blue Book, it is stated there:

"Office of the Assistant Land Manager, Development Department Chawls, Rs. 47,840."

For this year this amount of Rs. 47,840 is not there, because it has now been transferred to a separate head of "42." I suppose, Sir, that this is the pay of the establishment of Assistant Land Manager, as the pay of the Land Manager has been shown separately as item No. 4 on the same page. If you go further, you will find an item of Rs. 14,468 as house allowance. I do not know how the total of Rs. 63,000 has been calculated. That is the situation. I put it to the Honourable the General member whether it is fair to charge the cost of the office of the Superintending Engineer and the Executive Engineer for the work of repairs—Rs. 23,000 and also *pro rata* share of the cost of Secretariat establishment—Rs. 4,000. You will, therefore, see that of Rs. 27,000, apart from the item of Rs. 63,000 for the establishment that I have already mentioned, is also debited to this department for superintendence. That is the expenditure for looking after 126 chawls.

I will put it to the Honourable the General Member, who is one of the biggest land-holders to say that if this were his private property, would he have appointed the Superintending Engineer and the Executive Engineer and so on and spent Rs. 23,000 for that purpose? Had he employed an establishment which would cost Rs. 63,000 for the collection of rents, when nothing else has to be done? I do not think so. But in the present case it is the property for which the taxpayers have to pay. Will the Honourable the General Member or will the Honourable the Finance Member allow such things, if this were their own property? The facts are there and everything is quite clear. If the Honourable the General Member comes forward and says: "This is the minimum establishment charges and there is nothing for reduction," I do not think anyone will believe him. I, therefore, ask: "Is it the way of managing affairs?" If you cannot manage that properly, why not give a contract to another to collect rents? Give the repairs to the contractors, if the Government cannot manage to do it cheaply. Or why should they not hand over the property to the P. W. D.? The most surprising thing is this. The more chawls are being occupied the more establishment charges are incurred. When 125 chawls were occupied, the expense was 1 lakh and when 126 came to be occupied the expenses increased by Rs. 19,000. So, you will find, that instead of decreasing the expenditure establishment for when more chawls

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are occupied, it goes on increasing. So, I think if all the 207 chawls are occupied, the Honourable the Finance Member will have to make a provision of Rs. 10 lakhs for the establishment. Let us have some fixed calculation. Let not this honourable House be misguided by the figures. The Honourable the General Member must tell this House the exact position and he should try to reduce the expenditure as far as possible.

Mr. R. D. BELL: Sir, the honourable mover has directed his attention in this case to the establishment charges and I propose to deal with these in detail in the first instance.

It is quite impossible to explain every single particular which makes up an item in the budget. The honourable member from Sukkur (Mr. Pahalajani) who has just spoken, has, on account of what I may call necessary omissions, been led to make wrong deductions from the figures. Although the cut refers to the establishment charges, I shall take the figures of expenditure given on page 104 of the Blue Book, item by item, because nearly all the items have been referred to.

The first item of Rs. 1,00,000 is for the annual repairs to chawls as compared with Rs. 80,000 expended during the current year. I may state that the cost of repairs is based on an average of Rs. 700 per occupied chawl. The cost of repairs and maintenance includes not merely repairs to the buildings which are trifling but other items also. The principal of these items is white-washing once a year, which is, on sanitary grounds, most essential. Another item is the cost of maintaining the sanitary fittings. These are very expensive and their maintenance forms a very heavy item, because most of the tenants were, at first, entirely unacquainted with their use and caused considerable damage to them.

There are outside pavements to be maintained. There are also open spaces, large open spaces, at Naigaum and Worli to be maintained with trees and outside lighting. This charge for repairs includes the cost of outside electric lighting. Now, the cost of the chawls is roughly, on the average, Rs. 1,66,000 per chawl, and honourable members can work out for themselves that the figure of Rs. 700 per annum per occupied chawl is about half per cent. of the cost of the chawls.

Mr. R. S. ASAVALE: Are lights supplied to any chawls? I think no lights are supplied to any chawls.

Mr. R. D. BELL: I am referring to outside lighting. Now, the Millowners' Association of Bombay drew the attention of Government to what they considered was the very heavy incidence of expenditure of all kinds on chawls, and I personally met the committee of the Millowners' Association and discussed every item, one by one, with the members, and, with their advice, was able to make some reductions; Government finally wrote to the Millowners' Association giving them their revised figures of expenditure of all kinds, and I gather from the fact that no further correspondence on this subject has taken place that they were satisfied.

The honourable member for Sukkur complained that only 125 chawls were expected to be occupied by the end of this year and only 126 chawls

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next year while the cost of repairs had gone up, by 25 per cent., from Rs. 80,000 to Rs. 1,00,000. Well, the comparison is not a fair one, because the figures given in the Blue Book are the average number of chawls occupied in the year, namely, 108 in the first case and 126 in the other. Honourable members will realise that a great many of the chawls which were opened for the first time this year have required no repairs during the year. The current year opened with 92 chawls in occupation and whitewashing had to be done in all of these. But 33 new chawls were opened in the course of the year, and probably at least half of these have required no whitewashing; they will not be whitewashed for the first time till next year. This circumstance explains how the other items on page 104 of the Blue Book, *viz.*, general-tax, water-tax and halalkhore-tax, have all increased apparently disproporticnately. If honourable members refer to item (4), halalkhore-tax, they will see that it has increased from Rs. 20,000 to Rs. 25,000,—exactly in the same proportion as the increase in repairs.

Mr. R. S. ASAVALE: Were tenders called, for whitewashing?

Mr. R. D. BELL: That is a matter in the discretion of the executive engineer or the superintending engineer, and it has not come to my notice.

Mr. R. S. ASAVALE: Is it not beneficial to Government to call for tenders?

Mr. R. D. BELL: Retrenchment has been carried out in the matter of repairs and sanitary stores, which are the only two items which we can possibly vary in section (*a*) of the expenditure on page 104 of the Blue Book, and there is no prospect of any further permanent reduction being now made. Indeed, after the first draft of the budget had been prepared this year, the estimates for sanitary stores had to be raised because, owing to the amount of cutting down which had taken place, there were complaints about the insufficient use of sanitary powders.

The next set of items on page 104 of the Blue Book relates to establishments. The officer who has been in charge of the chawls till now was paid Rs. 1,000 a month for very special reasons. At the beginning of 1925 Government were dissatisfied with the general state of rent collections and with the organization, and it was thought that the best course to pursue at the moment was to put in an accounts officer. Government then put the Audit and Accounts Officer in charge for a short time in order that the position should be thoroughly investigated. The Audit and Accounts Officer, for a month or two thus replaced the then Land Manager, and one of his assistants was put in to manage the chawls. It was found that it would be rather a waste of time to get this officer to make an investigation and write a long report, and that the best thing to do was to give him time, instead of writing a report, to put the chawls on a good working basis. In 1925, as honourable members may recollect, there was a very severe mill-strike about the end of the year and we lost many tenants, and very heavy arrears were left uncollected. So, the result of that year could not be taken as a fair test.

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But now a standard of collection has been reached, which we know is practicable, and the present seems a suitable time for putting in a less highly paid officer to run the concern which is now thoroughly well organized. To give honourable members an idea of the state of rent collections at the present time, I may tell them that last year the collections were equal to 98 per cent. of the demand and this figure has been maintained this year up to the present day. In the latest figures, arrears do appear largely, but this is because everybody in Bombay is in the habit of paying their rent in arrears; that is to say, they pay the rent for March on the 1st of April. These rents due for March, which are not paid till April, appear in our books as "arrears." As a matter of fact, a large proportion, a very surprisingly large proportion, of Government tenants now pay their rent for the month during the currency of the month. The demand in January was Rs. 51,000. I am excluding now rents from concerns like the B. B. and C. I. Railway and merely refer to rents due from individual tenants. Out of a demand of Rs. 51,000 for rents during the month of January, Rs. 19,000 were collected during the month, and a further sum of nearly Rs. 3,000 was collected in advance for rents due in February and March.

The arrears on the 1st of February, were only Rs. 44,000, that is to say, less than the rents due for the month of January. That is the condition of affairs which I think is quite satisfactory. There is a reason why the Development Department should obtain better results than the Improvement Trust. Government, as one honourable member mentioned have exceptional powers under the Bombay Land Revenue Act, so that it is in no spirit of boasting that I give these figures. I agree that the state of rent collections in the Development Department should be better than those in the Improvement Trust. When making comparisons with the Improvement Trust, honourable members must distinguish between the pre-war chawls of the Improvement Trust where the rent is still governed by the Rent Act and the post-war chawls. I have not got actual figures with me but figures were prepared about three years ago, during the year of the mill-strike, which showed that the two bodies collected exactly the same percentage of rent in the post-war chawls and since then the state of affairs in the Development Department chawls with regard to rent collections has greatly improved. It is in those circumstances that a change is now being made in the post of assistant land manager. The officer will be a senior mamlatdar who has acted as a deputy collector and who belongs to the classes which largely use these chawls. He is a Non-Brahmin.

The next item to which exception was taken is Establishment which has increased from Rs. 54,000, the revised figure for 1927-28, to Rs. 63,000 for the next year. The honourable member for Sukkur referred to this as the collection establishment. It is not the collection establishment. It includes the collection establishment and a great deal more than that. More than half this sum is required to pay the sweepers attached to the chawls. The figure is certainly over Rs. 30,000, judging

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from a rough calculation I have made just now. There is one sweeper for each chawl and this number, the committee of the Millowners' Association seemed to agree, cannot be reduced. There is a mucadam over every 20 sweepers and there is one sanitary inspector who gets, as far as I remember, Rs. 150 per month, over the whole staff. I do not think that any honourable member considers that this provision is extravagant The actual rent collecting establishment consists of chawl superintendents who have other duties than rent-collecting. There are at the present time nine of them. The maximum number of tenants at the end of last year was over 8,000. These chawl superintendents therefore manage, on an average, 1,000 tenants each. They are paid on the same scale as ordinary clerks in the lower division in Bombay. They start on Rs. 60 and rise in the course of 30 years to Rs. 160 per month. Those, who were engaged first of all, also get a house rent allowance of Rs. 20 a month. Acting on the advice of the Advisory Committee, they are also paid a bonus on their collections. But in comparing them with ordinary clerks, I think honourable members should realise that their work is very much harder : they start work at about 7-30 in the morning and with a short interval in the middle of the day, their nominal working hours are till 5-30 in the evening, but they have actually to work till ten and eleven at night especially after mill pay-days. They have few real holidays. They have to work often even on Sundays. They get no leave unless some of their fellow rent-collectors relieve them and they are not entitled to any pension. I think, Sir, that it is very desirable that these chawl superintendents should be sufficiently paid because, as honourable members, who come from Bombay city, well know, these rent collectors are subject to various temptations. In point of fact, if a rent collector does not reach a certain standard in his rent collections, the cause may be suspected but cannot be ascertained and we find that there is no other remedy except to dispense with his services.

The honourable member for Sukkur referred to the establishment debited *pro rata* and referred to the figure of Rs. 23,000 on account of engineering establishment. That figure is the standard figure, more or less, which is always debited in the Public Works Department against works. The Public Works Department charge is at the present time 24 per cent. as you see, the cost of repairs for next year will be one lakh of rupees, so that in the ordinary way the Public Works Department would allocate Rs. 24,000 for the engineering establishment as a *pro rata* charge. I think that disposes of the suggestion that there is anything exceptional in the *pro rata* charge in the case of the Development Department chawls.

These are the main details explained but there are one or two general points to which I should now like to refer. The honourable mover of the amendment suggested that the manner of showing the receipts was a bit of jugglery and it did not seem to him to be an honest way of showing the figures. In this matter of showing figures, the Government themselves are very largely in the hands of the Accounts Department and the Accountant General, but the reason why a tax is shown as a receipt under

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the head " 42 " is this. This is the only instance, as far as I know, in the Bombay Government's budget where a tax is earmarked for a specific head of expenditure. It is shown here naturally and, I suggest, very properly. There has been no attempt whatever to conceal the loss which has been very carefully explained in the last paragraph on page 107. That loss has been somewhat unexpected, at least the greater portion of it has been, and the House is entitled to an explanation. At the end of 1924-25, the balance at the credit of the cotton cess account was over Rs. 15 lakhs and it was thought that, on a diminishing scale of expenditure and increasing rent receipts it would be about sufficient to see the chawls put on a paying basis. Unfortunately, in 1926-27 there was a heavy fall in the receipts from the cotton cess which fell, from an average for five years of 15½ lakhs a year, to Rs. 11·14 lakhs in 1925-26, so that the balance which was available for meeting future losses was seriously reduced. Not only so, but in the revised budget of this year and the budget estimates for the next year, we have had to take a lower figure for the cotton cess receipts than would have been justified on the average figures for the first five years.

Another temporary disappointment, I hope, was the rate of interest. The chawls were built out of loans which were all taken at rather high rates of interest. The average rate of interest is at the present time about 6·1 per cent.

If Block 8 in Back Bay had been ready for transfer this month, we should have been able to save Rs. 77,000 of interest charges in the housing scheme next year. These are the main reasons why this burden on provincial revenues has come upon them sooner than the Department thought 18 months ago.

I referred, Sir, to the diminishing scale of expenditure, and perhaps, in my previous remarks, I did not sufficiently refute criticisms which pointed out that, to some extent, the expenditure, taken as a percentage on the receipts, was actually rising. I have explained how it has risen, to some extent, from the nature of the expenditure itself, that is to say, that when new chawls are brought into use, the full expenditure on them is not incurred till the following year. But there is another reason. These chawls are let at specially low rents, and these rents have been reduced from time to time during the last 4 years. Now, when the rent is reduced, it is not possible to reduce the cost of whitewashing and other charges. We cannot reduce proportionately the pay of the sweepers and rent-collectors, or the cost of electric lighting. Everything goes on as before, and the lower the rents are made, naturally the higher the expenditure appears to be. That is quite unavoidable, and if honourable members press, as many do, for a reduction of the rents, they must be prepared to face what appears to be a percentage increase in expenditure; it is a matter of arithmetic, and nothing else.

The honourable mover referred to another matter. He asked, what would be thought of a commercial concern which spent Rs. 350 lakhs, or Rs. 450 lakhs according to his calculation, and got a return of only 1 per cent. ? It was never intended that these chawls should bring in

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a return in the shape of rents which would be a fair return on the expenditure. They were started as a social scheme, for the better housing of the working classes. The criticism from the honourable mover surprises me the more, because in another local body, of which he is a member, he is a wholehearted supporter of reduced rents, but he never asks the question there, what would be thought of a commercial concern which would reduce rents in the circumstances in which he advocates them elsewhere.

Allied with that criticism is the suggestion that something improper has occurred, in that the capital of the chawls is shown as Rs. 350 lakhs, while the honourable mover suggests it is really Rs. 450 lakhs, because interest charges were written off during construction. Now, if he does care to regard it from a commercial point of view, I should like to point out to him and to the House that commercial concerns in this city, under certain circumstances, have, and have been permitted by law, to pay dividends from capital. In the case of the housing scheme, the reverse is the case. The housing scheme was fortunate in this way, that during construction it had a revenue from the cotton cess, and it seemed to be elementary sound finance, that when it had this revenue during construction, interest charges should be met from this revenue. At all events, this was one of the accounts matters which are not entirely in the hands of the department or even of Government. The Audit Department laid it down categorically that a scheme with a revenue of this kind must write off its interest charges during construction against that revenue.

Then, I must confess to disappointment in the constructive suggestions, from the commercial point of view, of the honourable mover, because when they were boiled down they emerge in this shape : somehow or other we are to get rid of the chawls and save a recurring loss, the recurring loss being, as a matter of fact, a slight difference on the right side between the rental receipts and expenditure. Well, Sir, supposing Government did get rid of the chawls, what is going to happen to the capital debt ? How are the interest charges going to be paid ? That is the crux of the financial position. Whatever uses the chawls are put to, whatever rents we let them at, these interest charges have to be met, that debt has to be extinguished. I admit, Sir, that in some respects the cost of collecting rents by Government agency is higher than a private chawl owner would incur. I say that this higher cost is absolutely unavoidable. A private individual with a single chawl can manage all his affairs without any subordinate staff, but we cannot expect the Honourable Member in charge of the department to go round the chawls, collect the rents, and see that they are properly repaired, neither can we expect the Secretary of the Department to do so.

Mr. R. S. ASAVALE : Every landlord requires a Bhayya.

Mr. R. D. BELL : The only escape from this position is, as some honourable members have suggested, to farm the chawls. But if you farm the chawls, you cease to run the scheme as a social scheme, and the

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farming of revenue has not, in past history, been found to be free from very grave defects and abuses in any country, least of all in this country. And, finally, what would the friends of Labour—and among friends of Labour I include employers of labour in many cases,—say to such a proposition ?

The problem at the present time is to fill the empty chawls, and the position is briefly this. At Sewri, Naigaum, and DeLisle Road the chawls are sufficiently full. But a further reduction in the rents, even if it secures the filling up of every room, would entail a further loss, that is to say, the reduction in the rents of the present tenants would not be covered by the rents from the newcomers. Unless honourable members are prepared to agree to a further increased burden on the general revenues there is no good talking of reduction in rents in these three areas. As a matter of fact there are no vacant chawls at Sewri ; there are only five chawls at Naigaum ; and only four vacant chawls at DeLisle Road. But at Worli we have 75 unoccupied chawls. It has been asked why these chawls have not been occupied and it is suggested that they are not suitable in all respects for the habitation of the people for whom they are intended ? I think this suggestion has already been disposed of by the actual figures of tenancies. Up to the end of last December, 3,000 tenements had been occupied at Worli. The Improvement Trust has no such large block of chawls occupied anywhere. There are 3,000 tenements now occupied at Worli and the Worli chawls are the most popular of the chawl areas of Bombay. But all the chawls there are not filled because the supply is far in excess of the demand. Since the census of 1921 there has been a large reduction in the population of Bombay. The figures were given to the advisory committee and showed that there was a reduction in population of 1½ lakhs. You see therefore that if conditions reverted to those of 1921 a great many of these chawls would be filled.

Some suggestions were made that the amenities of the chawls are insufficient. I dispute entirely any suggestion that police protection is not adequate in any chawl area. In DeLisle Road there is a police station actually in the area itself. At Naigaum there is a police station immediately adjoining the area. At Worli there is a permanent police post. Worli is as safe as any other area in the city which has no police station in its immediate vicinity. There is a municipal dispensary at Worli. There are municipal schools in all the areas ; and there is a child welfare work going on in three of the areas. The Young Men's Christian Association has provided facilities for recreation and instruction at Naigaum. There are shops in all the areas. With regard to the suggestion made by one honourable member with regard to water supply, it is ample in all the areas. The chawls as habitation are as satisfactory as any building constructed by human agency can be. Rents are now exceedingly low. Employers of labour can get chawls at Worli at Rs. 4 a room. That is one rupee less than what the individual tenant pays. At DeLisle Road a reduction of Rs. 1-11-0 per room has been made in the rent to employers. We

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have even offered as an experiment to give chawls to contractors to see what would happen. After all there is no great harm in making an experiment. So far, there is no offer even from contractors. (An Honourable Member: Did you advertise?) I did not advertise but Government issued a Press Note explaining fully what the terms of the offer were for each chawl area. The only solution of the difficulties of filling the Worli chawls is the return of prosperity to Bombay. I hope that these remarks will assure honourable members that the chawls at present are managed satisfactorily and that the demand of one lakh ninteen thousand for establishment is justified.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I rise to support the cut moved by my honourable friend Mr. Nariman.

Mr. D. A. JANVEKAR: May I know whether the honourable member is allowed to speak in Urdu?

The Honourable the PRESIDENT: Yes.

Mr. HAJI MIR MAHOMED BALOCH: Last year Government showed a revenue of Rs. 6,64,000 and provided Rs. 2,14,000 for repairs and taxes and Rs. 1,00,000 more for establishment amounting to Rs. 3,14,000 which is enormously heavy expenditure which amounts to 50 per cent. of the income. What is the balance? In the case of income tax collection Government are very strict in collecting the full assessment and refuse to take into account any establishment charges that we may have to incur. They only allow us one-sixth of the income to be incurred for repairs and other charges, but they themselves do not care to spend 50 per cent. for the repairs and other charges. In the coming year they have shown a revenue of Rs. 7,25,000, *i.e.*, an increase of Rs. 61,000. But at the same time they have increased the expenditure by 62,000 with the result that there is no increase in the revenue over that of the last year; on the contrary there is a loss of 1,000. I do not know whether Government are moving in darkness. Yet, they tell us that they are unable to spend less than this. They are going to spend Rs. 17,000 on officers next year....

The Honourable the PRESIDENT: The figure is '7,' not '17' as corrected.

Mr. HAJI MIR MAHOMED BALOCH: No Sir, Page No. 104. Blue book Establishment item No. 5 *pro rata* makes my point clear. This year they spent Rs. 16,000 on one item of establishments but next year they are going to spend 27,000 on the same item, *i.e.*, 11,000 more. Whether it is on establishment of officers or on establishment of engineers, the public expects Government to cut down the expenditure. The honourable member the Secretary stated that although the rents were reduced to Rs. 4, nobody came forward to occupy the rooms. But I say, Sir, that the rooms will not be occupied even if the rent will be reduced to Rs. 2. I have been there to see the rooms, and may I tell you what they are like? The inmates have to cook, and sit at ease in one and the

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same room all through the day. I had been to Calcutta which was notorious for its Black Hole. But I did not see any. On the contrary Bombay is full of Black Holes. For the rooms in these chawls are veritable Black Holes. Government had employed engineers on Rs. 3,000 and above with house-rent allowances, overseas allowances, and other miscellaneous allowances, and this is the kind of rooms that those engineers have designed and built. There are no chimneys for the smoke to escape, and when it rains the water percolates through the ceiling into the room. Such being the method of construction, how can Government expect tenants to come and occupy them ?

Then, look at the figure of one lakh of rupees for repairs : I am a contractor myself, and I know something of this business. The British nation is said to be a race of *baniyas*, but while their Government in Great Britain spends like a true *baniya*, their Government in India spends like a 'Miabhai.' Even a person like my honourable friend Mr. J. B. Petit has stated that the chawls are insanitary. I hope Government will try to reduce the rent and make it possible for the labourers to occupy those rooms and bring down cost of maintenance so that the Housing Scheme may not press heavily upon the revenues of the presidency.

Mr. SYED MUNAWAR : Sir, I rise to support the cut proposed by my honourable friend Mr. Nariman, and in doing so, I warmly associate myself with the observations made by my honourable friend Mr. Joshi. Sir, the object of the honourable mover is evidently to raise the question of economy in the expenditure incurred on recovery of rents of the Development chawls. The gross revenue in the revised estimates is estimated at Rs. 6,64,000, but the expenditure on repairs and taxation amount to Rs. 2,14,000 and on establishment alone it is Rs. 1,00,000. There is, therefore, a net income of Rs. 3,50,000. The House is aware, Sir, that Government have invested 3½ crores on these chawls, but the nett return from these chawls is only 3½ lakhs, that is only one per cent. You know, Sir, that the object of the Government in carrying out the scheme was to provide housing facilities for Labour in Bombay. As Labour is still dwelling in most insanitary premises and surroundings which are in the most deplorable condition, I hope and trust that Government will not abandon their housing policy to which they are committed. They should retain the chawls in their own hands, but our contention is that the excessive expenditure incurred on them should be brought down to a reasonable level. If they secure some well established agencies like the registered trade unions in the city, I feel confident that they will be able to effect saving to a considerable extent. With regard to private landlords in the city, it is an indisputable fact the they do not spend more than 10 per cent. on rent recovery and repairs, why then should Government incur an enormous expenditure of 3·14 lakhs, which works at about 45 per cent. of the aggregate income.

The Honourable Sir COWASJI JEHANGIR : Sir, may I ask the honourable member whether he is aware of the fact that trade unions were addressed and asked to take the chawls ?

Mr. SYED MUNAWAR : Sir, in answer to the Honourable the General Member, I may state that the trade unions of the City were communicated with by the Labour Office, and in pursuance of that communication, we held several meetings of mill hands in the City. But the grievance of the labourers was that the rents were too high. If the rent of the rooms is reduced to Rs. 4 or less than that, I am sure the labour class will resort to these chawls and the labour unions would be able to see that all the chawls are occupied.

Another point with regard to these chawls raised in the course of the discussion is that the chawls are single-room tenements and therefore a lot of inconvenience is caused to the occupants. Besides, there is widespread infant mortality due to congestion caused by single-room tenements. I would suggest that these one-room tenements should be converted into two-room tenements and Government should also try to curtail their expenditure incurred in connection with the collection of rents. If these two things are effected, I am sure Government will have no cause to repent for having constructed these chawls. My honourable friend representing the Bombay Millowners' Association (Mr. J. B. Petit) has taken this opportunity to ask Government to reduce the cotton cess. But I may state that the millowners agreed to the levy of cotton cess to facilitate the industrial housing scheme, as they could not on their own initiative start a scheme of welfare work for their own labour. Now, when Government has brought the scheme to fruition, the millowners should not, out of their moral duty back out of the scheme. That is the situation. I would, therefore, urge on Government to reduce their expenditure and if necessary, they should entrust to an agency the work of collecting rents from the tenants. I find that some observations were also made with regard to police arrangements and transport facilities. As regards the first point, I will not dilate upon it, as it has already been dealt with by the previous speakers. However, I would only say that the police protection afforded to the chawls thus far is extremely inadequate. But in regard to the conveyance facilities, I am at a loss to understand why Government should not make proper arrangements. What is required of Government is that they should in co-operation with the municipality suggest to the Tramways Company to start a tramway line to Worli for the convenience of the labourers. If all such facilities are provided, then I feel sure there will be no difficulty in getting these chawls occupied.

Mr. S. K. BOLE : Sir, at the outset I must say that the Housing Scheme in the interest of the labourers was a great necessity. But if we go through the history of this scheme, what do we find ? Sir, when the Housing Scheme was taken in hand, no one was consulted as to the site for the chawls. The present Worli site, I would say, is far far away from the mill centre and therefore out of the way. It must be remembered that the mill workers like to stay in chawls which are in the vicinity of their mills, so that they can very conveniently go home in the recess time to have their meals and return back. But this Worli site being far away is not approved of by the workmen.

[Mr. S. K. Bole]

As regards the design, I understand it was made by an European Officer who did not know the customs and habits of workmen and he was paid handsome remuneration for preparing this design. As far as my information goes, I understand that there was an Indian officer in the Development Department, who had prepared a scheme of his own, but that scheme was never taken into consideration by Government. Hence, this design has proved to be very defective.

I had an occasion to see some workmen and at their request I took a deputation of these workmen to Mr. Monie, who was the Secretary in charge of this department. I put all the grievances before him. These grievances were with regard to the want of " nahanis " and the removal of concrete windows, as it was said that these windows shut out light and ventilation. But to my great surprise, I found that Mr. Monie was very petulent and he said : " The habits of these workmen are very bad and the construction of " nahanis " would render the chawls insanitary. " So, he did not move an inch in the matter. But after some years the construction of " nahanis " was taken in hand ; and some movable windows were fixed in place of the concrete ones.

I would also submit that the cost for the construction of these chawls is higher than the cost of the chawls built by the Improvement Trust.

The Honourable Sir COWASJI JEHANGIR : Certainly not.

Mr. S. K. BOLE : That is my impression. I know of a chawl built by the Improvement Trust at Clarke Road after the war. There the rooms are of the same size as those in the Development Department chawls, but the rent charged there is only Rs. 7. Whereas the rent charged for the rooms in these chawls was in the beginning from Rs. 14 to Rs. 16. I had gone to Mr. Monie and told him that the rent was very high and it would be very difficult for the workmen to pay that rent. But he said : " Government want economic rents." There were some associations who were willing to take a contract if the rents were reduced but no heed was paid to their request. The question would naturally arise as to why these chawls were costlier than other chawls ? The answer is that the contract of the chawls was given to impoverished contractors, who then sprang up like mush-rooms. Therefore, it is no wonder that the cost of these chawls became higher than that of the other chawls belonging to the Improvement Trust.

There is another defect in these chawls at Worli. At the back of these chawls there is an open sewer, which is a nuisance and which breeds mosquitos and gives bad smell. The second defect is that there was no police protection. Meetings were held and resolutions were forwarded to Government for giving police protection, but all these resolutions fell on deaf ears. It is only now that a police post is placed there. But what is wanted is a police station. If all these defects were removed in the beginning, I do not think that these chawls would have remained vacant. So, it will be observed that the Government and this department has committed blunders after blunders (hear, hear) and this is the result of these blunders.

[Mr. S. K. Bole]

Now coming to the water supply, the same complaint was there. There were no sufficient water taps, which would provide water for the occupants of those chawls. And the consequence was that an affray used to take place on the water tap, which had resulted even in murders. And now it is said that there is copious water supply but that is after murders were committed. And it is now that markets and schools have been provided. Had they been provided long ago, the chawls would have been occupied by many of the workmen. Then again Government have built these huge barrack-like chawls suitable only for army men, single men ; they are not fit for family men. Sir, look at the difficulty experienced by these men. There are 20 rooms in a line, and from one end of the room the man has to run for water to the extreme end on the other side. There is no privacy. And how are these people, who are, accustomed in their native places to live in separate houses, to live in such barrack-like huge buildings ? The Improvement Trust have built very compact chawls and, therefore, they are very well occupied. The percentage of vacancies is not so much there as in these chawls. And, then, an European officer was appointed and placed in charge of these chawls. Sir, an officer who knew the habits and customs of these men,—an Indian officer—ought to have been appointed. Complaints were made to the higher authorities as regards that but no attention was paid and it is now,—and I am thankful to the department for it,—that they have appointed one officer belonging to the backward classes in place of this European officer. Had it been done before, I think he would have been able to induce the workmen to occupy these chawls.

Then, I am against the proposal of selling these chawls. These chawls should not be sold to any landlords. Of course, their tendency is quite well known. So, these poor workmen should not be left to the mercy of those rapacious landlords, and the cotton cess should be utilised to make up the loss that is being made on account of these chawls. I would suggest, Sir, that the solution would be to reduce the rent of the Worli chawls to Rs. 3 per room and to reduce the DeLisle Road and Naigaum chawls rent to Rs. 5 per month per tenement. That would solve the difficulty and all these chawls would be occupied in due course of time. I may tell the Honourable the General Member that resolutions to this effect were passed at meetings which were presided over by my humble self and some other friends of labour, and I would request him to give due consideration to these resolutions.....

The Honourable Sir COWASJI JEHANGIR : Have the rents not been reduced ?

Mr. S. K. BOLE : Not to Rs. 3, Sir.

The Honourable Sir COWASJI JEHANGIR : Why not say they should be given for nothing ?

Mr. S. K. BOLE : Sir, I may tell the House that the rents have been reduced to a certain extent and some advantage of the same is taken by some of the workmen. But if the rents would be still further reduced, then more workmen would come forward to take advantage of these

[Mr. S. K. Bole]

chawls. What is the use of keeping these chawls vacant ? If they are occupied even at very reduced rent, I think the loss will then be reduced to some extent.

The Honourable the PRESIDENT : The House will now adjourn to half past one to-morrow, Thursday, the 8th March 1928.

MO Hb 257—6

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Thursday, the 8th March 1928

The Council re-assembled at the Town Hall, Bombay, at 1-30 p.m. on Thursday, the 8th March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.

JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JOG, Mr. V. N.
JONES Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSEINALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the

THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the President: Order, order. Questions.

EXCISE ADVISORY COMMITTEE, BOMBAY

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(*a*) how many times the Bombay Excise Advisory Committee was called during the last four years;

(*b*) what sort of proposals of reforms regarding liquor traffic were made by the Committee;

(*c*) which of them were carried out by Government;

(*d*) to give specific reasons for not carrying out the others?

The Honourable Mr. G. B. PRADHAN: (*a*) 48 times. The Committees actually met 38 times and were consulted 10 times by circular.

(*b*) The following recommendations were made—

(*i*) Transfer of shops (67).

(*ii*) Opening new shops (3).

(*iii*) Earlier closing of shops (2).

(*iv*) Reduction in the number of country liquor shops (1).

(*v*) Closing of refreshment rooms at 9 p.m. and of hotels at 11 p.m. (1).

(*vi*) Retention of the existing number of foreign liquor shops (1).

(*c*) (*ii*), (*iii*) and (*vi*) and 62 out of the 67 recommendations under (*i*).

(*d*) In five cases the Committee's recommendations under (*b*) (*i*) as regards transfer were not accepted for the following reasons:—

(1) The locality was well provided with shops.

(2) The site selected was situated in the vicinity of three mills.

(3) The objections on account of which the Committee disallowed the transfer were of no weight.

(4) The site was in a mill area, and in the vicinity of two schools and a cemetery;

(5) The transfer was objected to by the residents of the locality and the proposed site was near a public band-stand and recreation ground.

The recommendation under (*b*) (*iv*) for the reduction in the number of country liquor shops was not accepted as the accommodation at the existing shops is already inadequate and a further curtailment of the facilities for securing drink would not have resulted in furthering the cause of temperance, but in accentuating the evils usually attendant on the deprivation of normal facilities.

The recommendation under (*b*) (*v*) for the closing of refreshment rooms at 9 p.m. was not accepted, since Refreshment Rooms are allowed to be kept open up to 11 p.m. on payment of a late closing fee, mainly for the benefit of those who cannot leave their work at an early hour, and who, but for the late closing, would be put to great inconvenience in not being able to obtain their accustomed food and drink. Besides,

many people are regular boarders at these Refreshment Rooms. Hotels also usually close at 9 p.m., but are allowed, as in the case of Refreshment Rooms, to remain open till 11 p.m. for the public convenience.

Mr. R. S. ASAVALE : As regards reply (*b*) (*i*), does the Honourable Minister mean that the committee had asked for all these transfers and they were refused ?

The Honourable Mr. G. B. PRADHAN : The committee had asked for transfers of 67 shops, out of which 62 recommendations were accepted.

Mr. R. S. ASAVALE : As regards reply (*d*) (3), may I know what were the objections which were of no weight ?

The Honourable Mr. G. B. PRADHAN : I want notice of that question.

Mr. R. S. ASAVALE : As regards reply (*d*) (5), will the Honourable Minister state whether the residents of that locality had sent in their objection before the shop was located or after the shop was located ?

The Honourable Mr. G. B. PRADHAN : I require notice.

Mr. R. S. ASAVALE : As regards reply (*b*) (*v*), what has become of the recommendation which was made to Government as regards the country liquor shops to be closed at 8-30 p.m.? Nothing is mentioned about it in the reply.

The Honourable Mr. G. B. PRADHAN : Where did the honourable member ask that question ?

Mr. R. S. ASAVALE : I had asked for the time, but the reply in (*b*) (*v*) only refers to the closing of refreshment rooms at 9 p.m. and of hotels at 11 p.m. Was there no recommendation as to the closing of the country liquor shops at 8-30 p.m. which was passed in the committee and recommended to Government ?

The Honourable Mr. G. B. PRADHAN : I do not know whether that recommendation was received by Government or not. If the honourable member will kindly give me notice, I will look into the matter.

DADAR RAILWAY STATION EXIT

Mr. R. S. ASAVALE (Bombay City, North) : Will Government be pleased to state—

(*a*) whether it is a fact that the exit near the overbridge on the western side of the Dadar Railway Station of the Bombay, Baroda and Central India Railway is not allowed to be used by the passengers at times when the traffic is heavy such as office time in the morning and evening ;

(*b*) whether on Saturdays and Sundays the gate of the exit is not opened at all ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) No. The gate in question is normally open from 7-30 a.m. to 11 a.m. and again from 5 p.m. to 10 p.m. every day including Sundays, and is only closed when owing to illness or special duties, staff are short at the station. The Agent, Bombay, Baroda and Central India Railway Company, however,

reports that arrangements are being made to reduce the closing of the gate for special reasons, as given above, to a minimum.

Mr. R. S. ASAVALE : Does the reply mean to say that at no time were these gates closed, as the answers in (*a*) and (*b*) contain a definite "No ?"

The Honourable Mr. J. L. RIEU : That "No" applies to the suggestion that the gates are closed when the traffic is heavy, *viz.*, at office hours.

Mr. R. S. ASAVALE : Were they at all closed ?

The Honourable Mr. J. L. RIEU : They were not ordinarily kept closed but only on exceptional occasions.

KUTCHA KHANDY CASE

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. DAWOODKHAN SHALEBHOY (Northern Division) : Will Government be pleased to state—

(*a*) the amount of cost in the Kutcha Khandy case of Bombay ;

(*b*) whether in view of the decision of the Chief Presidency Magistrate in the Kutcha Khandy case they propose to go on with the case against the other accused ;

(*c*) whether the Advocate General was consulted before launching upon the Kutcha Khandy prosecution and if so to lay upon the Council Table the opinion of the Advocate General ?

The Honourable Mr. J. E. B. HOTSON : (*a*) The cost to Government was negligible.

(*b*) and (*c*) An appeal has been filed and has not yet been decided. Government cannot reply to these questions while the case is still *sub-judice.*

EDUCATIONAL DEPARTMENT : RECOMMENDATIONS OF RETRENCHMENT OFFICER

Mr. B. V. JADHAV (Satara District) : Will the Honourable the Minister for Education be pleased to state—

(*a*) whether the consideration of the recommendations of the Retrenchment Officer with regard to savings in the Educational Department has come to an end ?

(*b*) If the reply to the above be in the affirmative, whether he will place the order of Government on the Council Table ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) The Retrenchment Officer has not recommended any savings in the Educational Department.

NEW PENSION RULES

Mr. SYED MUNAWAR on behalf of Mr. S. C. JOSHI : Will Government be pleased to state—

(*a*) whether they have come to any final decision as regards the revision of the present pension rules as applicable to subordinate Government servants ;

(*b*) if so, whether they will place on the Council Table a copy of the Revised Pension Rules ;

(*c*) if Government have not come to any final decision in the matter, the reasons for the delay and also the approximate time which they will require for arriving at a decision ?

The Honourable Sir CHUNILAL MEHTA : (*a*) No.

(*b*) Does not arise.

(*c*) The rules are under consideration by Government and will, it is expected, be issued shortly.

LINKED COURTS

Mr. SYED MUNAWAR on behalf of Mr. S. C. JOSHI : With reference to the answer to my question asked on the 13th October 1927 and printed at page 785 of the Bombay Council Debates, Volumes XXI, will Government be pleased to state the decision they have arrived at in the matter of linked Courts ?

The Honourable Mr. J. E. B. HOTSON : A reference is requested to the answer given during the present session of the Legislative Council to clause (*b*) of the question on this subject asked by Rao Bahadur R. R. Kale (Satara District), Non-Muhammadan Rural Constituency, on the 29th February 1928.

POLICE LINES, PATAN

Mr. SYED MUNAWAR on behalf of Mr. S. C. JOSHI : Will Government be pleased to state whether it is a fact that they intend to give the Police Lines, now vacant at Malhar Peth in the Patan taluka in the Satara district, to some missionary institution ?

The Honourable Sir GHULAM HUSSAIN : Yes, the Sub-Inspector's office and lock up with only two vacant rooms in the Police lines at Malhar Peth in the Patan taluka in the Satara district are proposed to be leased to the American Presbyterian Mission in Western India.

DISTRICT LOCAL BOARD, SATARA : CORRESPONDENCE IN "AIKYA"

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) whether their attention has been drawn to the correspondence published in the supplement of the issue of "Aikya" (a weekly paper in Satara) dated 17th December 1927 under the heading "History of Twelve Rupees" ;

(*b*) whether any attempt has been made by Government through the district local board, Satara, or otherwise to verify the truth of the facts disclosed therein ;

(*c*) what steps have been taken or are intended to be taken by the district local board or by Government in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) and (*c*) The matter is being enquired into.

PRIMARY TEACHERS : ATTENDANCE ALLOWANCE

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) whether their attention has been drawn to the fact that the present system of giving allowances to teachers in primary schools has given rise to jealousy and discontent among them ;

(*b*) whether their attention has been drawn to the fact that the rules regarding the grant of *hajiri* allowance to teachers, although they are neither third or second year trained, while such trained teachers have to serve for 10 and 5 years respectively before they are entitled to such allowance, operate harshly and in a manner derogatory to the status of teachers ;

(*c*) whether they intend to modify such rules ;

(*d*) if not, will they be pleased to state the principle justifying their existence ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Government understand that there has been a certain amount of dissatisfaction among teachers in connection with the selection of Head Masters.

Government are not in a position to say whether this dissatisfaction is due to the system or to the manner in which the system is being administered by the School Boards.

(*b*) The allowance is not a *hajiri* or attendance allowance. It is a duty allowance paid to Head Masters, and in large schools to the first assistant, in view of their increased responsibility. The amount of the allowance is calculated on attendance, with certain modifications, as this is the simplest and most convenient method of determining the importance of a school. A restriction has been placed on the award of these allowances to second and third year teachers with less than 5 and 10 years' service respectively, because such teachers are needed as assistant masters for the higher classes of large schools and not as Head Masters of small schools. The rules do not therefore operate harshly and in a manner derogatory to the status of teachers.

(*c*) The question is under consideration.

(*d*) The question does not arise.

SECONDARY TRAINING COLLEGE

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) what the total number of students at the Secondary Teachers' Training College is ;

(*b*) whether to maintain its efficiency the expenditure of this institution has been increased twofold recently in spite of severe retrenchment ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The number of students at present (8th February 1928) on the roll is 60.

(*b*) A comparison of the figures for 1924 and 1928 shows that the number has increased from 32 to 60, while the expenditure has increased

from Rs. 55,000 to Rs. 64,000. In addition to the regular work of the College, the staff now give lectures to about 100 S. T. C. students. These lectures were not previously given. The sum of Rs. 10,000 is now given as stipends. Formerly, this sum was not given. Thus, the number of students has almost doubled, while the actual working expenses have remained about the same.

POLICE : GUJARATI-SPEAKING INDIAN CHRISTIANS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) the number of Gujarati-speaking Indian Christian Sub-Inspectors of Police in the Bombay Presidency ;

(*b*) if there is none, why none is appointed from this community ;

(*c*) whether they are aware that the community is a backward community ;

(*d*) what steps they intend to take for their enrolment in the department ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Three.

(*b*) Does not arise.

(*c*) Yes.

(*d*) Applications are invited from all classes by advertisements in the Public Press and the cases of candidates from the backward classes receive every consideration.

ASSAULTS ON KACHHIAS BY GHANCHIS, GODHRA

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware that a Kachhia by name Mohan was assaulted and injured by a Ghanchi in Godhra (Panch Mahals) on the 1st Gokul Ashtami day ;

(*b*) whether the Police of Godhra have been able to find out the culprit in this case ;

(*c*) whether they are aware that on the 11th of September 1927 one Kachhia Dahya Pitamber by name who has got a vegetable shop in Godhra bazar was forced by a Ghanchi to purchase vegetable brought by him and was abused in the market for refusing to purchase and was assaulted and beaten in his shop when he refused to pay the price demanded by the Ghanchi for the vegetable ;

(*d*) whether they are aware that one Thakersy Nanji, a merchant of the Godhra bazar, who went to protect the Kachhia beaten was also assaulted and slapped ;

(*e*) whether they are aware that on the same day another Ghanchi the companion of this Ghanchi, threw a brick-bat in broad day light in the bazar on one Mr. Panachand Narsidas, a banker and a grain merchant and an Income Tax payer of Godhra City who was standing near the shop of the Kachhia ;

(*f*) whether the City Police of Godhra have been able to find out culprits in this case ;

(*g*) whether it is a fact that on the 15th September 1927 Soni Punjalal Chhaganlal's daughter was assaulted and her ornaments removed by a Ghanchi at Godhra in Panch Mahals District ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Yes.

(*b*) No. As the complaint was non-cognizable, the Police Sub-Inspector referred the complainant to a magistrate. As far as is known, the complainant did not make a complaint to any magistrate and the police consequently were not called upon to investigate the case.

(*c*) Yes.

(*d*) Yes.

(*e*) No.

(*f*) No complaint of this nature was made to the Police.

(*g*) A complaint to this effect was made, but the witnesses failed to indentify the person accused and he was accordingly discharged.

THEFT BY A GHANCHI

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether it is a fact that one Soni Vadilal Bhogilal caught redhanded a Ghanchi committing theft and handed him over to the Police ;

(*b*) whether they are aware that a threat to cause murder was given to Soni Vadilal by Ghanchi and that the said Soni brought this fact to the notice of the District Magistrate, Panch Mahals, by a registered letter and asked for protection ;

(*c*) if so, whether they will put a copy of the letter on the Council table and state what protection was given to him ?

The Honourable Mr. J. E. B. HOTSON : (*a*) It was reported that Soni Vadilal had caught a boy in the act of committing the alleged theft, but Vadilal himself failed to identify the boy in Court, and as stated in the answer to clause (*g*) of another question put by the Honourable Member, the boy was thereupon discharged.

(*b*) Soni Vadilal sent a letter to the District Magistrate, but that letter did not mention any threat to commit murder.

(*c*) The District Magistrate did not consider that any special protection was necessary.

Khan Saheb A. M. MANSURI : Is it not a fact that the Ghanchis are not a criminal tribe, but are merchants ?

The Honourable Mr. J. E. B. HOTSON : They are not a criminal tribe, but they include many criminals in their number.

SHIVAJI AND SANGATHANISTS

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware that in a book named 'Shivaji and Sangathanists' written and published by one Munshi Abdul Jabbar Amin of Rander, the writer has abused Shivaji ;

(*b*) if so, whether they have taken any action to prevent the circulation of this book, and whether they intend to prosecute the writer of the book ;

(*c*) if they are not aware, whether they intend to make inquiries in the matter ?

The Honourable Mr. J. E. B. HOTSON : (*a*) The contents of the book have been brought to the notice of Government, who are advised that they do not amount to an offence against the law.

(*b*) No.

(*c*) Does not arise.

'JOSHE HAIDARI'

Mr. J. C. SWAMINARAYAN on behalf of Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware of the fact that a pamphlet named 'Joshe Haidari' printed in Nadiad contains couplets stating that Swami Shradhanandji has gone to hell ;

(*b*) whether they are aware that in the same pamphlet the writer has warned all the Hindus or Aryas not to talk of Muslims and has threatened them with death ;

(*c*) if they are aware of these facts whether they intend to stop the circulation of the pamphlet and to take action against the writer for publishing a pamphlet provocative of communal hatred ;

(*d*) if they are not aware of the facts, whether they intend to make inquiries in the matter ?

The Honourable Mr. J. E. B. HOTSON : The pamphlet has been brought to the notice of Government as containing objectionable matter offending against section 153-A, Indian Penal Code, and Government are considering the action to be taken.

ENCROACHMENT ON GOVERNMENT LAND BY AMBA DAHYA OF KATARGAM

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether the local revenue authorities of Surat received applications forwarded with several signatures regarding the encroachment on Government land by one Amba Dahya of Katargam, taluka Chorasi, district Surat, to the east and south of his house ;

(*b*) if so, what was the outcome of their lengthy official inquiries :

(*c*) whether they found any real and obvious encroachment on Government land ;

(*d*) if they did, whether they took measures to get it removed ;

(*e*) whether the applicants were informed of the decision ;

(*f*) the reasons why they did not issue orders to get the encroachment cleared off when it caused a deal of inconvenience to the public ;

(*g*) the reasons why the encroached land was given on a nominal rent and penalty, instead of redressing the grievances of the public and in spite of their oft-made opposition ;

(*h*) whether they propose to take any action in the matter ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*), (*c*), (*d*), (*f*) and (*g*) The Prant Officer inspected the site and found that Amba Dahya had encroached on the site to the east and south of his house. As the road on the south was sufficiently wide and the site had already been built upon, he recommended that the land encroached upon should be given to Amba Dahya on payment of occupancy price and fine, in addition to the annual rent. The Collector accepted this recommendation and sanctioned the grant.

(*e*) No.

(*h*) No further action will be taken.

EDUCATIONAL MINISTER AND PARTIES IN THE LEGISLATIVE COUNCIL

Mr. R. G. PRADHAN (Nasik District) : Will the Honourable the Minister of Education be pleased to state whether he is a member of the new party formed during the last session of the Council and led by the Honourable Member Mr. Pahalajani ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am an associate of the party.

AGRICULTURE AND EXCISE MINISTER AND PARTIES IN THE LEGISLATIVE COUNCIL

Mr. R. G. PRADHAN (Nasik District) : Will the Honourable the Minister for Agriculture and Excise be pleased to state whether he is a member of the new party formed during the last session of the Council and led by the Honourable Member Mr. Pahalajani ?

Honourable Mr. G. B. PRADHAN : I am an associate of the Party.

MOULVI RAFIUDDIN AHMAD : May I know what is the difference between a member and an associate ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The honourable member may consult a dictionary.

MOULVI RAFIUDDIN AHMAD : May I know whether an associate is entitled to the support of the party as much as a member ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The answer already given is intelligible.

MOULVI RAFIUDDIN AHMAD : Intelligible to whom ? I want to know whether an associate is entitled to the support of the party as much as a member.

The Honourable Dewan Bahadur HARILAL D. DESAI : Generally yes.

MOULVI RAFIUDDIN AHMAD : Particularly no ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

Mr. R. G. PRADHAN : May I know if the Honourable Minister is entirely in agreement with the policy of the party ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am an associate, and as such I may not always be in agreement with the views of the party on any particular question.

Mr. J. C. SWAMINARAYAN: When the Honourable Ministers are associates of the new party, is that new party a ministerial party?

The Honourable Dewan Bahadur HARILAL D. DESAI: (Inaudible).

RAILWAY CABIN AT KALKHODA

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that the cabin named Kalkhoda between the stations of Lasalgaon and Summit has not yet been opened for passenger and goods traffic;

(*b*) whether they are aware that in the adjacent villages the agriculturists carry on a good deal of trade in onions and also other vegetables;

(*c*) whether they are aware that the Kalkhoda cabin is of no use to these traders so long as it is not opened for traffic;

(*d*) whether they are aware that the villagers have submitted many petitions to the railway authorities requesting that the cabin be opened for traffic, and that the request has not yet been granted;

(*e*) whether they are aware that the opening of the cabin for traffic will benefit the agricultural population in the adjacent villages;

(*f*) whether they have considered the advisability of urging upon the railway authorities to open the cabin for traffic as requested by the villagers?

The Honourable Mr. J. L. RIEU: (*a*) Kalkhoda has never been opened for passenger or goods traffic.

(*b*) Government understand that the acerage of vegetables within a radius of 7 miles from Kalkhoda cabin is 680 acres.

(*c*) Yes.

(*d*) A petition was addressed in December 1927 to the Local Advisory Committee, Great Indian Peninsula Railway, who discussed it at their meeting held in February 1928 when it was agreed that there was no justification for opening a station at Kalkhoda for booking passengers or goods.

(*e*) Government consider that no direct benefit is likely to accrue. The local market is at Lasalgaon, which is 3 miles from Kalkhoda cabin. The area round Kalkhoda is deficient in water-supply and development does not appear to be likely in the near future.

(*f*) Does not arise in view of (*e*) above.

REFORMS COMMISSION: MINISTERS' CONFERENCE

Mr. R. G. PRADHAN (Nasik District): Will the Honourable the Minister for Local Self-Government be pleased to state—

(*a*) what questions were considered at the Conference of Ministers held at Delhi on or about 9th January 1928;

(*b*) whether any question relating to the Statutory Commission, or having any bearing on the work of the Commission, was considered at the Conference;

(*c*) if so, what was that question, or were those questions, and what decisions did the Conference reach on the same?

The Honourable Sir GHULAM HUSSAIN : (*a*) Questions connected with Education and Local Self-Government.

(*b*) No.

(*c*) Does not arise.

Mr. R. G. PRADHAN : May I have some indication of the particular questions connected with Local Self-Government that were discussed at the conference ?

The Honourable Sir GHULAM HUSSAIN : There were questions about the constitution, franchise, and finances of local self-governing bodies. There was also the question of the financial aid to local bodies with regard to education, and the question of the introduction of free and compulsory primary education.

Mr. R. G. PRADHAN : Who presided over the conference ?

The Honourable Sir GHULAM HUSSAIN : Sir Mahomed Habibullah.

Rao Saheb D. P. DESAI : (Asked a supplementary question which was inaudible).

The Honourable Sir GHULAM HUSSAIN : Yes.

Mr. R. G. PRADHAN : Did the conference issue a report of its proceedings ?

The Honourable Sir GHULAM HUSSAIN : I shall have to make enquiries.

Rao Saheb D. P. DESAI : (Asked a supplementary question which was inaudible).

MOULVI RAFIUDDIN AHMAD : May I ask which Government is going to pay the travelling expenses of the Honourable Minister ?

The Honourable Sir GHULAM HUSSAIN : This Government.

Mr. R. G. PRADHAN : Were these questions considered with a view to preparing a memorandum for the Constitutional Commission ?

The Honourable Sir GHULAM HUSSAIN : No ; nothing of the sort.

ANNA VALUATION : RICE CROP IN BHAGOD

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) the area of land under rice in the village of Bhagod, taluka Bulsar, district Surat ;

(*b*) whether it is a fact that the rice crop during the current year has completely failed ;

(*c*) what is the anna valuation of the rice crop in this village this year ;

(*d*) what remission and suspension are the people of this village entitled to ;

(*e*) by whom was the anna valuation of the rice crop in this village prepared and when ;

(*f*) by whom was it checked and when ;

(*g*) were the people of the village kept present at the time when the anna valuation was (*i*) prepared, (*ii*) checked ;

(*h*) what was the estimate of the village people of the anna valuation of this crop ?

The Honourable Mr. J. L. RIEU : (*a*) Ninety-two acres.
(*b*) No.
(*c*) Eight annas.
(*d*) They are not entitled to any relief under the rules.
(*e*) By the talati in October.
(*f*) By the Mamlatdar in October and November, by the Prant Officer in November and by the Collector in January.
(*g*) Yes.
(*h*) Four to five annas.

Mr. H. B. SHIVDASANI : With regard to (*f*), how did the Collector inspect the rice crop in January ? Was it not removed ?

The Honourable Mr. J. L. RIEU : He did not inspect the crop. He checked the valuation.

Mr. H. B. SHIVDASANI : How did he check the anna valuation ?

The Honourable Mr. J. L. RIEU : By enquiry.

CROP REMOVAL : SHELLA

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the Karbhari of the Utelia State served notices on the cultivators of Shella, a village in the Sanand Mahal of the Ahmedabad District, in the month of October 1927, ordering them not to remove their crops and intimating that a chowkidar on Rs. 15 per month had been posted to keep a watch over them ;

(*b*) if so, whether such power of preventing the removal of crops was given to the said Karbhari by Government ;

(*c*) if the answer to (*b*) is in the affirmative, under what section of the Land Revenue Code such a power has been given by Government and what are the circumstances under which that power can be used ;

(*d*) what steps Government have taken to prevent the landlords from using the powers with which they are invested long before the vighoti instalments are due ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.
(*b*) Yes.
(*c*) This power has been given in virtue of the Commission granted under section 88 of the Land Revenue Code. It can be used when there is reason to believe that land revenue cannot be recovered without recourse to coercive measures.
(*d*) The powers can be used before the vighoti instalments are due : no action on the part of Government is therefore required.

Mr. J. C. SWAMINARAYAN : Can the powers be used in the month of October, two to three months before the vighoti instalments are due ?

The Honourable Mr. J. L. RIEU : That is already replied to.

Mr. J. C. SWAMINARAYAN: Is this not a vindictive policy on the part of the talukdar to ruin the cultivators by attaching the standing crops and leaving them free for depredations of roaming beasts ?

The Honourable Mr. J. L. RIEU: I have no reply to make.

MEAT SHOP NEAR TEMPLE, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether Mr. Bapalal Harjiwandas Travadi, the priest of the temple of Shree Ranamukteshwar Mahadeo and other Hindu devotees of the temple outside Raipur Gate, Ahmedabad, have been repeatedly sending their protests and applications to the Municipality and the local and higher officers of Government against the location of a meat shop in the vicinity of the temple ;

(*b*) if so, what action the municipality has taken in the matter and what action Government have taken in the matter ;

(*c*) if no action is taken so far, what are the reasons of delaying and disregarding the matter which seriously wounds the religious feelings of the Hindus ?

The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH: (*a*) Yes.

(*b*) None.

(*c*) No action could be taken against the owner of the meat shop in the absence of by-laws controlling scattered meat shops. By-laws under section 61 (*1*) (*b*) (*ii*) have now been sanctioned and necessary action will be taken in the matter by the Municipality.

LAND REVENUE GROUPING: AMBAVADA VILLAGE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the village Ambavada in the Prantij taluka of the Ahmedabad district was granted 100 per cent. remission of the enhancement of land revenue made in the settlement of 1892 ;

(*b*) whether as a result of the remission referred to in (*a*), the said village was being charged maximum dry crop rate of Rs. 2 per acre during the period of the last settlement ;

(*c*) whether the population of the said village decreased from 912 to 680 and the waste land increased from 94 acres to 897 acres during the last settlement period ;

(*d*) whether the assistant settlement officer, Mr. Moulvi, placed the said village in group II in the settlement report of the Prantij taluka which he compiled in the year 1925 ;

(*e*) whether the said village is not less than 8 miles from any of the three railway stations, Talod, Prantij and Sonasan of Ahmedabad-Prantij Railway ;

(*f*) if the answers to (*a*), (*b*), (*c*), (*d*) and (*e*) are in the affirmative, on what grounds they have transferred the said village of Ambavada to the higher group I in Government Resolution No. 6968/24 dated 14th May 1927 ;

(*g*) whether they are aware that the result of the transfer of the village to group I will be the increase in the maximum dry crop rate of the said village from Rs. 2 per acre to Rs. 3 per acre, that is, an increase of 50 per cent. in the land revenue;

(*h*) if so, whether they intend to lower the said village to group II in accordance with the recommendation of Mr. Moulvi?

The Honourable Mr. J. L. RIEU: (*a*), (*b*), (*c*), (*d*) and (*e*) Yes.

(*f*), (*g*) and (*h*) On reconsideration Government have lowered this village from group I to group II.

LAND REVENUE GROUPING: VADHROTA VILLAGE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the village Vadhrota of the Prantij taluka of the Ahmedabad district was granted 100 per cent. remission of the enhancement of land revenue made in the settlement of 1892;

(*b*) whether as a result of the remission referred to in (*a*), the said village was being charged maximum dry crop rate of Rs. 2 per acre during the period of the last settlement;

(*c*) whether the population of the said village has remained almost stationary and the waste land has increased from 60 acres to 555 acres during the last settlement period;

(*d*) whether the assistant settlement officer, Mr. Moulvi, placed the said village in group II in the settlement report of the Prantij taluka which he compiled in the year 1925;

(*e*) whether the said village is not less than 7 miles from Prantij railway station and 6 miles from Sonasan railway station;

(*f*) if the answers to (*a*), (*b*), (*c*), (*d*) and (*e*) are in the affirmative, on what grounds they have transferred the said village of Vadhrota to the higher group I in Government Resolution No. 6968/24 dated 14th May 1927;

(*g*) whether they are aware that the result of the transfer of the village to group I will be the increase in the maximum dry crop rate of the said village from Rs. 2 per acre to Rs. 3 per acre, that is, an increase of 50 per cent. in the land revenue;

(*h*) if so, whether they intend to lower the said village to group II in accordance with the recommendation of Mr. Moulvi?

The Honourable Mr. J. L. RIEU: (*a*), (*b*), (*c*), (*d*) and (*e*) Yes.

(*f*), (*g*) and (*h*) On reconsideration Government have lowered this village from group I to group II.

SACHANA SURVEY

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether a protest was made against a survey having been made on the 24th April 1925 in the absence of the khatedars of Sachana, a village of the Viramgam Taluka in Ahmedabad District, and without giving proper notice to them;

(*b*) whether the Superintendent of Land Records, N. D., personally went to examine the case on the 21st June 1926;

(*c*) whether it is a fact that the notice of the intended visit of the said officer was issued on the 19th June 1926;

(*d*) whether it is a fact that the notice was not received by the khatedar concerned before the place was actually visited and the enquiry was finished;

(*e*) if so, the reasons why the Superintendent of Land Records issued such a short notice of less than two days ?

The Honourable Mr. J. L. RIEU: (*a*) The survey of the boundary line of Sachana and Khoraj was made in the presence of the khatedars of both villages, and two days' notice of it was given. A protest against this survey was received from one khatedar of Sachana only.

(*b*) Yes.

(*c*) Yes.

(*d*) There is nothing on record to show that the notice of the Superintendent's visit was not received by the khatedar concerned, but it is a fact that he was present when the Superintendent of Land Records visited the place.

(*e*) The honourable member's attention is invited to the reply to clause (*g*) of his other question on the same subject asked on 7th March 1928.

SMALL CAUSES COURT, BOMBAY: BACKWARD CLASSES

Mr. SYED MUNAWAR: Will Government be pleased to state—

(*a*) whether the resolution regarding 50 per cent. recruitment from backward classes has been sent to the Chief Judge, Small Causes Court, Bombay;

(*b*) whether the order has been duly carried into effect in the administration of this department of Government;

(*c*) if so, how many persons from backward and advanced classes respectively have been recruited during the period, since the promulgation of the said order;

(*d*) whether it is a fact that there are only two petition-writers in the court, and that an application from a backward class man for the third place of a petition-writer was not entertained, though the Chief Judge was disposed to create an additional place in view of the large number of petitions with which the two existing petition-writers are flooded;

(*e*) whether Government intend to increase the number of petition-writers in the court, and if so, whether the new places will be given to backward class men ?

The Honourable Mr. J. E. B. HOTSON: (*a*) Yes. The percentage of recruitment from the backward classes for Bombay City is 33 per cent., not 50 per cent.

(*b*) Yes.

(*c*) Nine persons from the backward and 13 from the advanced classes.

(*d*) and (*e*) There are two petition-writers in the court, and there is no necessity, at present, for any increase in the number. An application was received from a man presumably belonging to a backward class in

September 1927 for a post of this kind, but it was not granted. If a third petition-writer is found necessary and a suitable applicant from the backward classes is available, his claims will be duly considered.

Mr. SYED MUNAWAR: Is the percentage for recruitment even outside Bombay city only 33 per cent. ?

The Honourable Mr. J. E. B. HOTSON: I think the resolution on the subject has been placed on the table of the House. It shows that in some places it is 33 per cent. and in other places 50 per cent.

SMALL CAUSES COURT, BOMBAY: INTERPRETERS

Mr. SYED MUNAWAR: Will Government be pleased to state—

(*a*) whether the Small Causes Court, Bombay, had about the month of October 1927 invited applications from backward class candidates for a place of court-interpreter and translator;

(*b*) if so, whether the appointment was made;

(*c*) whether a backward class man or one from advanced classes was appointed;

(*d*) whether qualified persons from backward classes had applied for the post, and if so, their number;

(*e*) the reasons for giving the place to the man appointed ?

The Honourable Mr. J. E. B. HOTSON: (*a*) The post was advertised about the beginning of November 1927. The advertisement stated that a candidate belonging to the backward classes would be preferred.

(*b*) Yes.

(*c*) A man from an advanced class was appointed.

(*d*) Yes. Eight.

(*e*) All the applicants were examined. The man appointed was in all respects the most suitable. He had had nearly seven years' experience as an Interpreter, and the courts were immediately in need of an efficient Interpreter.

MOULVI RAFIUDDIN AHMAD: Who examined these interpreters ?

The Honourable Mr. J. E. B. HOTSON: I presume it was the chief judge of the small cause court. I am not sure.

Mr. S. K. BOLE: Is that going to be the policy of Government in making new appointments from the backward classes ?

The Honourable Mr. J. E. B. HOTSON: What does the honourable member mean by "that" ?

Mr. S. K. BOLE: The policy here is that these candidates from the backward classes were not appointed and a man from the advanced class was taken, because he has had some experience. If the same policy is going to be adopted, the backward classes will have no chance.

The Honourable Mr. J. E. B. HOTSON: I think that orders are perfectly clear that it can only be applied with strict regard to efficiency and the most efficient man available will be appointed.

Mr. S. K. BOLE: Did not the candidate from the backward class possess the minimum qualification ?

The Honourable Mr. J. E. B. HOTSON : I do not know what reply I can give except that while the candidate from the backward class possessed the minimum qualification the other gentleman possessed the maximum qualification.

Mr. SYED MUNAWAR : Who held the test ?

The Honourable Mr. J. E. B. HOTSON : I find from the papers that the examination was held by the chief translator in the court itself but the results of the examination are subject to the approval of the chief judge.

Mr. SYED MUNAWAR : Who is the chief translator ?

The Honourable Mr. J. E. B. HOTSON : I am afraid I cannot say.

Mr. S. K. BOLE : What is his caste ?

The Honourable Mr. J. E. B. HOTSON : I cannot say.

TALI PALMS IN KANARA : PERMIT FEES

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state what proposals they have received from the Chief Conservator of Forests regarding the reduction of the permit fee for tali palms in Kanara ?

The Honourable Mr. G. B. PRADHAN : The Chief Conservator has recommended that no reduction should be made in the existing rate of permit fee for tali palms.

Rao Saheb R. V. VANDEKAR : Will Government be pleased to state whether there was any permit formerly ?

The Honourable Mr. G. B. PRADHAN : I must have notice.

Rao Saheb R. V. VANDEKAR : Whether there was any increase in the permit fee from Rs. 2 to Rs. 4 and whether it was sanctioned by Government or by the department ?

The Honourable Mr. G. B. PRADHAN : I must have notice to find out when the first levy was imposed.

Rao Saheb R. V. VANDEKAR : Are not Government aware that the pith of the tali palm is the food of the poorest of the poor ?

The Honourable Mr. G. B. PRADHAN : Enquiries show that persons even from distant places are coming to pay the permit fee for tali palm.

Rao Saheb R. V. VANDEKAR : Is it also true that the fruit of the tali palm is not liked even by dogs and crows ?

DISTRICT LOCAL BOARDS : SUBSIDY TO TALUKA LOCAL BOARD

Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state whether the amount of subsidy paid to taluka local boards by district local boards is governed by any rule, and if so, what the rule is ?

The Honourable Sir GHULAM HUSSAIN : Yes. The attention of the Honourable Member is invited to section 76 of the Bombay Local Boards Act, 1923.

Question again proposed :

" That the sum of Rs. 1,19,000 provided for total establishment be omitted."

The Honourable the PRESIDENT : Order, order. The discussion on the honourable member Mr. Nariman's motion under 42, Bombay Development Scheme. Mr. N. A. Bechar.

Mr. N. A. BECHAR (Karachi City) : Sir, I quite agree with the honourable member the Secretary for the Development Department (Honourable Members : Louder please) that these chawls can only be run on social lines and not on commercial lines. If this had been kept in view from the very beginning the kind of chawls that have been built now would never have been constructed. Ever since these chawls have been built a large number of people having a social outlook have visited them and I myself have had the misfortune of seeing these chawls. And one and all have condemned them as unfit not providing even minimum amount of comforts for human dwelling. I do not mean that you should have the kind of palaces in which the Honourable the General Member, responsible for this department, lives ; or one of the type in which the Development Secretary lives. But certainly these chawls should be habitable by the labouring classes. That has been the complaint all these years and I would not have minded the loss of 3 crores if only the chawls had satisfied the needs. Now coming to the current year, from the figures given in the budget you will find that as against Rs. 7,25,000 provided as receipts from rents, Rs. 90,000 is provided for repairs, excluding the repairs on chawls that are not occupied. Rupees 8,000 is put down as cost of repairs on chawls that are likely to remain un-occupied during the whole year. Another Rs. 1,10,000 has been provided for establishment. You know according to the District Municipal Act the municipalities make an allowance of 10 per cent. for repairs to the landlords, while calculating the house tax. As the Honourable Minister in charge of the Local Self-Government, the House and the Government have agreed that 10 per cent. should be allowed for repairs to the landlords, I expected that they would take the same view in regard to the repairs on these chawls but we find here that the figures work out at 12½ per cent. for repairs and if you add a part of Rs. 1,10,000 on establishment (because all the establishment cannot be taken as meant for collecting rents) the percentage will go higher by about 5 per cent. Thus it comes to 17 per cent. Now, I ask whether an ordinary businessman would spend about 17 per cent. on repairs—and the charges on recovery of rents comes to 13½ per cent. We heard yesterday that Government have applied the Land Revenue Code for the purpose of recovering rents. That is a very swift method of recovering rents, and therefore one would expect that the charges for recovery of rents would be lower. The honourable member the Secretary for the Development Department stated that it was not possible, as it is with individual landlords, to go and collect rents personally and do all other kind of business themselves and thus reduce the working charges. But I put it to him whether, when we have a large organisation, and such a large number of chawls, the overhead charges should not be less than in small organisations. Therefore one

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would have expected the charges for repairs and recovery to have been much less. If you combine the charges for repairs and recovery the percentage comes to 31½ per cent. Now, I ask you whether this 31½ per cent. for repairs and recovery is a proposition to which we can subscribe. I have omitted the municipal charges, because that is certainly on a different footing. But on repairs and recovery alone Government is paying 31 per cent. Now, I think, that is rather exorbitant in all conscience, and I consider that a sufficient amount of retrenchment ought to be made. Fifteen per cent. would be considered sufficient, 10 per cent. for repairs and 5 per cent. for recovery. That is one point which I want to place before the House.

As regards the suggestion of my honourable friend Mr. Nariman about disposing of the chawls, I would submit that having sunk such a large amount of money for the benefit of these poor people a suggestion now to sell away these chawls and to take away from them whatever benefit we can now give is one which I do not think will be supported by this side of the House. My honourable friend Sir Vasantrao Dabholkar representing the landlords wanted to obtain a verdict in advance from this House regarding the advisability or otherwise of the rent control. Sir, this is not the proper occasion for me to speak anything about it. But he mentioned an important point, namely that the municipality wanted to acquire certain lands in Dharavi, and he stated that that locality was very much congested and insanitary.. I wish to ask that honourable gentleman who is an important member of the Bombay Municipality, what the difficulty is in the municipality declaring the whole of that area, with all the chawls there, as insanitary and unfit for human habitation. But I know that so long as the landlords who dominate the Bombay Municipality continue to dominate that body, the municipality cannot and will not take such action, which will encourage people living there at present to leave that locality and to go and live in better localities and fill the chawls which are vacant. So, if my honourable friend was really anxious to remove the insanitary conditions and the congestion in that particular part of the city, the remedy was with him and his co-workers in the Bombay Municipality. From the way in which they are sitting over the matter, I am not sure that they will do anything in that direction.

Now, Sir, coming to the question of rents. When my honourable friend Mr. Bole suggested that we should reduce the rents of chawls in order that they may be occupied by the labouring classes, the official benches at once asked "Why not free?" Sir, I do not wish to go at very great length into that question. I do believe that even big private trading corporations when they want to introduce their wares have to advertise them, and for the purpose of advertisement they have to part with their wares for nothing. Look at how the tea growers introduced their tea. In villages, and even in cities, they engaged agents who offered cups of tea free to people so that they may get addicted to the tea habit. Look at the way in which the cigarette manufacturers are pushing forward the sale of cigarettes. They are in the initial stages giving cigarettes

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free to the people in order that they may get addicted to cigarettes and pay a lot of money later to buy cigarettes. Now, that apart, I regard all these chawls to have been built out of the savings of the labour of these poor people. If you give them these chawls free, I do not think that the society or the community will be doing anything extraordinary. I was reading recently a very informative article by Mr. Trevelyan, who was Education Minister in the late Government of Macdonald. He was dealing with the Vienna Municipality and was describing how that Socialist municipality was carrying on a very practical scheme of socialism so far as housing was concerned. There, the condition of housing was no better than in Bombay. They taxed the rich and wealthy people and the large amount of tax received they utilised for the purpose of building fine houses for the labouring classes. If my honourable friend the General Member wants to read that article and see how things are carried on in other parts of the world, I can certainly give him that magazine the Socialist Review. He will be able to see for himself how people outside India are carrying on their social scheme. This Government seems to have a stupid conception of its functions which does not go beyond maintaining law and order. However, Sir, if my honourable friend the General Member is still anxious to get the fullest revenue from the chawls which have been built, I wish to put it to him seriously whether Rs. 3 will not be a paying proposition After all, Rs. 3 is not going to be consumed in merely paying the overhead charges; it will certainly leave a certain amount of margin. Moreover, it will certainly enable those chawls to be put to use by those people for whom they were intended. You have also to consider that if you leave these chawls unoccupied for years and years, the wear and tear will be much more and their life much less than would be the case if they were occupied. From that point of view also, I suggest some practical measures should be devised to encourage people living in congested, filthy and insanitary houses to go to these chawls, even if it entails a temporary loss to the State. I am sure once they begin to go there it will not be difficult to induce them to pay a little more later on. I, therefore, hope that the Honourable the General Member will consider this matter sympathetically and not simply say that Rs. 3 is a very low rent and Government will rather allow the chawls to remain vacant than to let them out for Rs. 3.

Dr. M. D. GILDER (Bombay City, North): Sir, I have been greatly interested to hear how the intelligent self-interest of the various constituencies that honourable members represent in this House has brought forward various suggestions to the Honourable the General Member about the Development chawls.

We had the honourable member from Bombay City, South (Mr. Nariman) and several others who have drawn our attention to the deficit and the annual charges we have to pay for the maintenance of these chawls. The honourable member representing the Millowners' Association (Mr. J. B. Petit) took this opportunity and asked Government to reduce the cotton cess, and the honourable member—nominated—from Bombay, who represents the Landlord class talked about the removal

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of the Rent Restriction Act. I am wondering, Sir, what has been passing in the mind of the Honourable the General Member. I do wonder whether the Honourable the General Member has found in this multitude of counsel wisdom—or safety—safety in carrying on this department as he is at present carrying on.

It has been stated that Industrial Housing should be on the business basis. But I would point out, Sir, that if one looks at any part of the world, one will find that nowhere are industrial housing schemes carried on on a business basis. In England, the Government and local bodies give subsidies. In Paris they have built large blocks accommodating more than 200 families each and they do not expect to realise more in the way of rents than would be sufficient to pay the charges of collection, repairs and depreciation. We need not go so far away, the Honourable the General Member has only to ask the members of his own family about the state of the housing schemes meant for our community. We have got various schemes for the middle-class housing in our community, but none of these schemes are on a business basis. The tenants generally pay an amount which would cover only depreciation and maintenance charges of such buildings.

Further, it has been suggested that we may get rid of these chawls, or we may hand over these chawls either to the Improvement Trust or the municipality. However advantageous such an arrangement may be for us, I do not think that any of these departments would be willing to take the management of these chawls. There is a Gujarathi proverb which says :

બળતું ઘર કોણ ભાડે લે.

In accordance with that proverb, no one would like to take over the management of these chawls.

The main reason of these chawls not being occupied by the labourers is that they are at a very long distance. These chawls have been built by Government at Worli, which place is far away from the mill area. If you will go to the mill area, you will find the difficulties of the mill workmen. When they get recess at 1 o'clock, you will find how they are in a hurry to go home and take their meals. The females working in mills have to prepare their food and also in a great many cases to nurse their children and, therefore, it is most essential that they stay in the vicinity of the mills. If they do not do so, they have to engage another man to fetch their meals from home, which is, no doubt very expensive for these poor men.....

The Honourable Sir COWASJI JEHANGIR : What do you call a "distance ? "

Dr. M. D. GILDER : What I mean to suggest is this. Their houses should be at such a distance that they will be conveniently in a position to attend their work in time, after doing their household affairs. But the present chawls are far away from the mill area.

Another point raised in the discussion is about the shortage of water taps and want of police protection. I am sure if all these facilities are

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afforded, there will be a reduction of the deficit that we have incurred.

Mr. K. F. NARIMAN (Bombay City South): Sir, I must confess that I am rather disappointed at the result of this debate. The disappointment is due to the fact, Sir, that the state of affairs which has been reduced to a desperate condition that this Council and the honourable members of this House have not been able to suggest any solution for. Such a hopeless state has been created by the expert bunglers amongst the Government that it is very difficult now to get out of it. But nobody has suggested any solution for this problem. Various other suggestions were made, but I am sure the loss which has been incurred and sustained by this presidency will not be reduced for years together. I also confess that my suggestion that these chawls should be sold is not wise. Because I do not think that we shall find another set of fools to buy them. These chawls have been so well advertised that I do not think, Sir, that at the present moment we shall find any member from the landlord class, which is usually a very shrewd class, to buy these chawls. So, that suggestion of mine should be turned down. But I do maintain, Sir, that no doubt the housing problem should be solved. In any other country, in any other important city, I do not think that Government have taken upon themselves a problem which would solve the housing question. It is only in this country that we find that this question has been taken up by Government. It is for the municipality and the Corporation that has to solve the housing problem. So, in this city we were told that the proper body which should take up this question is the Bombay Improvement Trust. In my opinion, the Public Works Department is the proper body under the Devolution Rules to take charge of all such activities. But in order that the ratepayers should not have any control over the activeties of this nature, the original designer of the scheme proposed in this way and this department was made a reserved subject.

I am very glad in a way that this has turned out to be a failure. And what was the reason for taking away this work from the Public Works Department or from a transferred subject and entrusting it to the reserved department and making it a reserved subject? The arguments advanced were that this is such an exceptional, such a complicated problem, that they would not like the conference or advice of so many representatives. It would be better if a few advisers on the part of Government in the reserved department are alone consulted and they would be able to put it through more successfully and with better results. Well, Sir, we have tried the experiment and I hope that this example will always be quoted to show the efficiency of the reserved part of the Government!

Now, Sir, I again repeat that the honourable members of the other side have got very short memories. Not only have they got very short memories. but they have very convenient memories. They like to remember things whenever it suits them, and they want to forget things whenever it suits them. I do repeat that the Honourable the General Member did state, either to inspire confidence in those who might be

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expected to take up the loan, subscribe to the loan, or to inspire confidence in the honourable members on this side, but he did state, and the advertisement was given to the whole of the Development Department by the publication of a book by St. Nihal Singh, that the Development Department was run on commercial lines. I could not hit upon the passage yesterday, Sir, but I have done so to-day and I quote the passage and give a reference to the Honourable the General Member himself. When a question was asked in July 1924 with regard to a publication that was done by St. Nihal Singh, which was advertised in foreign countries and other places, a question was asked as to what was the necessity of incurring expenditure and seeking advertisement even outside Bombay presidency, and the reply given by the Honourable Sir Cowasji Jehangir was :

"Though every commercial firm does not work secretly, if it wants to sell anything it must advertise. The Development Department is worked on commercial lines."

Again, in reply to another question, he repeats :

"The Bombay Development is run on commercial lines ; and it is open to an offer from any party."

I ask honourable members to remember the wording "Bombay Development is run on commercial lines" ; not only the Back Bay Reclamation Scheme or any other scheme. That was a statement made at the beginning when probably the scheme was to be popularised, when confidence was to be inspired. If it succeeded, they would have maintained that "we entered upon it on commercial lines, our commercial sagacity made us succeed." Now, when it has failed, they turn round and say it was never intended to run it on commercial lines ; it was a charitable and social problem ; Government was prepared to lose on it ; but their primary object was to go to the rescue of the unfortunate citizens of the city. It was with that object, knowing full well that losses were to be incurred, and the losses they are prepared to bear. Therefore, I will say, Sir, that honourable members on the other side have got very convenient memories, and when I stated it yesterday, the statement was challenged. You may refer to the records of Government itself, which actually says what the Honourable the General Member said.

Now, Sir, in all the statements that I heard, the point was, what was the cause of the unpopularity of these chawls ? Several honourable members have given various reasons. And particularly what is the cause of the unpopularity of the chawls at Worli ? We find that the Worli chawls are the least popular. I may correct the honourable member from Bombay, North, who last spoke, who said that the reason is that they are very far from the mills. If he only visits the place, he will find that it is an ideal place for the labour population. It is close to the mill area, at the same time it is quite open, almost open to the sea. It is an ideal spot for the labour population, and if on account of the situation the chawls ought to be made popular, there is no other situation for the mill population in the city than the Worli area by which those chawls could be made most popular. It is very

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near to the mill area and very close even to the sea shore ; removed from the congestion of the city, at the same time it is very close to the mill area. Therefore, I say it is ideal. In spite of that, why is it so unpopular ? And one reason given by the honourable member Mr. Baloch was his experience of his visit, that when he went there he found it difficult to stop there, that he almost felt that he was almost on the point of suffocation on account of the smoke. I had occasions to visit the chawls very often, and I would ask the honourable members to visit them, not in the dry season but in the monsoon, to see whether it is possible for any human being to live in that place. It is absolutely soaked into water and converted into ponds, and if the Honourable the General Member remembers, it is a very recent occurrence, during the last heavy monsoon these unfortunate labourers were forced into it, simply because some large employers of labour had taken up these chawls without consulting the labourers. They ran out and said that " we cannot live here in this weather because all the roofs are absolutely leaking." Not only were the roofs leaking, but there was water leaking from every quarter even from the walls. At the time that I had been there, there were regular ponds, and the labourers' little things were actually swimming in them. Is that a place for habitation for a labourer ? If the honourable member the Secretary remembers, there was a committee of Engineers called on the spot to consult what should be done. It was only in the last monsoon. Still, Sir, how do you expect, with all the reductions of rent, how do you expect these chawls to be popularised and to be occupied, in view of the conditions in which these chawls have been kept ? Recently, we know of chawls, 10, 20, or more, where people have been much worse than in other places, but at least they are in habitable conditions. But these chawls are not in a habitable condition. If the Honourable the General Member visits these chawls next monsoon, we may take it and he will see for himself that it is not possible for your workmen to live in those chawls. I expected the Secretary, when he really took one hour of this honourable House, to explain only one point as to what was the reason for the enormous enhancement in the original estimates for these chawls, the reason for an increase of 200 per cent. or 300 per cent. over the original estimate. What was the total amount which was set aside as an estimate for 625 chawls which were to be erected according to the original programme ? Two hundred and seven chawls, which were actually erected, might have cost not more than one crore of rupees. What is the reason why the estimates have enhanced so enormously, nearly 200 per cent. or more ? That is the question which I wanted either the Honourable the General Member or the Secretary to answer. They have not been able to answer. I will try to answer, but not now, but when I will move my next cut. I will try to prove by facts and figures why the estimates have enhanced so enormously. Honourable members have got to remember that, so far as the construction of the chawls was concerned, there were no unforseen factors about that. In the case of the Back Bay they had an excuse that there was no proper boring ; the clay turned out to be

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softer; the dredger did not work properly as was expected and all those things, so far as the reclamation was concerned and there might be some excuse. The best engineers might make mistakes so far as the reclamation was concerned, and they did not know, as they ought to have known, what was beneath the sea. But what was the difficulty in the case of the chawls, when hundreds and thousands of them have been built? It was all on the surface; everything was seen; everything was known; nothing unknown; nothing unforeseen. Still such a huge difference between the original estimates and the actuals! After all, when you prepare estimates, you take into account all the considerations.

That is the question which I wanted to be answered but that has not been answered. With regard to these suggestions, I still maintain that there is no justification for spending any further amount after this establishment. I still maintain that although it will not be possible and feasible to sell off these chawls it may be possible to transfer them for the purposes of collections to a body like the Improvement Trust. The principal and the only function of the Improvement Trust is to collect rents and look after the Trust properties such as various chawls of the Trust in Bombay. This will only be adding a little more to the function which the Trust is already doing; it will curtail the cost by about 60 to 70 per cent.; the collections will be better and the management will certainly be as efficient as it is to-day.

I may also point out one more reason why these chawls are unpopular, namely, the method of collection of rents. Probably, the Honourable the General Member thinks that these are speedy methods whereby they can secure rents without going to the law-courts, but if the Honourable the General Member is present when his officers are taking possession of articles and chattels of the poor tenants when they may be in arrears of rent for a month or two, he will see what a commotion is raised in the locality. That is why no man likes to go and live in such chawls and be liable to suffer under similar circumstances. For some reason or other, for reasons of strike or for reasons of ill-health and for various other reasons, it may be that the man, although he may be intending to pay, is not able to pay rent for a month or two for reasons beyond his control. The land manager or the assistant land manager goes there with his army of peons and sepoys and takes possession of the man's articles and chattels, drives the man and his family out into the street to find accommodation for themselves. That leads others to fear that if they too go and live there and if they happen to make a default for a month or two, their condition too will be the same. One man turned out of his house goes round and is bound to tell others what fate overtook him and the evil report naturally spreads far and wide and no one ventures to take up a tenement in these chawls. Some of the chawls have been occupied not because the labourers are willing to live there but because large employers have, to oblige Government, taken over some of these chawls and they have forced their employees to go and live there.

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I would therefore suggest that so far as this cut is concerned, I do hope that the non-official members will consider seriously not as a point of economy, not as a point of retrenchment, not as a vote of censure which will come up on the next item, but as a practical suggestion, to see if some arrangements can be made to transfer this rent collection work to the Public Works Department or to see if any other suitable arrangement can be made. As has already been pointed out, the charges are exorbitant the honourable member the Secretary to the Development Department himself admits that Government charges are more exorbitant than the charges of private owners or landlords. Why should they be so ? I do hope therefore that this cut will be accepted by this honourable House.

The Honourable Sir COWASJI JEHANGIR : Mr. President, most of us have short memories and my honourable friend Mr. Nariman is by no means an exception to the rule. He has told us that the Housing District is a commercial department and he has also given this House a graphic description of the losses made on these chawls. He has told us that they cost 3½ crores of rupees and that another crore has to be added from the cotton cess. Then he pointed out that the receipts were only Rs. 6,64,000 during the current year. But, hearing him I wondered whether he had ever read the debate in the Legislative Council when this project was first brought to the attention of this honourable House in, I think, 1921. At that time there was strong public opinion in Bombay that something should be done to house the working classes. It was known that there was a serious shortage and the Municipal Commissioner had reported that according to the figures that he had before him at the time the shortage was 50,000 one-room tenements. I admit those were boom times and therefore my honorable friends opposite, according to the mentality of the day, were anxious that Government should move forward immediately and do something to allay the outcry that existed in Bombay as to the shortage of housing for the labouring classes, but it was by no means an easy matter to work out a scheme. Every scheme was bound to result in a loss and the public of Bombay and Government were perfectly aware of the fact, so much so that to make up for the loss they imposed a cess on cotton. Therefore when my honourable friend Mr. Nariman comes forward and tells this House that there is a huge loss on these schemes, surely he ought to have reminded the House that the loss was anticipated and provided for by special taxation.....

Mr. K. F. NARIMAN : I was not a member of the Council then.

The Honourable Sir COWASJI JEHANGIR : I did not say the honourable member was ; I said he had not read the debate, and I also said that he ought to have reminded the House that the loss was fully expected and provided for. My honourable friend Mr. Nariman admits himself that he did not remind the House of that fact because he was not then a member of the House, which conclusively shows that my honourable friend is not aware of the facts. (Laughter.) Before he got up to make his speech, surely he ought to have made himself acquainted with facts, with the basic facts which were placed before the public before the scheme

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was launched. Now to say that he was not an honourable member of the House at the time is no excuse. It was a well known fact that there was going to be a big loss and, I will repeat, in order to meet that loss a special cess was levied. When these accounts show that the moneys realised from the cotton cess are put to the credit of this scheme, as has always been the intention, my honourable friend accuses us of jugglery with figures. I fail to understand how any honourable member, reading the accounts in the Blue Book, could in any way be deceived. We say "Receipts, Cotton Cess, 14 lakhs." Is there any attempt here at jugglery with figures or at concealing facts? We go on to explain what is the actual loss from general revenues over and above the cess. Now, Sir, this is mere exaggerated language which I excuse. My honourable friend is here to use exaggerated language (Laughter). That is a part of his duty (Laughter). It is a part of our duty to place the actual facts before this honourable House. Now, Sir, I have shown that a loss was always expected but we are quite prepared to admit that we did not expect that over and above the cess we would have to draw upon the general revenues of Government, but there are one or two explanations for this fact. In the first place, the loss on the chawls up to now was paid from accumulations of the cotton cess and we expected that we should be able to pay the extra loss from these accumulations for another couple of years. But the cess, on account of depression in trade, dropped from Rs. 18 lakhs to Rs. 14 lakhs. We used to get Rs. 18 lakhs a year from the cess; the accounts show that for the last two years we are getting Rs. 14 lakhs, and we expect Rs. 14 lakhs next year. Therefore, we are short by Rs. 4 lakhs a year.

Now, Sir, we have been told that there is a great deal of extravagance as far as the establishment and the repairs and maintenance of the chawls are concerned, and, with your permission and the permission of the honourable members, I would like to go into a few details. When honourable members compare the total receipts with the cost of establishment and maintenance, they must not forget that the rents charged are by no means economic rents. These chawls cost Government Rs. 16-8-0 per month per tenement. One hundred and twenty-one out of the 207 chawls are being let, and are offered at Rs. 5 per month per tenement. Therefore, although you let them at Rs. 5 instead of at Rs. 16-8-0 which they are costing, it does not mean that your cost of maintenance or the cost of collection of rents is any less, and therefore, naturally, the lower you bring down your rents the higher are your percentage of collection charges and maintenance charges. Take, for example, a house that costs Rs. 10 lakhs. If you cannot get a tenant for it, you let it at Rs. 1,000 per month. The cost of maintenance on that house will be on Rs. 10 lakhs, and the percentage of the maintenance on the rent will be huge. That is the position before us. What I have to justify now is that the cost of maintenance and the cost of collection and establishment is not extravagant. Now, Sir, I will go into details. We expect to let, during the next year, a little over 10,000 tenements. The cost of the

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establishment is shown as Rs. 63,000. We propose to employ 117 sweepers, costing Rs. 32,468; 8 mukadams costing Rs. 1,728; one sanitary inspector, costing Rs. 1,520. Total cost of the sanitary staff is Rs. 35,716.

Mr. F. J. GINWALLA: I want to know whether the sweepers are to be employed outside or inside the chawls.

The Honourable Sir COWASJI JEHANGIR: They are for the chawls. Now, I would remind honourable members that private owners of chawls own a chawl here or a chawl there, and they employ no sweepers; the municipality does the work for them. Very rarely do private owners employ sweepers. Now, we have got 121 chawls in one block alone at Worli, and I maintain that a sanitary staff is essential, not only for the health of those who live in the chawls but for those who live roundabout. Then we come to the rent collection staff. We have got 9 rent collectors; we are to collect rents from nearly 10,000 tenants; we are paying them Rs. 8,160 a year, an average of about Rs. 75 a month. There are 9 night watchmen for the chawls at 2,160 rupees and 9 peons about 2,160 rupees; there is a provision of Rs. 2,400 for any extra staff that may be required on account of any other extra chawls being brought into use over and above those taken into our calculations. That comes to Rs. 14,880. Then there is the supervising staff. There is one court clerk. Now, I have been informed by my honourable friend the Secretary of the Department that the graphic description just given by my honourable friend of the way in which rents are collected is not quite correct. I am informed that what is attached is a part of the wages, and that the tenants are not, as is described by my honourable friend, put out on the street to starve. Sir, we have got to collect these rents, and I feel sure that owners of chawl property in Bombay will sympathise with the head of the department who is responsible for collecting rents of 10,000 one-room tenements. The tenements in all are 16,000 but we hope to let 10,000. Then, Sir, there are 2 trackers, Rs. 1,536; 4 clerks for the Assistant Land Manager's office 3,696 rupees and 3 peons 720 rupees; the total is Rs. 7,169. Then we have got the accounts staff, and this staff is kept in the Audit Office, independent of Government, and that costs Rs. 6,000 a year. This is the total of Rs. 63,000 that is provided for in the budget....

Mr. N. A. BECHAR: How much rent is recovered from the big employers of labour?

The Honourable Sir COWASJI JEHANGIR: Five chawls for the B. B. & C. I. Railway, one chawl for the municipality, and three chawls for the police. Those are all the chawls we have rented out to big employers of labour.

Mr. N. A. BECHAR: You must deduct those chawls.

The Honourable Sir COWASJI JEHANGIR: We do. Only a very few chawls are let in that way. I have not worked out the figures.

Now, Sir, over and above this, as the budget shows, we have got the Assistant Land Manager on Rs. 550 per month; he is a deputy collector.

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I now come to the cost of maintenance, which is Rs. 80,000 for the current year and Rs. 1,00,000 for the next year. The basis is that the cost of maintaining one of these occupied chawls is Rs. 700 a year, and that works out to ·6 per cent. on the cost of the construction of the chawl. My honourable friend Mr. Bechar said that somebody or other provided 10 per cent. for the cost of maintenance. All that we have provided for maintenance is Rs. 700 per occupied chawl per year, for which there is a provision of Rs. 1,00,000 next year and Rs. 80,000 in the current year. It comes to ·6 per cent. on the cost of construction, and I propose to give the details, specially for the benefit of my honourable friend Mr. Haji Mir Mahomed Baloch. We take Rs. 300 per chawl for whitewashing once a year which for 100 chawls comes to Rs. 30,000. I am now informed that the latest tender is Rs. 200 for whitewashing a chawl once a year. (An Honourable Member: How many rooms are there in each chawl?) There are 80 rooms in one chawl. My honourable friend Mr. Baloch told us that we were charging one lakh of rupees for whitewashing; and asked why we should not give it out on contract. May I tell him that whitewashing has been done by contract and is being done by contract at the rate of Rs. 200 per year per chawl? Then we have Rs. 180 per year per chawl for the following purposes: establishment: (1) for pipe service; (2) to keep the flush tanks and latrines in order, (3) petty repairs to wood work and floors of *nahanis* and water closets, (4) for driving the pumps at DeLisle Road and Sewri for sewage and for water supply, (5) for maintaining open spaces for which a few sweepers are also employed. We pay Rs. 40 per chawl per year for electric power to the company direct. Then we pay Rs. 60 a year per chawl for painting water tanks and shutters once in 3 years. We have to pay Rs. 35 per chawl per year for oil and stores for the pumps; Rs. 70 per chawl per year for materials for repairs; and Rs. 15 per chawl per year for extras. This gives you Rs. 700 per year per occupied chawl. I will repeat that this works out at ·6 per cent. on the cost of construction. Sir, from the few details I have given I think honourable members will be able to see that this expenditure has been carefully examined. I may also tell the House that the repairs at first cost Rs. 1,000 per year per chawl. After cutting down all sorts of items we have come to Rs. 700 and it may be possible to reduce it to Rs. 600.

Now, Sir, I will come to the main question as to what should be done. There is no doubt that over and above the cotton cess there is a loss next year of 5 lakhs from the general revenue. There has been a suggestion from the honourable member who moved the cut that we should sell the chawls and he himself in his reply has told us that it will be very difficult to find fools to buy these chawls. Well, Sir, leaving aside that question whether we can find fools or whether we cannot, let me ask my honourable friend whether he is serious when he suggests the sale of these chawls. We have built these chawls for the special purpose of relieving congestion and giving relief to the housing condition of the labouring classes. Now, we are asked to sell these chawls, because the supply is

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more than the demand. I am informed that there is a serious reduction in the population of this city specially among the working classes. I have been told that it amounts to 150,000. Therefore if there are 150,000 workmen less in the city of Bombay than were in the boom time, nobody will be surprised to hear that the supply is more than the demand.

Mr. F. J. GINWALLA : I question the statement of the honourable member about the reduction in the working class population.

The Honourable Sir COWASJI JEHANGIR : I have heard it from the Health Officer of the city. (Interruption.) I leave it to the honourable member to decide it in the corporation. It is possible that with the return of prosperity in trade we shall be able to fill up all these chawls.

We have been told that these chawls are not filled because we have not provided certain facilities. My honourable friend Mr. Bole related the past history of 8 years ago when he went and asked Mr. Moni to provide *nahanis* and Mr. Monie said "no". Is the honourable member aware of the fact that *nahanis* and windows have been provided ? We were then told that lighting conditions were bad. That may be so ; but we are looking into the matter and certain chawls have already been provided with lights in the corridor. We were then told that there was insufficient police protection. It may have been so nearly two years ago ; but I am now credibly informed that it is not so now. As a mere expression of opinion I may say that Worli chawls are as safe as any other in Bombay (Honourable Members : No, no). Then we have been told that there is not sufficient means of communication. My honourable friend Dr. Gilder mentioned that these chawls at Worli are at a distance from the mills. That depends upon what one calls a long distance or a short one. A few yards may be a long distance to one man and 3 miles may be a short distance to another. But these chawls are within a distance of about a mile and a half of a large number of mills. We were also advised to approach the Tramway Company to bring in trams nearer to this area. I need hardly say that we have not forgotten that and that has been done. I am afraid that it will not pay the Tramway Company to extend their lines in that direction and they have refused. The next suggestion is the reduction of rents. (An Honourable Member : What about the leakage ?) I am told that last monsoon there was some trouble at Worli in some chawls. (Mr. K. F. Nariman : You might not have been there to see it.) No. I was not there. But steps are being taken to remedy the defect.

Now, Sir, we come to the question of reduction of rents. Honourable members will recollect that at the last budget session I informed the House of the reduction that we were going to put into effect. The rents at Worli were being brought down to Rs. 5 per tenement. The result of these reductions is as follows. From March 1927 to 31st December 1927 our occupied tenements rose from 5,965 to 8,234. (An honourable member : For which chawls ?) That is for all chawls. (An honourable member : For Worli ?) At Worli they rose from 1,840 to 2,948.

Dr. M. K. DIXIT : Is the number in reference to tenements occupied or number of tenants ?

The Honourable Sir COWASJI JEHANGIR : So many tenements occupied. But since December 1927 until the 4th February, which is the latest date I have got, there was a set-back due to the partial mill strike. Sir, as honourable members know, only a few mills were affected by the strike, and yet that has had an adverse effect upon our tenements. We have lost from the end of December 1927 to the 4th February 1928 382 tenements. That shows that a vast number of our tenants must be mill hands. It shows also what a difference it makes to us even if a small number of working men leave the city of Bombay.

The point is, is it advisable to further reduce the rents ? I would remind honourable members that the more you reduce the rents the higher will be your average cost of collection.

Mr. B. G. PAHALAJANI : (Inaudible).

The Honourable Sir COWASJI JEHANGIR : The collection charges will go up because more tenants will come in.

Now, Sir, at DeLisle Road, Sewri and Naigaum, there is no case for a further reduction. We have got a fair number of tenements occupied, but at Worli there are a large number of empty chawls. Will a reduction in rents affect us prejudicially or will it benefit us financially ? That is a point some honourable members would like to consider. I know there are others like my honourable friends Mr. Bole and Mr. Bechar who would say : " It does not matter what loss there is : give them at Rs. 3." But my honourable friend Mr. Lalji Naranji, and I think also my honourable friend Mr. Nariman, would turn round and say : " Oh, no : do not increase your losses." Now, Sir, let me point out that if we reduce our rent from Rs. 5 to Rs. 4 at Worli, we shall have a loss of Rs. 2,484 per month on the present occupied tenements. And in order to make up that loss we shall require 1,440 new tenements to be occupied. The question for consideration from the financial point of view is whether by a reduction of Re. 1 you are going to get 1,440 more tenements occupied. If you fail to do so, there will be a further loss.

Mr. F. J. GINWALLA : I shall guarantee....

The Honourable the PRESIDENT : Order, order.

The Honourable Sir COWASJI JEHANGIR : Now, Sir, there is a considerable difference of opinion as to whether rents should be reduced. The Millowners' Association has advised Government that they should reduce rents no further.

Mr. S. K. BOLE : Then increase the cotton cess.

The Honourable Sir COWASJI JEHANGIR : There are honourable members in this House who are in favour of a further reduction. All I can say is that the matter is receiving our serious consideration.

Mr. B. G. PAHALAJANI : When will it end ?

The Honourable Sir COWASJI JEHANGIR : It will not go on for a life-time. If we find that there is any prospect of our reducing our

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losses with a further reduction in rents, I think we shall be going in for a further reduction of rents. But if we find that there will be a further loss I am afraid I for one will not be in favour of a further reduction of rents.

Mr. B. G. PAHALAJANI: (Inaudible).

The Honourable Sir COWASJI JEHANGIR: Establishment will increase. Now, Sir, I am sorry that the Leader of the Nationalist Coalition Party was absent from the House when I was giving details of cost of establishment.

Mr. B. G. PAHALAJANI: (Inaudible).

The Honourable Sir COWASJI JEHANGIR: At any rate, I cannot repeat it all over again for the benefit of my honourable friend, but if he wants them, I will give them to him. Now, Sir, I have given you such details as I could lay my hands on within the last few hours, and I trust that you will realise that after all we have a huge estate and you cannot compare the management of 207 chawls with 80 rooms each with the management of a private owner who has one chawl or two chawls.

I have also shown you that we are making every attempt to keep these chawls in a sanitary condition by employing a sanitary staff. Of course we can get rid of this sanitary staff, but if we do so, the complaints from honourable members, I feel sure, will be most serious and legitimate.

I will finally refer just to one point which has been made by my honourable friend the representative of the Millowners' Association. He asked Government to consider whether the time had not arrived when the cotton cess should be reduced. My honourable friend the Leader of the House has already explained, I think, on another occasion, during this session, that we have asked the municipality for their views in this connection as the municipality share the cotton cess with Government, and we are awaiting their opinion.

Sir, I have nothing further to say. I can only mention that if my honourable friend's motion is carrried, it will mean that we shall have no sanitary staff, no rent collectors and the chawls will have to look after themselves. (Mr. S. K. Bole: The tenants will look after them). Yes.

Question put and lost.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I beg to move:

"Reduce by Re. 1 Total Expenditure Rs. 26,23"

After great consideration, I have decided to move this cut on this demand, with a view to create an opportunity for a discussion of what I consider to be a very important subject.....

The Honourable the PRESIDENT: Order, order. I have repeatedly pointed out to honourable members that they should table a cut very much bigger than Re. 1 in order to raise a more general discussion. On item after item I see that Re. 1 cut is proposed and no censure motion is honestly meant. I would, therefore, warn honourable members that they cannot raise a general discussion by Re. 1 cut.

Mr. K. F. NARIMAN : I do not quite understand your ruling, Sir, I would move this Re. 1 cut with the object of passing a vote of censure and to have a general discussion.

The Honourable the PRESIDENT : If a Re. 1 cut is moved, it essentially means a vote of censure and censure of course must be a matter of very rare occasion. If a censure motion is moved, it is understood that it would be fought to the last, and that the censure motion should, if possible, get through successfully. But I see in this session that member after member gets up and proposesa Re.1 cut and openly declares in the beginning that he wishes to raise a general discussion only. Therefore, as I have said and as my predecessor has held that Re. 1 cut would only mean a vote of censure and for the purpose of raising a general discussion, honourable members should table a cut of not less than Rs. 100.

Mr. K. F. NARIMAN : If you permit me, Sir, I submit that in order to show to this House that a vote of censure is deserved I have to point out several defects in support of my argument. That is what I mean to say by raising a general discusion.

As I have stated, I consider that this discussion will be of great importance. Otherwise I would not have taken the time of this honourable House. The first point which I wish to clear at the earliest opportunity is to refute the allegations the Honourable the General Member has made with regard to this department. I consider that very serious charges are levelled against me by the Honourable the General Member. He said that an opportunity was given to me of a Court of Enquiry, but I did not avail myself of it and the result was that the department had to suffer these losses. On account of this attitude on my part of not accepting the invitation of Government, the whole department had to suffer. These are the words of my honourable friend, the General Member. (The Honourable the General Member shakes his head). I find that the Honourable the General Member shakes his head, but if he will refer to his speech, he will find having said " Mr. Nariman did not accept the offer and did not help Government in an enquiry which has resulted in heavy loss."

The Honourable Sir COWASJI JEHANGIR : I did not admit that.

Mr. K. F. NARIMAN : I remember these words. So, in order to clear my position, I have to state all facts to this House. I may submit, Sir, that I have never been unreasonable in my attitude so far as the Development Department is concerned. I will point out this fact to the House from the Council Debates. All along I was very reasonable . It is the Government who refused to grant an enquiry. The Honourable the General Member stated here that in the October session of 1924 I had made no allegations against the department. But I would refer him to the Council Debates of October 1924, which would controvert his statement. (At this stage the Honourable Sir Cowasji Jahangir was about to leave the hall). I find, Sir, that the Honourable the General Member leaving his seat. But I do hope that the honourable member, the

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Secretary of the Development Department, will take a note of what I say now.

In the first instance, I may state that the Honourable the General Member told this House that there were two resolutions on the subject —one was moved by me and the other resolution was of the honourable member, Mr. Lalji Naranji. He said that there was no difference at all between these two resolutions. He further added "Though I refused to accept the resolution of Mr. Nariman, Government accepted the resolution of Mr. Lalji Naranji, which was the same as that of Mr. Nariman." I would ask this House to decide for themselves if there is no difference between the resolutions which I shall now read for the information of the House. I wanted that an enquiry should be made into the administration of the Development Department whereas Mr. Lalji Naranji demanded in his resolution for an enquiry to be made into the future activities of the department. This will be quite clear from the perusal of these resolutions. My resolution runs thus :

"This Council recommends to Government :

(*a*) that a committee consisting of 12 non-official and elected members be appointed to inquire into the whole administration and working of the Development Directorate, to suggest ways and means of effecting retrenchments and to report on the advisability or otherwise of continuing the schemes taken in hand ; "

I would request this House to mark the words "whole administration of the Development Directorate." That means the past working of the administration. Further, we find :

"(*b*) that the Development Directorate be requested to co-operate with the said committee and afford all facilities and help in conducting the said inquiry and in making the said report ;

(*c*) that an independent officer or expert be appointed to help the said committee."

That is my resolution. Now I shall draw your attention to the resolution of Mr. Lalji Naranji which runs thus :

"In view of the conclusions arrived at during the period of war boom that the land available in Bombay was inadequate having proved erroneous, this Council recommends to Government that a committee, with a non-official majority, be forthwith appointed to enquire into the activities of the Development Department as to how far and in what directions such activities should be continued and as to whether that department should not be amalgamated with the Public Works Department and a considerable saving thus effected."

Now, Sir, you will find that the distinction is very clear. It really means that the one wanted an investigation into the whole administration of the department including past and the other wanted investigation as regards the future administration, whether the department should continue or not. Even in the course of that debate, myself and the then honourable the Leader of the Swaraj Party made it quite clear to the Honourable the General Member that if he will accept the suggestion of incorporating four members on the advisory committee and enlarge the scope of the resolution of Mr. Lalji Naranji, we were quite prepared to accept the committee, but he did not accept our suggestion. In the course of the debate that took place in October 1924, I had made various allegations in order that a thorough enquiry should be made. I had also challenged the Honourable the General Member of what would result by non-compliance with my resolution. I will now read here a

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portion of my speech which is given at page 881 of the Council Debate Vol. XIII of 1924. It is

"I should not like this committee to be called an advisory committee, because my resolution calls for an investigation into the administration of the Development Department, and, as soon as you make a particular committee an advisory body, I am sure the Honourable the General Member or the Director of Development will object to that advisory body going into the administration of the department, and say that that is not the function of the committee. If Government accept the very laudable suggestion made by the leader of the Swaraj Party that four or five members of this House should be appointed on the committee, and if the terms of my resolution are referred to that new committee. I think it would be an arrangement which would be satisfactory to both sides of the House. I do not think there should be any very serious objection to this reasonable suggestion, I am very anxious that the terms of my resolution should remain, because, if you compare the two resolutions, the resolution of Mr. Lalji Naranji and my resolution you will find that the resolution of my friend Mr. Lalji Naranji confines itself only to one point, namely, to see whether the activities of the Development Department should continue or not, whereas my resolution goes much further. I want a committee to go into the whole administration of the Development Department, such as the several public scandals that have been existing about the contracts, the establishment, the tenders, the purchase of stores, etc. I desire that all these matters should be enquired into by the representatives of this House."

That was so far back as October 1924. I had made my position absolutely clear, that I was very anxious that the advisory committee should be given the power of investigation, and if these powers were given, not only myself, but three or four other members, who were invited, would have very readily joined and conducted the investigation. And particularly, the enquiry was wanted about the contracts, establishments, tenders and purchase of stores. It certainly does not specify what each item is, but it is general enough to suggest that even at that time I had made my position clear as to what I described to be a scandal. Unfortunately, whilst giving a reply to that debate, the Honourable the General Member would not accept the suggestion and, therefore, the statement ended there. Again, when I had another occasion in March 1925, I made it again very clear and challenged the Government for an enquiry and even went further and stated that if this open challenge was not accepted, the verdict of the public would be against the Government even without an enquiry, because there were ugly rumours, and I seriously made several charges against the Development Department, including the charge of mild steel bars. In spite of that, the enquiry was not granted. And again, referring to the correspondence, I regret very much, Sir, that the Honourable the General Member referred only to a part of the correspondence, thus misleading the House. It was not right or fair to read only a portion of the correspondence and base upon that item alone the conclusion that I rejected the offer of Government for enquiry simply because a Government officer was going to be included into the committee of enquiry. I even accepted the offer to include in the committee an officer of Government—a judicial officer of Government—and I made it clear in that correspondence which was in the hands of the Honourable the General Member but which was not read. This is what I said :

"If the Government desire to associate a Government officer of high judicial attainments with the said non-official committee recommended by the Council, I for one will certainly welcome his inclusion in the said committee and if the selection of the gentleman is happy and satisfactory, I would not mind even his presiding over and guiding its

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deliberations or even if the Government consider a committee of 12 non-officials as unwieldy and inconvenient, the House may even accept a reduction of the number. In short, I believe any reasonable modification of the said resolution would be acceptable to the majority of the House, provided that the principle of the right of non-official elected members to investigate is admitted. Their entire exclusion from such an investigation betrays a want of confidence and trust on the part of Government in constitutionally elected representatives of the people and it is but natural that, in view of the attitude I have taken up, I could not participate in any proceedings that not only cast reflection and slur upon the House by admitting its incapacity to investigate, but also directly results in flouting a resolution of the Council passed at my own instance.

I hope I have made my position quite clear and have left no room for any deliberate misrepresentation as was indulged into in the past. I also hope the Government will accept the reasonable counter-proposals contained in this letter and take immediate steps to appoint such a committee including the said judicial officer, as I am most anxious, in the public interest and for the future safety of public funds, to have this matter thoroughly investigated and thrashed out. The Government apparently do not seem to realise and appreciate that investigation in such matters, to be effective, should be started immediately after allegations are made, otherwise in the course of time all available material and evidence may, for one reason or other, disappear and thus the investigation may be seriously hampered and prejudiced."

There, Sir, again, I made my position clear, and in referring to only a part of the correspondence the Honourable the General Member was not fair. He should have referred to this part also when I stated that I did not mind even if a judicial officer or a Government officer were presiding, provided only that non-official members were associated with that officer. Now, Sir, I ask you whether my attitude was justified or not. Was I not justified in merely asking for the association of three or four non-official members even with the Government members who might be appointed by Government to go into all these questions ? Even that suggestion was not accepted. And what was the object ? The sole object, Sir, was that no non-official member, even a representative of this House, selected by the honourable member of the Government himself, should be associated in any way with the investigation in connection with the Development Department. That was the persistent effort on the part of the Honourable the General Member, no doubt under the baneful influence of the then Director of Development ; he persistently resisted any effort on the part of any honourable member, any non-official member, to pry into the affairs of the Development Department. Now we know, Sir, why that anxiety of the Honourable the General Member to keep out non-official members from any such enquiry. It may be, Sir, that the Honourable the General Member may not have any particular reasons, but at that time I am sorry to state that he was entirely guided and controlled by the honourable member the Director of Development. He very stoutly resisted any non-official interference. That was the reason why the reasonable suggestions made by this side of the House were not accepted. Therefore, Sir, I have made my position clear, so far as the honourable members on this side are concerned, that it was not reluctance on my part to start an enquiry, whether a Government officer was a member or not. I only wanted that honourable members from this side, three or four, should be associated in the enquiry. I am glad, Sir, that the demand which was made in 1924, which was stoutly and steadily resisted, as I say, under the baneful influence of the then Director of Development and other officers,—now being removed

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from that influence, the Honourable the General Member has accepted the very demand which the Council made in 1924 for the appointment of a committee to enquire. He himself has nominated four members of this honourable House and has conceded the right of the House to enquire and investigate into the affairs of the Development Department.

Now, Sir, I might point out, as I stated on the last occasion, what was the reason for this resistance on the part of the Government or the Honourable the General Member to all efforts of the non-official members to pry into the affairs of the Development Department ? I have pointed out in the course of the debate the state of affairs that was prevailing, and naturally the reason for the resistance on the part of the Development Department for any non-official enquiry was that they did not want the ugly facts about the Development Department to leak out of the Development Department. There is no question now, and it has been admitted by the honourable member the representative of the Millowners' Association the other day, he complained the other day, that as a member of the advisory body they were not very fairly treated ; information conveyed to them was not quite accurate, and they had to make complaints about it. We had received complaints from other members also that not only false information was supplied to them, but information called for was not supplied, and on account of that fact some members did not continue their membership. And it is now admitted—the Director of Development himself admitted it before the Mears Committee—that it was the policy of Government at a certain stage to keep back information from the public because they thought that if the true facts were put before the public there would be a panic and a scare. These are statements made in replies given by the Director of Development himself before the Mears Committee when he admitted that some of the statements made by him in the report of the Directorate of Development were false, false to his knowledge, false deliberately, simply because the policy of Government was that the whole information should not be conveyed to the public lest there might be a panic and a scare. That is the reason why false information was given. That statement was challenged. I can point out various replies given by the Director of Development wherein he has admitted such to be the case and the Mears Committee itself has held that some of the information given by the Director was not correct.

Coming direct to the Housing question, which is the principal point now before the House, I maintain in connection with this administration also that the great percentage of wastage, the great percentage of the enhancement of the estimates was due to the corrupt practices, to the fraud and corruption that were prevailing in the department. I will point out facts and figures which cannot be controverted and which form part of the records of the Government Department itself, and I will point out in how many cases lakhs and lakhs of public funds have been wasted simply with the view to allow profiteering and favouritism to private friends in the public administration.

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With regard to the chawls contracts, it is to be remembered that the original programme was, as has been admitted by Government records, 625 chawls to be erected in the course of eight or nine years. As the programme was chalked out, a certain number of chawls were to be erected in each year. Now, originally it was decided that these chawls were to be constructed departmentally and some of the chawls were actually started to be constructed departmentally, and in 1920 or 1921, at some period, one sample chawl was constructed which was considered to be a departmentally designed chawl after carrying out several experiments. That chawl was formally opened by the Governor. That was to be the departmentally designed chawl, after which design the rest of the Development chawls were to be constructed. Somehow or other, shortly after that, under the advice and recommendation of the Superintending Engineer, the construction by the Department was given up and it was decided that tenders should be invited for giving on contract the construction of these chawls.

A curious phenomenon happened just at this time. When the Superintending Engineer decides to recommend that the departmental construction should cease and the construction should be carried out by contract, somehow or other, friends of this very Superintending Engineer in his various activities of life either decide to resign their positions which they were occupying or go on long leave and start new contract firms of building contractors, and start new activities shortly before tenders are to be invited. I will give a few instances and I will point out that it could not have been merely accidental or coincidental that, when it was decided to give up departmental construction of the chawls and to invite tenders, as if by a pre-arrangement, as I said before and I repeat it now with all my responsibility, that most of the contracts should go to the friends of the Superintending Engineer, no matter at what cost, whether it would cost lakhs of public funds or not. I will point out instances after instances and I challenge honourable members on the opposite side to controvert these facts, and I will point out from the very records of Government, that what I am stating is a fact. The first gentleman to resign from the post of Executive Engineer, Military Lands Scheme, at Colaba, Reclamation Development Department, was an Executive Engineer for nearly two or three years drawing Rs. 2,000. His name is Major Parselle. That gentleman admittedly was a great friend of the Superintending Engineer. As soon as it was decided or shortly before it was officially decided that the departmental construction was to cease and that the construction was to be carried on by contract, this gentleman immediately and suddenly took interest in that chawl construction. He left his work at Colaba and used to go up to Worli to see the departmental construction of chawls and it is admitted that the Superintending Engineer or the Executive Engineer used to take him round even when he was an Executive Engineer Reclamation Branch in that Department. Shortly after, in September 1922, he tenders his resignation and, in the very next month, in October 1922, he joins a firm of contractors in Bombay called the Bombay Concrete

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Construction Company, a few months before the tenders are to be invited. One of the conditions of his agreement with the Bombay Concrete Construction Company was that he would continue to be a member of that company only if he was able to secure contracts worth ten lakhs of rupees within a period of six months from the date of the partnership and that if he was not able to do so, his partnership was to cease. This gentleman, an absolutely new arrival in Bombay, coming from Simla, who had never done contract work before and who had been a military officer all his life, and who had been an Executive Engineer for two or three years drawing a decent salary of Rs. 2,000 a month, gives up his job and his fat salary on the mere chance of getting contract work worth ten lakhs of rupees in a strange city like Bombay within six months, and he provides the capital of three lakhs, the very capital that was wanted for the contract of Worli chawl. A curious co-incidence indeed that within the very period of next six months, *i.e.*, in January or February, he gets a contract from his friend, the Superintending Engineer, not of ten lakhs but of eighty lakhs for 80 chawls, the largest contract in the whole Development Department, which ultimately went over a crore of rupees. This contract fell to the lot of Major Parselle within six months according to the contract which he had made with the Bombay Concrete Construction Company.

Now, Sir, I would ask whether he got this contract because the Bombay Concrete Construction Company gave the lowest tender. It is the usual procedure that tender forms are given only to those contractors who ar qualified to do the work and who have b en found, after due enquiries, to be quite satisfactory and to be able to carry out the contract work in question. Tender forms are not given to each and every contractor that asks for them but only to those who are able to do the work and who, after proper enquiry, are found to be satisfactory and capable of doing the work. In spite of that condition, the contract for 80 chawls was given to the Bombay Concrete Construction Company represented by Major Parselle although that firm was the fourth on the list and there was a difference of Rs. 13,000 per chawl between his rate and the rate of the first tenderer or the lowest tenderer. The first tenderer quoted for 80 chawls at the rate of Rs. 84,496 per chawl, the next was Rs. 88,914 and the third (a well known upcountry contractor) was Rs. 93,005, and the fourth was Major Parselle with Rs. 97,192. The difference was very large, Rs. 13,000 per chawl, making a total difference of over ten lakhs of rupees on the contract. Therefore, a subtle engineering device was resorted to. It was a very clever engineering advice. This Major Parselle was allowed to put in an alternative design, the only gentleman whose alterna ive design was accepted. One of the conditions of the alternative d sign was that there should not be any less area than the departmental design and there should not be any more cost. On that condition Major Perselle was asked to put in an alternative design, so that there might be some excuse for giving him the contract as otherwise the large difference would be likely to draw attention towards itself. Rs. 13,000 per chawl and a total of over ten lakhs of rupees was

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certainly a big difference because the departmental design was settled after long experiments, after great expenditure. The public had accepted it, the Government had accepted it, and still that design was allowed to be altered only by Major Parselle just in order to find some excuse under which the contract could be given to him. He did submit his tender, and I would point out from the records of the department that the alternative design was approved after the tender was accepted. That has been brought out in the course of evidence. He did submit an alternative design, on the condition that the area was the same, and on that excuse he got the contract. But even with that alternative design there was a difference of Rs. 7,000 to Rs. 8,000 between the lowest tender and this tender. Now, I would point out to the House the reason why these Worli chawls are the least popular and the least occupied. The reason is that they are the worst constructed chawls. Out of the 121 chawls, in spite of all the advertisement and the temptations held out, not more than 24 of the chawls at Worli have been filled up to-day. The reason is that the construction of these chawls was worse than that of all the rest of the chawls, because, in order to oblige this friend, Major Parselle, the Superintending Engineer removed all the supervising staff from the construction work of these chawls by Major Parselle. That is on the record....

Mr. G. L. WINTERBOTHAM: I rise to a point of order. Is this strictly relevant to the motion before this House? Was it not to give the honourable member an opportunity to prove his allegations that the Honourable the General Member has appointed a committee of investigation only the other day? Is this not merely taking up the time of the House?

The Honourable the PRESIDENT: The honourable member has moved a cut of one rupee as a censure motion on this demand for chawls, and therefore he is perfectly entitled and in order in going into all these details, unpleasant as they may be.

Mr. K. F. NARIMAN: I am glad of your ruling, Sir. I might advise honourable members on the other side that though these details are very unpleasant and very nasty, we cannot shirk them; we have got to face them. The time has come when facts have to be brought to light, however unpleasant and however nasty they may be. We have got to face them, and we cannot shirk them for ever. I quite appreciate the remarks of the honourable member who raised the point of order that this debate might probably hamper the investigation which is likely to take place. I am aware of that fact, but I know what I am about. Nobody is more anxious for the investigation that is to come about than myself, and I am not going to state such facts as are going to hamper the subsequent enquiry. The facts I am stating cannot be altered; they are committed in the court of law; they are on the records of the department, and cannot be altered.

This alternative design was accepted on the express understanding that the space area of the chawls was exactly the same as, and not less

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than, the departmental chawl area, and I take it that the Honourable the General Member or even the other Members of the Government, when they allowed this alternative design to prevail, it was on the express understanding that the space area, so far as the rooms and the other construction is concerned was the same as that of the departmental chawls. Now, I challenge the Government to prove that it is so. The chawls are there, Government have got their own engineers; let them go and make enquiries and see if the building area is the same. It is 319 square feet less per floor per chawl, or two-room space less per floor per chawl in the chawls constructed by Major Parselle, than the departmental chawls constructed elsewhere. I challenge the Honourable the General Member to prove to the contrary. If he is not aware of the fact so far, he can go there, have the chawls examined by his own engineers—I want honest engineers to make this enquiry—and I think he will find that the area is 319 square feet less per floor per chawl, or two-room space less per floor per chawl. If they had reduced the number of rooms to 18 instead of 20 per floor, it would have been easily detected. Any ordinary layman visiting the chawl would see that the number of rooms is less. But the number of rooms is the same, but for each room that he constructed the area is less by 2 inches from each side and 2 inches from the passages. Each room has contracted to such an extent that the total contraction comes to 319 square feet, the total space area which is less being equal to 2 rooms per floor. I hope the Honourable the General Member will accept the challenge and have this investigation made as early as possible, because after I have made these allegations, it is not likely to be altered; it is not possible to extend the area of these chawls. The plans are there, let him have them examined by his own engineers—not by our engineers—and even by looking at the plans he is bound to come to the conclusion– a conclusion which has been admitted by his own engineers in a court of law that the alternative design has given 319 square feet of area less per floor. Now, the rooms are 16 feet by 10 feet and 320 square feet is the area of two rooms. What was the result of the reduction of the space area? The result was that the cost of construction was reduced by Rs. 10,000 per chawl. That was the trick played in order to lessen the difference between the two tenders. By adopting the alternative design they made the difference between the two tenders a little lesser, as it decreased the cost by about Rs. 10,000 per chawl, and thus the chawls construction continued. As I said, this can be investigated, and I stand by my statements and I stand by the consequences of my allegations, without claiming the privileges of this House not once but half a dozen times, so far as Major Parselle is concerned. I am going to reserve several other acts of favouritism, certain misquotations of Government specifications and Government Resolutions in order to have payments made to Major Parselle under one pretext or another; enormous sums were being paid as extra items, for one reason or other, to this gentleman. So far, Sir, for the Worli chawls. I will return to the details when the Honourable Member will ask for the reward to be presented to the Superintending Engineer for his efficiency

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and for his good work. I will then point out his efficiency and the good work that he has done by giving specific instances of a glaring description. The next thing that happened with regard to the Worli chawls was that the contractor who had to be set aside in order to favour Major Parselle made a complaint to the Director of Development. I do not know if the complaint has reached the Honourable the General Member at all.

The Honourable Sir COWASJI JEHANGIR: In what year was it?

Mr. K. F. NARIMAN: In 1923 or 1924. I think he is not aware of it. Unfortunately, the Honourable the General Member is not aware of many things, and, as I stated, even at this late stage it would not be too late for him to know something about his own department.

The other contractor who was rejected presented a complaint, wherein he stated all these facts, including the fact of this alternative design.

The Honourable Sir COWASJI JEHANGIR: You are talking of 1922.

Mr. K. F. NARIMAN: And he also offered a challenge. He said "Let independent engineers go and make enquiries with regard to my allegation, whether the space area is not less," but that enquiry was not undertaken; the complaint was shelved. But as a sort of compensation, or as a sort of hush compensation, if I may call it, 25 chawls which were intended to be constructed departmentally at Worli were transferred to Gaya & Co. for construction, after their plan was altered, so that further complaints may not be made by the contractor. Gaya & Co. constructed 25 chawls; although half of them were constructed departmentally, still the rest of them were transferred to Gaya & Co. Messrs. Gaya & Co. were favoured on the same principle, that the contractor had to be a friend of the Superintending Engineer in order to get contracts for the work. Gaya & Co. got it, as was practically admitted, because Mr. Vaidya, a very important officer of the department, the Deputy Secretary of the Development Department, and who was also the land acquisition officer was a friend of the Superintending Engineer. This gentleman, very shortly before it was decided to give him contracts, did not resign because he was not quite sure of his position, but went on long leave for two years.

Shortly after, Gaya and Company as contractors got the contract for 25 chawls. It has now been openly proved that by virtue of an arrangement between the Superintending Engineer supervising the work and the company that 12½ per cent. of the profit should go to the Superintending Engineer and 12½ per cent. to the contractor. That has been proved and admitted not on oral evidence but by records. Major Parselle was an engineer in the Improvement Trust and he was admittedly a friend of the Superintending Engineer and though Major Parselle was employed on the Development Department he resigned his post when tenders were invited for Sewri chawls. Here also the position is exactly the same. His tender was the fourth which he offered in the name of Ferrow Concrete Company. The three other lower tenders were rejected and the tender was given to this company with a difference

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of about Rs. 8,000 to Rs. 9,000 more per chawl. With regard to the Sewri chawls the lowest tender was Rs. 84,000, the next one was Rs. 86,000 and the tender of the Ferrow Concrete Company was Rs. 93,000. Therefore the lowest tender was Rs. 84,000 and highest was Rs. 93,000. The highest tender was accepted and the contract was given to Major Parselle who was favoured with payments for compensation for reduction in the number of chawls. As I referred to in the general debate this compensation was paid to the extent of Rs. 43,000 in spite of the protest of the financial adviser, although the gist of the contract was that payment should be made for the work done. No compensation was allowed under the contract. In spite of that a large sum of Rs. 42,000 and Rs. 7,000 more was paid to him shortly before the departure of both the gentlemen together in the same boat to Italy and other places. He stated in his evidence: "I recommended the payment of compensation and by a strange coincidence we happened to be in the same boat bound for various places." Various other payments have been made. It has been proved to the satisfaction of this honourable House that payments for works not done have been made, in spite of the report made by subordinate engineers, who protested against it. The subordinate engineers stated that they had seen the work and it had not been done. In spite of these objections payments were made. The most interesting company with regard to the construction of chawls was the Indian Construction Company. I should like the Honourable the General Member to throw more light on this question, because my information is not so full. There was a syndicate formed long before even Back Bay Reclamation was launched or even thought of. The syndicate consisted of influential gentlemen partly in India and partly in England. It was contemplated that the contract of the reclamation was to be given to this syndicate without inviting tenders. But it does not touch the present point. For certain reasons there was criticism in the press and the syndicate had to be broken up. In the formation of this syndicate some initial expenditure had to be incurred. As the reclamation contract was not available the syndicate formed the Indian Contract Company to recoup their initial expenditure. This company which was supposed to have expert American engineers was given the contract for the DeLisle Road chawls. As in the case of the Ferrow Concrete Company which was given the contract for the highest tender to favour Major Parselle, so also in this case Government refused the lowest tender and gave the contract to the Indian Construction Company. There was systematic and regular corruption and I do not wish to go into the details as the House has got a claim to discuss these matters. In this way lakhs and lakhs of rupees have been wasted. Without any exaggeration I state this, because the Honourable the General Member will gloss over it by saying that I am in the habit of exaggerating. I may point out that the contract for Rs. 35,000 was raised to Rs. 44,000 simply because particular individuals were admittedly friends of the Superintending Engineer, colleagues in the same department, in order that they may be allowed profiteering. My submission to this honourable House is this. When we start with

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the discussion we must find out the reasons for this abnormal increase over the original estimates of chawl construction, which is after all a simple construction. You cannot shut your eyes to these facts. These facts will come out sooner or later. You cannot scare away agitators by your police courts. Somehow or other these facts will come to light. That was the reason why you evaded an enquiry, as these facts would come out and it would be detrimental to your interests. The Honourable the General Member has been led to take that attitude by the interested men in the department, which he might not have taken otherwise. A demand from the public for a non-official enquiry was persistently resisted. For what reason ? Because these facts are such that no department would like to be dived into by anybody outside the department. That is the reason why a non-official enquiry was evaded for so many years. Now, the facts are known. But most of the officers have gone and most of the contractors are gone. Now, the Honourable the General Member with a generous gesture comes to appoint a committee to enquire. When the opportunity was given he did not think of holding such an enquiry. Now, he has lost that opportunity. Now, he has appointed a committee. No matter howsoever late with the materials we have in our possession we will bring out as much truth as we can in spite of the obstacles we may have in the way. I have detained the House for a longer time than I wished, because I was anxious to place all these facts before my honourable colleagues in the House.

Question proposed.

(*After recess*)

Mr. N. B. CHANDRACHUD (Poona City) : Sir, I support the motion. Impotent as we are we cannot do anything more. If all the facts stated by my honourable friend Mr. Nariman were true—they must be assumed to be true because they have been proved, so to say, in a court of law—in any other country all the officers directly or indirectly concerned would have been brought to book. Here constitutionally we cannot do anything more beyond a vote of censure. This Development Scheme has been a white elephant not only to the finances of this presidency but also to the proceedings of this Council. We have got twelve days allotted for discussing the demands for grants, and out of those twelve days we have spent about eight or nine days over the single item of the Development Scheme, and I do not know how long we may have to devote our time and attention to this item. From the very beginning Government have committed blunders after blunders, and the crowning blunder was the prosecution of the honourable member Mr. Nariman. Now, these schemes, Sir, are not a financial success ; they cannot be expected to be a financial success ; nobody ever anticipates that they will be financially successful,—because these schemes are intended primarily for ameliorating the condition and adding to the comforts of the poor labouring classes—and nobody expects that they will return 6, 5 or 4 per cent. A man who expects such a return will never go in for houses. My experience is that a Marwadi never purchases a house ; he may

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have one hundred thousand houses in mortgage, but he never purchases a single house. The reason is quite obvious: money invested in the purchase of immoveable property cannot be expected to give a return of 4, 5 or 6 per cent. Of all landlords Government is the worst landlord, because Government labours under all the disadvantages of a private landlord and has none of the advantages of a private landlord. If private persons cannot expect such housing schemes to be financially successful, much less can we expect Government to be financially successful with such schemes. But we have a right to expect of Government that they will be honest. But in this case we find from the beginning that the Government officers who have had any hand in the carrying out of the scheme have not behaved quite honestly. What about this Gaya and Co; Major Parselle, Vaidya, and a thousand and other things? I can understand Government spending honestly for the Development Scheme. Nobody would have blamed Government if the scheme had not been financially successful. But when we find that all these moneys have not only been spent but misspent, I think Government owe a responsibility to this House and to the public. We have, Sir, to pay not only for the money used for ameliorating the condition of the poor and the oppressed, but also the money which has found its place in the pockets of the officers who have had to do with this Department. Lakhs and lakhs have been spent. Now, the whole scheme may have cost about two or three crores. I am not much concerned with that question. Assuming all the chawls at the disposal of Government are fully occupied, the return will be 12 lakhs. Out of that we have to spend 2 to 3 lakhs for paying municipal taxes and in addition charges of managment and supervision. In short, the net income of these chawls, assuming for the sake of argument that all are fully occupied, will be only about 7 lakhs. Now, we find that we have to pay by way of interest 21 lakhs every year. My principal objection is, when all these moneys were being spent, when Government came to know that there were ugly rumours, they did not proceed in a straightforward manner. They ought to have brought to book the persons concerned. Not only did they not bring to book those persons who were concerned in this ugly affair, but the highest officer in charge of the department played into the hands of the subordinate officers. If we take the words of the honourable member Mr. Nariman to be correct—and there is no reason why we should not take them to be correct—he was refused an enquiry. And as I have already said, the crowning blunder was the order given to prosecute the honourable member Mr. Nariman. That is the last thing he should have done. Certain definite allegations were made against the officers of the Department. If I had been in his place I would have myself prosecuted those persons or at any rate I would have told them to get their character cleared. But Government have all along not only blundered, but acted half-heartedly. They have been neither fair to the officers nor equitable either to the public or to themselves. They ought to have prosecuted the officers or asked them to get their character cleared. They did not do either. They spent the money for the prosecution of Mr. Nariman. When the demand

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comes before the House I am going to state that they acted *ultra vires* and illegally. Government had only a choice between two alternatives. They could themselves have prosecuted or they could have left the officer to get his character cleared. They had no third alternative. They arranged that they would bear the cost and if the officer was successful then they would remit the cost.

The Honourable the PRESIDENT : That demand is not before the House at present.

Mr. N. B. CHANDRACHUD : That is not before the House, but I refer to it to show how they have committed blunders after blunders, how public money has been wantonly wasted, how they have not brought to book the persons concerned in this. As I have already said, the only thing we can do constitutionally, impotent as we are, is to move a vote of censure, and I believe Government richly deserves it.

Mr. G. L. WINTERBOTHAM (Bombay Chamber of Commerce) : Sir, the honourable member from Bombay South who knows me well enough (for we are not strangers either in this House or elsewhere) to realize that no insinuations of his that I am anxious to avoid the terrible revelation which he is making will turn me from saying what is in my mind. I certainly agree with the previous speaker (Mr. Chandrachud) that the House should pass a vote of censure for having its time wasted over this subject, but I suggest that it should be directed not against the Government front bench, but against the honourable member who has moved this cut. He is, to my mind, quite inconsistantly taking up the time of the House. Only the other day he moved a vote of censure, and there was a heated debate over that motion. In the end Government conceded what he wanted, that is a committee, and the motion was dropped. I submit that it was exactly for the purpose of enquiring into these allegations which the honourable member has again been making to-day that this committee was appointed and that the committee is the proper body to examine them. In the circumstances it is not consistent that he should move this vote of censure again to-day on the same subject. If he had been sincere in his desire to pass it he should not have withdrawn his previous motion the other day. Personally I think his conduct is quite inconsistent and instead of this vote of censure being moved against Government, I think it should be moved against him.

Now, Sir, I am not concerned to defend Government. Government's back is broad and they can very well look after themselves.

Mr. K. F. NARIMAN : You are the supporter of Government.

Mr. G. L. WINTERBOTHAM : That is entirely uncalled for. Government may fight or Government may compromise. I am not concerned. As far as I am concerned, I protest against the attitude of the honourable member who brings these allegations before this House in season and out of season allowed, if I may say so, Sir, by yourself. I submit, Sir, that in all fairness to this honourable House, the honourable mover should not take the time of this House, but he should take those

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allegations before the committee which has been recently appointed. One more point which I wish to emphasise is this. I do not know how this discussion raised by the honourable the mover of this cut has anything to do either with the past or with the coming year's budget. All his so-called facts seem to me to relate to a time much previous and I can only come to the conclusion either that the honourable member has his tongue in his cheek and is not sincere in his desire to pass this vote of censure or he is actuated by some motive which is not apparent.

Mr. K. F. NARIMAN: I want to expose certain facts.

Mr. G. L. WINTERBOTHAM: If my honourable friend wants to expose certain facts he should do so in the proper place. Honourable members should beware of being led away by the magic of the honourable mover's oratory into thinking that this is a good stick with which to beat Government. By all means let us beat Government when we have a good case, but let us beware of attempting to do so when like the present we have no case, as we should only weaken our position on some future occasion.

The Honourable the PRESIDENT: Order, order. One thing I am forced to refer to. The last speaker (Mr. Winterbotham) in an indirect way has referred, or rather in other words, criticised my ruling on his point of order. I do admit that there is a good deal of repetition of the debate we had had on the Development Department. But I have allowed the honourable member to move this motion. I can differentiate between this and the last motion on which he spoke the other day. On his last motion he obtained a committee which would enquire into the various cases of corruption. While this is a censure motion against the department and Government, because, as I understand from him, of their neglect of responsibility. So, there is a distinction between the two. In moving this motion, he, of course, has had to repeat many of the arguments that he has used before, but that could not be helped. I think the honourable member was perfectly right, as I held, in moving the cut.

Mr. K. F. NARIMAN (Bombay City, South): Sir, on the point of explanation. The honourable member, who spoke last (Mr. Winterbotham) seems to have not been present at the time of the last debate. There is no inconsistency on my part. He should know that the last cut was moved by my honourable friend Mr. Swaminarayan and was not moved by me. I, therefore, say that he was absolutely wrong when he said that I was inconsistent in moving this motion.

Mr. G. L. WINTERBOTHAM: If the honourable member desires to get this motion passed, let him take this vote of censure to division.

Mr. R. D. BELL: Sir, after the remarks of the honourable member who spoke last, I intend to be very brief. I desire only to make one main point and give two illustrations. The honourable the mover of this cut has dealt with, at some length, a great many allegations with regard to giving contracts for Development Department chawls.

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I submit, Sir, that most of these allegations were dealt with and brought forward by the honourable the mover of this motion before the second Presidency Magistrate.

It is, therefore, entirely out of place for the honourable mover to come forward now and state in this House that this contract, that contract, and the other contract were pre-arranged. That word he used more than once, that these contracts were "pre-arranged" between the contractors and the Superintending Engineer. I have read the judgment of the court several times and, at all events, as regards the honesty of the Superintending Engineer, he has obtained complete exoneration by the magistrate. I, therefore, think, Sir, that it is a waste of time for these allegations to be repeated in this House on this occasion. To illustrate to the House the real nature of these allegations, I shall deal with only two. The first one is the allegation that, when tenders were invited for the construction of a large number of chawls at Worli and Naigaum, Major Parselle was the only contractor who was permitted or who was invited to submit alternative designs.....

Mr. K. F. NARIMAN: His alternative design was accepted.

Mr. R. D. BELL: I think, Sir, the honourable member said that Major Parselle was the only contractor who had been invited to submit an alternative design. The statement now appears to be that he was the only contractor whose alternative design was accepted. Is it suggested that any other contractor submitted any alternative design?

Mr. K. F. NARIMAN: I suggested that his alternative design was accepted, and I adhere to that statement.

Mr. R. D. BELL: The suggestion then, Sir, was,—it was a suggestion, not a statement,—that Major Parselle had been unduly favoured in this respect. In the general instructions to tendering contractors and the conditions of contract which were issued when these tenders were called for, condition No. 3, which should be acted upon by any contractor, was as follows:

"Should contractors have any chawl structural proposals to put forward which, although not reducing the strength of the structure, would decrease the cost, they are at liberty to do so as alternatives to the present design. In this connection, however, the room dimensions, general lay-out of rooms and general exterior appearance must not be altered materially."

I was not aware that the suggestion was that other contractors had submitted alternative designs. But I am bound to say that, as far as I can see from the records, other contractors did not submit alternative designs. On the other hand, I have a clear recollection that in the proceedings in court one of the matters which were made clear was that a gentleman, who was at one time an honourable member of this House, wrote to the Director requesting that one alternative design which had been submitted by a contractor, presumably Major Parselle's firm, should be made available for all contractors in order to enable them to submit alternative tenders on this alternative design. The Director, as a matter of fact, refused to disclose an alternative design which was presumably the result of special knowledge and experience of the firm which submitted

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it. The other matter which I desire to explain, again merely as an illustration of the way in which these allegations are needlessly repeated time and again, is with reference to the compensations paid to the firm of contractors which erected the chawls at Sewri. It was originally intended to construct 16 chawls at Sewri and in the advertisement calling for tenders that number of 16 chawls was specifically mentioned and tenders were called for on that basis. One of the tenders was accepted and the contract was given on a K-2 Form. There are only three conditions on K-2 Form. It is a form of contract which is intended for simple piece-work like earth work rather than anything in the nature of structural operations. But engineers of the Public Works Department like the form because itgives them complete control over the contractor. There are three simple conditions. One of these conditions, the third, reads as follows :

"The Executive Engineer may put an end to this agreement at his option at any time."

That is the beginning of the condition. In building the chawls the usual procedure has been that the foundations of one chawl are begun, and after these are completed and the work is going on on the ground floor, the foundations of the second chawl are begun, and so on, until a series of chawls are in various stages of construction. When the operations had reached about the twelfth chawl, the Superintending Engineer came to myself and explained that there was the possibility of some difficulty in completing the last four chawls at Sewri. These four chawls were very close to a hill which was on Port Trust land and which, when the arrangements were made with the Port Trust, they intended to remove by blasting. The Port Trust had not carried out the removal of the hill, for reasons which need not concern this House, and the Executive Engineer was doubtful, in the first place, whether it was a sound proposition to allow the chawls to be built with the possibility of the hill being removed afterwards by blasting and probably damage being caused to the structures. It was not impossible to proceed with the structural operations, but the Superintending Engineer consulted me as to what I thought would be the attitude of Government towards the curtailment of the programme at Sewri. Well, by this time it was realised that there was going to be, for many years, a very much larger number of chawls than could be inhabited, and I, on my own responsibility, told the Superintending Engineer that I thought that Government would be prepared to consider proposals for reducing the programme at Sewri, provided, of course, the terms were reasonable. The Superintending Engineer thereupon submitted proposals that the programme at Sewri should be stopped at twelve chawls, and that the contractors should be paid compensation for the limitation of their contract. Now, the question arose here as to what the legal rights might be under the K-2 contract, which gave the Executive Engineer or the officer who gave out the contract the option of terminating the contract at any time. This matter has been discussed in another connection and Government have taken the attitude that, whatever may be their legal rights under the K-2 Form, they are prepared to settle matters with contractors on a

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reasonable basis. Legally, it may be said—I do not know whether my legal opinion is correct or not—that the Government can terminate a K-2 contract at any time. If that is so, then as soon as a contractor has collected his staff, his materials, his plant and as soon as he has started operations, legally it appears that Government can terminate the contract and pay no compensation. That, I am sure, honourable members will all agree, would be perfectly inequitable. Therefore, the termination of the Sewri contract was discussed on the basis that the contractors had an equitable claim. Government had advertised for tenders for 16 chawls and the contractors who had tendered—the successful and the unsuccessful contractors had tendered on the assumption that certain overhead charges would be spread over the 16 chawls. These overhead charges were the centerings, the supervising staff, water tanks, pumping engines and such like. The honourable mover of this cut has stated that the Financial Adviser was entirely opposed to the grant of any compensation. That is quite inaccurate. The honourable mover of the cut has a certain amount of inaccurate information about the attitude of.....

Mr. K. F. NARIMAN: The Deputy Financial Adviser.

Mr. R. D. BELL: As he says just now, of the Deputy Financial Adviser's opinion on these matters. I may explain in the first instance to the House that in the Finance Department it is more or less the traditional duty of a Deputy Secretary or Deputy Financial Adviser to take the most adverse view of any claim for money or expenditure which an administrative department may put forward. A claim of this kind first comes to the Finance Department, whose concurrence is required. In examining that claim, it is the traditional duty of the Deputy to take the most adverse view of the claim. Then it is left to the Secretary to pronounce a quasi-judicial opinion on the conflicting opinions of the administrative department and his Deputy. Apart from that position, the Deputy Financial Adviser or the Deputy Secretary to the Finance Department is neither the Finance Department itself nor is he Government. In this case the Deputy Financial Adviser did set forth all the points which could be mentioned against the grant of any compensation. In particular, he raised the legal position. The Financial Adviser considered his Deputy's criticisms and advice and concurred in the recommendation of the Development Department that the amount of compensation recommended was, in the first instance, reasonable. But I should like to point out that even if the Finance Department had not concurred, the decision ultimately lies with Government itself and whatever the subordinate officers may say in these matters, the responsibility for the ultimate decision lies with Government. Because the Deputy Financial Adviser in this case set forth certain reasons on one side of the case, there was absolutely no reason whatever for the honourable mover of the cut or any other honourable member of this House to conclude that, because Government followed the advice of the Financial Adviser and not that of his Deputy, some over-generous treatment had been meted out to the contractor.

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These are the only two illustrations I want to give. I think they are sufficient to show the nature of a great deal of material which the honourable member who moves this cut has presented, not for the first occasion, in this House and elsewhere.

If there were time, many more matters could be dealt with in similar detail but on a broad view, I submit, Sir, that the general allegation of "pre-arrangements between this officer and that contractor" has now been settled, I hope once for all, in the magistrate's court.

Mr. D. A. JANVEKAR (Southern Division): What about the shortness of the area which has been brought to notice by my honourable friend Mr. Nariman, that 319 feet is less than the area. .....

The Honourable the PRESIDENT: I think the Honourable the General Member will deal with all the points raised by the honourable member Mr. Nariman.

Rao Bahadur R. R. KALE: I move the closure, Sir.

The Honourable the PRESIDENT: I accept it.

Mr. K. F. NARIMAN (Bombay City, South): Sir, there is hardly anything in the debate to reply to. I am not surprised at the suggestion made to the House by the honourable member, Mr. Winterbotham, that instead of passing a vote of censure against the Development Department, they should pass a vote of censure against the mover of the motion, but as I stated then and I repeat again now that if this House is not the place for discussion of these matters, then I do appeal to the non-official side of the House and not the other side, as to what other place there is where these matters can be mentioned and ventilated. .....

Mr. G. L. WINTERBOTHAM: The special committee that has been appointed.

Mr. K. F. NARIMAN: I am afraid then that my honourable friend has completely misunderstood the function of this House when he says that this House is not the place to discuss a matter of such supreme importance to the public of the whole presidency. If a certain section of this House is not prepared to undergo the pain of listening to the ugly disclosures that are made on the floor of this House, I would ask them to leave the Chamber for the time being, but let me assure them that just to please them we cannot be debarred from doing our duty. They may move a vote of censure against me, I for one would consider a vote of censure passed against me while in the discharge of my duty to the public in no other light than that of a compliment. But certainly on that account I am not going to give up my right as an honourable member of this House to discuss matters of this kind on the floor of this House.

Now, coming to the merits, I regret very much that I am disappointed in my hopes. I had expected to get definite explanations from the honourable member, the Secretary to the Development Department.

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If not I, the House at least was entitled to definite explanations because I know that details of this description are more within the immediate knowledge of the honourable member, the Secretary to the Department, than within the knowledge of the Honourable the General Member. I know that all through this period it was he who was very closely connected, it was he before whom all these matters used to be brought up directly because for most of the period he was either the Secretary of the Department or the Acting Director of the Development Department. But he simply brushed aside the whole argument. He did not touch one important point of this grave scandal. He did not tell the House how friends of the Superintending Engineer came to resign their posts, how they took up contract work at admittedly more favourable rates than the rates given to other contractors. I did expect some sort of a definite explanation from him. As he has not given any, the only legitimate conclusion that can be drawn from it is that there is no explanation that he can give. If there was any, this was the occasion on which to give it to the House. Probably he thinks that the mover of the cut has a right to explain further facts and that probably he reserves the explanations for the Honourable the General Member. The Honourable the General Member is however in as helpless a position as the mover because, I do admit, the Honourable the General Member, though he is responsible to this House for what is happening in his department, has an executive head under him, namely, the honourable member, the Secretary to the Development Department. In this particular case, he has failed to give any explanation with regard to all the definite statements ; I will not describe them as charges for the present, but I do say that they were definite statements made by me, and I could not be more definite than that. But he has not touched a single point. He has touched upon one or two points about the compensation to the Ferro-Concrete Company. Since he has touched only that point, it becomes necessary for me to explain and to go into details with regard to this claim. The fact that the area available for building was only enough for 12 chawls, and that there was not enough space available for all the chawls was known to the Superintending Engineer when he called for tenders. This is one of the objections raised by the Deputy Financial Adviser, that when space was available only for 12 chawls tenders were called for 16 chawls ; the rest of the plots were to be obtained afterwards. It was known that the further 4 chawls were to be curtailed. But the most curious part of it is that it is not the contractor who puts in that claim in the first instance. He does not put in his claim that he is entitled to compensation because the construction of 4 chawls has been abandoned. It is the Superintending Engineer who sends a memorandum to the contractor to remind him to put in his claim. There are letters of the Superintending Engineer on the record, if the Honourable Member cares to refer to them. The Superintending Engineer first moves in the matter ; instead of resisting the claim from the contractor, he is the first to move in the matter. In accordance with the wishes of the Superintending Engineer, naturally

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which contractor would not submit a claim in response to such generous wishes? So he puts in a claim for Rs. 40,000. That matter was being investigated; the subordinate officers reported against it; for 8 months from that date the matter rests. Evidently, it must have been thought that the claim was negatived on the reports of the subordinate officers. The Executive Engineer reported that he is not entitled to compensation; he proved that some of the items which the contractor had put in were bogus items, and that he was not entitled to compensation. For 8 months afterwards the matter rested there. Then the time came for the Superintending Engineer to go on leave to England, and again, before going on leave, he revived the matter by sending a fresh memorandum to the contractor asking him again to revive his claim. It was a very urgent memorandum saying "Put in your claim; I want to settle your claim before I go on leave." The claim was thus revived after 8 months, and this time the contractor put in a claim not for Rs. 40,000, but for Rs. 54,000. It was the same matter, but the claim was enhanced by Rs. 14,000. It was very willingly sent to the Superintending Engineer, and the Superintending Engineer with very grave regard for the expenditure of public money conceded the claim. As I said, I do not want to go into the details of the correspondence, but honourable members on reading through it, even the Honourable the General on reading through the correspondence, will see that it was the Superintending Engineer who was more anxious about the claims of the contractors than the contractors themselves, and if the Superintending Engineer had not moved in the matter, the contractor would have had no desire whatever to move in the matter at all. In this way the whole thing is settled, although against the law. He admitted that in law the contractor was not entitled to it, but in point of equity he should get it. That was the point touched upon by the Deputy Financial Adviser. He said that the contractors were not ignorant, they were not illiterate, they knew what they were about, and there was nothing in law or equity to justify the claim. But what surprises me most in this matter is this. I could understand the contractors putting in all sorts of claims, but there is not a single claim of this description—there were many of them—which has been turned down. They were all simply passed by the Superintending Engineer without the slightest opposition. This is what surprises me most. He says that the Deputy Financial Adviser is not the Government. The report of his own subordinate officers goes against him, but he criticises them. He says that the Deputy Financial Adviser is in the habit of taking the most adverse view and rejecting the claims. I know, Sir, that the Deputy Financial Adviser was not the Government, neither the Secretary of the Department was the Government, neither the Honourable the General Member was the Government, nor so far as the Development Department was concerned, the Cabinet was the Government. Sir Lawless Hepper was the Government so far as the Development Department was concerned. I am prepared to prove that Sir Lawless Hepper, simply and individually was the Government; he bossed over the whole show, whatever other figure-heads

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there may be for the purpose of explaining matters in the Council. I do maintain that he was the Government as far as the Development Department is concerned, but unfortunately he is not present here, and from him I had a right to demand an explanation ; and the fact that I have not gone into further details is because the real officer from whom the House had a right to demand an explanation is not before us. That is why the sting of the opposition is lost.

As I stated, there is hardly anything to reply to, because the points that have been raised have not been refuted. Naturally, all of us did want to know something more about the very serious matter which I have referred to. The honourable member the Secretary of the Department read out the condition on which the alternative design was permitted ; it was that there should be no lessening of the space. That is the condition which he read out just now. I have stated, and I repeat, that that condition was not fulfilled, and as soon as that condition was not fulfilled, the alternative design ought to have been thrown into the wastepaper basket, because the primary condition of that design was not complied with. A mere comparison of the two plans would have shown the Superintending Engineer that the area was not equal. But that point has not been touched at all by the Secretary of the Department. It cannot be touched ; it is not a matter which the Secretary can explain away, because it is a matter which can be verified by the Government's own engineers. After this statement, I hope that the Honourable the General Member will take action even though it is so late in the day, by looking at the chawls. With these few words I hope the House will consider that a fit case has been made out for this cut.

The Honourable Sir COWASJI JEHANGIR : Sir, while asking the House to accept his cut of one rupee, my honourable friend Mr. Nariman put some words into my mouth which I did not utter. He said that I had stated in this House on some other occasion that had he (Mr. Nariman) accepted our offer, the loss to the department would have been less. I did not say anything of the sort. I did not say that any revelations that the honourable member may have made would have reduced the loss. What I did say was that the honourable member was given every opportunity of bringing the allegations of corruption to the notice of Government, and the honourable member deliberately evaded every opportunity given to him. I confirm every word of what I said, and I am in a position to repeat it just now, and to prove that the honourable member did evade every opportunity given to him to bring his allegations to the notice of Government to enable Government to bring such officers to book as the honourable member may be able to prove to be corrupt. We could do no more than beg of the honourable member, and we actually begged of him, and for proof of that I have read out to this House my speech in this Council when the honourable member first made his allegations of corruption, and I will again read out the few lines that I spoke on that occasion ; the honourable member, on this occasion, has deliberately charged Government with not having appointed a committee to investigate his allegations of corruption, because Government desired to shield

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their officers. The allegation he makes that Government desire to shield their officers is so incorrect that I take the liberty of reading out again what I said. This is in answer to the honourable member when he first made his allegations :

" I ask my honourable friend, in the interests of Government, in the interests of the opposite benches, to give one name to me privately, if not publicly, and I promise him that I will give him every assistance, and I feel sure that my honourable friend sitting behind me (Sir Lawless Hepper) will also give him every assistance to try and prove any allegations, not only in public, not only before this House, but even privately. I am prepared to say that I will take such action as will give him satisfaction, provided he proves his allegations."

For one and a half months we did not hear anything from Mr. Nariman (Interruption) It is quite incorrect. No contractor came to see me. The only time when contractors came to see me was at the time when an allegation was made that they were not allowed to go into the room of the chief engineer when he was opening certain tenders. It was in 1926. I took immediate action and disposed of those tenders myself. There was no allegation at that time that any contractor was shown any favourable treatment. I have stated these facts before this honourable House on a former occasion. The only honourable member of this House who came to me with a frank statement of facts was the honourable member Mr. Hooseinbhoy Lalljee, and certainly not the honourable member Mr. Nariman. The honourable member Mr. Nariman would not come forward. We offered to appoint a judicial officer of high legal attainments to investigate any allegations he made. But his answer was " appoint a committee." Our reply was that it was far better to have a single judicial officer than a committee to investigate the matter. I now ask this honourable House whether that attitude of Government was not correct. Is it not better to appoint one judicial officer to go privately into the cases of corruption so that Government could straightaway prosecute the officers who were guilty ? Or would it have been better to have an investigation by several laymen and then ask Government to proceed and take action ? What was the result ? The honourable member Mr. Nariman refused and gave his reasons for his refusal to co-operate with a judicial officer of high legal attainments. Now, he comes forward and says that no opportunity was given. We did all we could. When the honourable member Mr. Nariman would not take advantage of the opportunity given to him what could Government do ? I have given the House the reasons for the honourable member Mr. Nariman's refusal. I did not read out his letter, but I summarised it to the best of my ability. At any rate there was no desire on my part to withhold any correspondence that might have passed between us and the honourable member. As a matter of fact the correspondence was printed and circulated for the information of the public. After all these facts, I do not understand how the honourable member Mr. Nariman can go on maintaining that he did not get an opportunity. He was given every opportunity. It was only when absolutely forced to prove these allegations by Government who desired to find out the truth as to whether their officers were guilty of corruption that he attempted to do so.

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Now, Sir, Mr. Nariman has repeated several of his allegations of favouritism to contractors, especially with regard to two contractors. He has stated that he expected a reply from my honourable friend the Secretary to each one of those allegations, because my honourable friend the Secretary was dealing with those cases. I do not think he was quite correct, except in one case, because all these cases of alleged corruption did not take place in our time. As to the allegations with regard to Major Parselle the contract took place before our time. Whether the contracts were given before our time or in our time we are supposed to be responsible for all contracts. At any rate I do not wish to shirk my responsibility as a Member of Government nor am I willing to let off any officer of Government whether he be proved to be corrupt in my time or before my time, because it is the same to me. If an officer is found to be corrupt, I will not plead that he was before my time. Government are most anxious to see that officers who were corrupt 10 years ago, 8 years ago, 6 years ago are brought to book. We are not going to shirk our responsibility. My honourable friend accuses the Secretary for not having first-hand information. He is not correct in saying so. The Secretary can give information from records but he cannot imagine things which happened when he was not here. The Sewri compensation case is a very simple one. A contract for 16 chawls was given and the land was provided by the Port Trust. In a portion of the land there was a hillock, which the Port Trust undertook to level by blasting, in order that four chawls might be constructed there. The first 12 chawls were under construction. At a later date there were some doubts as to whether it would be advisable to blast the hillock when chawls were under construction. By that time we decided to have only 12 chawls instead of 16 chawls. As has been explained by the Secretary the Superintending Engineer approached him and asked whether Government were anxious to have all the 16 chawls by blasting the hillock or whether they would give up four chawls. Government stated, as the Secretary informed the House, that they would be willing to give up four more chawls. There was a question as to how that could be done and the contractors claimed damages. I looked at all those papers most carefully then. It was a pure and simple question of equity. You have given a contract for 16 chawls; you have stated in the K-2 form that 16 chawls will have to be constructed; you come to the conclusion, for one reason or another it may be, that the land is not available or the Port Trust will not place it at your disposal,—that Government do not require 16 chawls; but the contractor has brought the imaterial to the site on the assurance that 16 chawls will be required and he has incurred some expenses and overhead charges. There is a clause in the contract that Government can stop the work; that is the K-2 form. If contractors really believed that Government would stop the work at any time and they would take advantage of the clause in that K-2 form, that K-2 form would not be in existence to-day. It has been understood in the past, and it will be understood in the future, that even under K-2 form Government will take an equitable view of

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the matter. The compensation was not based on any profits that the contractor might make on the 4 chawls, but on the losses that he did suffer on account of the change of programme, and that compensation was sanctioned by Government.

My honourable friend Mr. Nariman stated some further facts in his reply, of which I only heard when I read of them in the newspapers. If those facts are correct they must only appear in some other file in the Superintending Engineer's office; they were certainly not in the files of Government. I have given facts about Sewri to this honourable House from personal knowledge. As for the other facts I am quite prepared to give honourable members all facts that are available from the records. But they cannot then turn round and accuse us that those facts must be first hand; they cannot be first hand and they can only be from the records.

Now, Sir, a specific question was asked just now about those chawls that were constructed in 1922 at Worli which are now stated to be less in measurement than the plans and estimates. That is the allegation; is it not? Well, to tell you the truth, I do not remember having read that allegation even in the newspapers. I presume my honourable friend Mr. Nariman brought these facts to the notice of the Magistrate.....

Mr. K. F. NARIMAN: Yes and it was admitted by the officer himself.

The Honourable Sir COWASJI JEHANGIR: At any rate it has escaped my notice and it has escaped the notice of my honourable friend the Secretary. If this debate had lasted till to-morrow those chawls could have been measured by to-morrow morning. But it is impossible to get them measured just now. But I promise to get them measured.

Mr. K. F. NARIMAN: Even the plans for both designs can show the difference.

The Honourable Sir COWASJI JEHANGIR: Instructions have already been issued that the chawls constructed by Major Parselle in 1922 should be measured to see how far there is truth in that allegation.

There is just one point more. My honourable friend Mr. Nariman suggested that Government gave in and appointed a committee to investigate into the administration of the Department rather late in the day. May I remind him, Sir, that Government have accepted no committee to go into the administration of the Department. The only idea with which we have accepted a committee—it was made perfectly clear by me when accepting the committee and cleared up again in another debate and I will clear it up again a third time—the only idea is to enable my honourable friend who will serve on that committee to furnish Government with further allegations of corruption. My honourable friend knows very well indeed why I make this request to my honourable friend. As my honourable friend was rather reluctant to go into the details, I have also to be reluctant, because it may do harm to the interests of both the opposite benches and of ourselves. Therefore, this committee was appointed to enable Government to be informed

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of all allegations of corruption that may have been brought forward by my honourable friend Mr. Nariman in the Harvey-Nariman case.....

Mr. K. F. NARIMAN: The committee to assist in the investigation and not merely to give information.

The Honourable Sir COWASJI JEHANGIR:..... and to advise Government as to what steps should be taken on such allegations. Now, Sir, that is the scope of the committee.....

Mr. J. C. SWAMINARAYAN: Does the Honourable Member say that charges which were not brought out in that case will not be within the scope of the committee?

The Honourable Sir COWASJI JEHANGIR: I say those allegations which were made in the course of that case and any allegations which honourable members may have to bring forward and which Government can investigate. (An honourable member: Allegations of corrupt practices?) Yes, only allegations of corrupt practices. As a matter of fact even before this debate I intended to appeal to my honourable friend Mr. Nariman to give me some instances, because I very well knew that without his assistance we could bring no officer of the Department to book, as it is not easy to find evidence of corruption and those who have given bribes are not likely to come and admit it either to me or to any officer of Government; they will only admit it to a person like my honourable friend Mr. Nariman. And therefore it is only just and right that my honourable friend Mr. Nariman, after all the trouble he has taken, should volunteer his services and assist Government only for this one object, namely to find out who was really corrupt, and to supply us with such evidence—if he fails nobody will blame him; I would not; nobody in this House will blame him; but we shall give him every opportunity; we shall give him every assistance—to give such evidence of corruption that will enable Government to take another step forward.

Now, Sir, these are the only matters that I desire to allude to in replying to this debate. I think I have made matters perfectly clear, and I trust we shall not hear again of allegations that Government did not give the honourable member Mr. Nariman an opportunity of bringing allegations of corruption to their notice, even from the day; he first made such allegations.

Mr. K. F. NARIMAN: On a point of information, Sir, if you will permit me. I want to make the position clear. We distinctly understood the Honourable the General Member, when he accepted the committee, to say that the committee was to assist Government in the investigation.....

The Honourable Sir COWASJI JEHANGIR: In the investigation of what?

Mr. K. F. NARIMAN: In the investigation into the allegations; now, I understand the Honourable the General Member to say that

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the function of the committee is merely to give information to the Government. These are two distinct things.

The Honourable the PRESIDENT: Order, order. Whatever the Honourable the General Member said the other day has been recorded, and the honourable member has a right to look into that, and if he finds that what he said has not been recorded he can bring it to my notice. Otherwise, what is recorded will be the final record.

Question put and declared lost.

Mr. J. C. SWAMINARAYAN: Sir, I claim a division (Honourable Members: No, no.)

The Honourable the PRESIDENT: I want to know definitely whether a division is seriously claimed.

Mr. J. C. SWAMINARAYAN: I do claim it, Sir.

Question put. House divided. Ayes 20; Noes 46. Motion lost.

Division No. 2

Ayes

AMIN, Mr. H. J.
ATAVANE, Mr. A. M.
BHOSLE, Mr. M. G.
CHANDRACHUD, Mr. N. B.
DESAI, Rao Saheb D. P.
DIXIT, Dr. M. K.
GINWALLA, Mr. F. J.
HAJI MIR HAHOMED BALOCH, Mr.
JOG, Mr. V. N.
KARKI, Mr M. D.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
NAIK, Rao Bahadur B. R
NARIMAN, Mr. K. F.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
RAJMAL LAKHICHAND, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.

Tellers for the Ayes: Mr. J. C. SWAMINARAYAN and Mr. N. B. CHANDRACHUD.

Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb.
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
ANDERSON, Mr. F. G. H.
BALAK RAM, Mr.
BELL, Mr. R. D.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN.
BROWNE, Mr. D. R. H.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JONES, Major W. ELLIS
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAINTER, Mr. H. L.
PRADHAN, the Honourable Mr. G. B.
RIEU, the Honourable Mr. J. L.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

Tellers for the Noes: Mr. C. G. FREKE and Mr. J. ADDYMAN.

[Mr. J. C. Swaminarayan]

Question put that the whole demand of Rs. 3,78,000 on 42, Bombay Development Scheme be granted, and carried.

The Honourable Sir GHULAM HUSSAIN : Sir, I move for a grant of Rs. 1,42,94,000 under 41, Civil Works, partly reserved, partly transferred.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move.

"That the total demand for 41-Civil Works be reduced by Rs. 10,00,000."

Sir, we have been talking of financial stringency, and on each occasion whenever we require Government to do something that would be necessary for the people, the financial stringency is an argument which is given by the Government Members. Sir, here it is possible for the budget being cut down by Rs. 10,00,000, because there are many new items which are not absolutely necessary and which need not be taken in hand in the current year. As for example, we have, say, the first item of Rs. 50,000 which is to be spent in work for Government Houses. Now, that is an expenditure which can very well be omitted. Then, there is another item, for a new mamlatdar's kacheri at Amalner, Rs. 40,000. That item can very well be omitted, when it is a case of financial stringency. Then, construction of quarters for menials at the St. Georges' Hospital, Rs. 35,300. That is a new item and that can stand over in the current year. The construction of a new block for better class male patients at the Central Mental Hospital, Rs. 20,700, is a new item, and of course, such an item should not be taken up. Government ought not to differentiate between better class, first class, and other patients. They should provide general accommodation for all insane patients, and where special accommodation is needed, that should be provided by the parties concerned. Then, improvements to the Infectious Diseases Hospital, item 11. That is also a new item. In this way, if new items are not taken up, then there will be a saving of Rs. 10,00,000.

The Honourable Sir GHULAM HUSSAIN : Will the honourable member point out new works worth Rs. 10,00,000 ?

Mr. J. C. SWAMINARAYAN : Yes ; there are various other works in other directions. For discretionary grants last year you had Rs. 9,66,000. This year the amount has been increased in each and every item. And then, on the question of repairs there is a very large provision made this year in comparison with the amount provided during the last year. Sir, I take up 41, Civil Works, item 2, repairs. Last year there was provision of Rs. 51 lakhs. This year also, the same amount has been provided. It can be very well reduced. If account is taken of the items in various parts of the budget, it is possible to cut down this expenditure. Therefore, I move that the total demand be reduced by Rs. 10,00,000.

Question proposed.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I propose to speak of the small item of Rs. 40,000 which has been provided for the

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construction of a new mamlatdar's kacheri at Amalner. That is one of the items proposed for retrenchment by the honourable member, Mr. Swaminarayan. He thinks that it can stand over. But for his information I can say that complaints have been made in this House for the last six or more than six years of the condition of this kacheri where it is impossible for human beings to sit together for five hours. I think I have been clamouring in this House for a new kacheri, and I do not understand how my honourable friend proposes to omit this item which is meant to remove the very great inconvenience caused at present to the public. I do not know much with regard to the other items, but with regard to this item, I strongly submit that it is absolutely essential that this kacheri should be constructed at the earliest possible moment. If all the other items which the honourable member proposes for omission or postponement are of a similar character, I would strongly oppose his motion rather than support him in making retrenchment in this fashion.

Mr. J. C. SWAMINARAYAN : I submit, Sir, all these items may be considered when the financial stringency is removed, when the financial situation improves.

The Honourable Sir GHULAM HUSSAIN : I thought I would be accused of not asking the Finance Department for more money, Sir. All that I have been given is only Rs. 2 lakhs for new expenditure, and that, too, was given by the Honourable the Finance Member because the claims of the various departments were pressed on his attention and he thought that those claims were reasonable. The honourable member, Mr. Pataskar, has shown the necessity of the kacheri at Amalner, and similarly there is need for the other provisions, which are for medical relief and for no other purpose. And as for works in progress, Rs. 7 lakhs are for communications already in progress. I hope therefore the honourable House will reject the honourable member's motion.

The THAKOR OF KERWADA : When large amounts are spent on communications, why is nothing spent in Gujarat ?

Question put and lost.

Rao Saheb D. P. DESAI : (Kaira District) : Sir, I move.

Reduce by Rs. 10,000—Votable Demand.

I have one complaint to make against the Public Works Department.....

Honourable MEMBERS : Only one ? (Laughter).

Rao Saheb D. P. DESAI : That complaint is that the Public Works Department is a transferred department which is in charge of communications and such other conveniences and that it has failed in its duty. As a matter of fact, in the year 1920 or 1921, the Reforms year, the Public Works Department budget was 188 lakhs of rupees. Unfortunately, this time we find only 120 lakhs are to be spent from the ordinary revenues and about 54 lakhs from borrowed funds and the whole amount from ordinary reserve has been taken to the reserved side. Again as regards the policy of spending borrowed funds on the Public Works

[Rao Saheb D. P. Desai]

Department, I for my part had expressed the opinion that it was not a good policy on the part of Government to spend borrowed money on public works which seems to have become the policy of Government for the last three or four years. I would call to mind the opinion of the Auditor General behind whom Honourable Members of Government on many occasions seek shelter. The Auditor General also objected to this policy of spending borrowed money on public works.....

The Honourable Sir CHUNILAL MEHTA: Who says?

Rao Saheb D. P. DESAI: He has expressed that view in his report. Whatever it may be, the Honourable Minister may at least hereafter discontinue with advantage that policy and again restore his budget to the 1921 figure. In that year, though we had less revenue we spent 188 lakhs from ordinary revenue on public works. Now, the revenue has been increased by additional taxation and still I see the sorry spectacle of the Public Works Department budget having been reduced to 120 lakhs of rupees.

The other complaint is about the cost on establishments namely, 29 lakhs of rupees which works out at about 40 per cent. As a matter of fact, 51 lakhs for repairs and about 10 lakhs for original works, is the total amount of work to be done and on this, there is an establishment costing about 29 lakhs of rupees. May I ask the Honourable the Minister to work out the percentage? Prices of materials have gone down all round, yet establishment charges have not come down. Expenditure on original works is being reduced by Government on account of financial stringency, but the establishment and working charges do not show a reduction. There was a time, as the Honourable Minister may perhaps remember, when only 11 per cent. of the total budget was spent over establishment charges. Then they went up to something like 21 or 22 per cent. and now they are over 40 per cent. If we deduct the grants in aid to local authorities, etc., the actual amount which the Public Works Department will be spending on public works and communications will not go beyond 63 lakhs. That being so, to spend such a large amount on establishments alone is certainly a great drawback.

Then, out of 120 lakhs, only Rs. 50,000 has been diverted to Gujarat. Out of this Rs. 50,000 for original works in Gujarat, Rs. 20,000 were necessitated by the floods. That leaves only Rs. 30,000 for the unfortunate province of Gujarat. On a former occasion I said that the time might come when, like Sind, Gujarat might have to agitate for separation from the Bombay Presidency (Laughter). I am speaking in all seriousness that Gujarat cannot submit to being taxed the highest and yet to be denied the facilities which such a heavy taxation entitles Gujarat to expect from Government. So far as I have been able to gather from Government settlement reports, communications have been quoted by settlement officers as a ground for enhanced assessment. In Bardoli this argument has been made use of by the settlement officer for recommending enhancement of assessment. For thirty years now, my unfortunate province has been subjected to increased taxation and

[Rao Saheb D. P. Desai]

yet we do not see any large amounts spent on improvement of communications and such other conveniences by the Public Works Department. For such a state of affairs, I do not think the Honourable Minister deserves any thanks of my province.

There is still one complaint I have to make and that is in respect to tolls. My province gives the largest revenue from tolls which operate the greatest hardship on the agriculturists who often cannot go from their fields to their homes without having to pay the toll. The Honourable Minister has been promising to abolish these tolls but during the last six or seven years I do not know how many tolls have actually been removed or reduced. So far as I know, the Honourable Minister has taken good care to remove tolls in places like Poona, Mahableshwar and so on (Laughter). But he has been doing nothing for Gujarat. That has been my standing complaint. As he stays in Poona and as the seat of Government for a part of the year is Poona, you will find a lot of items for the Central Division, but so far as the Northern Division is concerned, I see only a few thousand rupees here and there, and particularly for Gujarat only Rs. 20,000 or Rs. 50,000 are provided. Therefore, I would request him again to abolish the tolls and provide larger amounts for Gujarat, and to do away with this bad business altogether. If he cannot do it at once, he can do it gradually, but he should do justice to all. If he wants funds he can put the screw on the Honourable the Finance Member to supply more money, especially for communications, which the agriculturists are in great need of. Government cannot realise the hardships to which they are put. In the monsoon, they have to go through ankle-deep mud and to wade through waist-deep water. With these remarks, I move that Rs. 10,000 be reduced from the demand.

Question proposed.

Rao Bahadur B. R. NAIK (Surat District): Sir, I also have to complain about the heavy establishment charges under this head. The total amount provided under this head is Rs. 1,20,82,000. Out of this Rs. 19,51,000 have been provided for grants to local bodies, Rs. 1,00,000 is the reserve with Government, and Rs. 2,00,000 are kept in suspense. Deducting these amounts from the total, we have a balance of about Rs. 98 lakhs, and if we deduct Rs. 30 lakhs for establishment charges, about Rs. 68 lakhs remain. According to that calculation, the establishment charges come up to about 46 per cent. I therefore maintain that the establishment charges on the works are very heavy, and I would advise the Honourable Minister to curtail these establishment charges. I understand it was the intention of Government—and I think it is still the intention of Government—to hand over to local boards which maintain qualified engineers as many works as possible under their charge, and give them the establishment charges at the same rate at which Government are receiving them from the local boards, and, under this arrangement the district local board of Ahmednagar has been already handed over all the public works to be carried out through that agency in that district. I think if this arrangement is brought into force in the case of other

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local boards which, as I say, maintain qualified engineers, both the local boards and Government will be benefited, and Government will be able to curtail their establishment.

Now, I should like to refer to another point, and that is as regards the provincial roads in the presidency. Five districts of Gujarat have 889 miles of provincial roads, while the 13 districts of the Deccan and Karnatak have 6,500 miles of provincial roads. As has been rightly pointed out by my honourable friend Rao Saheb Dadubhai Desai, Government always take into consideration, when they revise land revenue assessments, the condition of communications. Well, Sir, I do not want to grudge the Deccan and the Karnatak having these roads. It may be that the Deccan and Karnatak do really require greater help in the matter of roads. But I simply compare the present state, as it exists. Looking to the mileage, we find that there are 889 miles of roads for the five districts of Gujarat, whereas the mileage in the Deccan and the Karnatak is 6,500, which is about 7½ times more than that of Gujarat. If you take the land revenue alone, the five districts of Gujarat pay Rs. 110 lakhs, while all the 13 districts of the Deccan and Karnatak pay Rs. 289 lakhs, which is only about two and half times more than that of Gujarat. Looking to this, it will be seen that Gujarat has not been properly and equitably treated up to now as far as communications are concerned. Moreover, Gujarat has a legitimate grievance, in this respect, because in two districts of Gujarat, namely Broach and Surat, there is black cotton soil, which is quite impassable during the monsoon. Not only is it not possible to move in carts, but it is very difficult to move in the districts of Broach and Surat in the monsoon on foot. Surat has got 188 miles of Provincial roads and Broach has got about 58 miles. I really wonder whether the Honourable Minister for Local Self-government has ever tried to move about in these two districts on foot in the rainy season. I am quite sure that he will not be able to go even for a mile during the monsoon on foot in these districts. Therefore, I say Gujarat has not been properly and fairly treated, and I hope the Honourable Minister for Local Self-government will see to this in future. I am surprised to find that no provision has been made in the budget for these two districts in spite of their urgent needs.

Now, I come to another item, namely, grants to district local boards. The amount provided is Rs. 19,51,000. Now, this includes communications; taking into account the total figure of land revenue paid by all the districts of the presidency which is 538 lakhs, it comes to about 3¼ per cent. thereof. I think this is not at all sufficient, because communications have got a great deal to do with the land revenue and the agriculturist requires facility of good roads for marketing his produce. That is my whole point. I think more money should be allotted to local boards as grants. Sir, while I am on this point, I want to bring one thing to the notice of the Honourable Minister that the Surat district has got 358 miles of roads under its charge and we got as Government grant in the year 1920 Rs. 89,000, in 1921 Rs. 72,000, and in 1922 Rs. 81,000. In subsequent years it dropped to Rs. 56,000, Rs. 56,000 and Rs. 50,000

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respectively. This has since been raised to Rs. 1,00,000. But I should like to say that this also is not sufficient, looking to the condition of the soil and the mileage of the roads which are in the charge of the district local board. Therefore, I would request the Honourable Minister to consider this question very carefully, and raise the grant to this local board as much as possible. The same is the case in Broach. Broach has got very few miles of provincial roads, and the soil of the district of Broach is as black as that of the district of Surat, and therefore Broach district should also be treated with due consideration.

While I am on this point, I wish to bring to the notice of the Honourable Minister one point. I understand that the Examiner of Local Fund Accounts is interfering very much in the administration of local boards. In regard to these grants, I understand that a letter has been addressed by the Examiner of Local Fund Accounts to Government that all district local boards should allocate a lump sum to the works from these grants, and all these works must be approved by the Collector, and secondly that the Collector should give a certificate that the works have been satisfactorily and properly carried out. Now, Sir, if this is so and if the suggestions are approved, where is Local Self-government ? It means that the power of budgetting is taken away from the hands of local boards and given over to the Collector. This is most objectionable, and I bring it to the notice of the Honourable Minister. Not only is it objectionable, but it is a most retrograde step that the works which are to be carried out from the grants given to local boards for communications should be selected by the Collector, and again certified by the Collector as having been properly carried out.

The Honourable Dewan Bahadur HARILAL D. DESAI: It is not so.

Rao Bahadur B. R. NAIK: I have got a copy of the letter forwarded by Government to the Commissioner in my hand.

The Honourable Sir CHUNILAL MEHTA: Read it.

Rao Bahadur B. R. NAIK: I read the following extract from the memorandum addressed by the Secretary to Government, General Department, to the Commissioner, Northern Division.

"1. At present the Commissioners make lumpsum grants to the District Local Boards out of the funds placed at their disposal. The District Local Boards should allocate the lumpsum to specific works and obtain the collector's approval to such allocation. There is no need for the boards to show the amounts they intend spending on those works from their own resources as there is no statutory obligation that the total expenditure should be shared in definite proportions by the board and Government. However in the case of water supply works when the District Local Boards have to provide twice the amount of the Government grant the information should be given.

"2. At the end of the financial year the Collectors should give a certificate that the works for which allocations should be made have been satisfactorily carried out.

"The Commissioner is requested to be so good as to favour Government with his remarks on the above suggestions."

All the works for which grants are to be spent should be approved by the Collector. Not only that, but these works should be certified by the Collector as satisfactorily done. Thus the power of budget of the district

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local boards is to be taken away from them. The audit department comes and checks the accounts with a view to see that there is no misappropriation or abuse. I welcome the audit as much as the Honourable the Minister for Local Self-Government does, but I would not like to see the Audit Department interfering in the executive or administrative functions of the Board. The power of budget is not vested in the president but in the whole district local board. If one lakh of rupees is given as grant to a district local board the whole board budgets for the amount and allots Rs. 3,000 for one and Rs. 6,000 for another work and so on. If all these works are to be approved by the Collector as suggested by the Examiner, which is not in any way feasible, how to get the work approved and certified by the Collector ? If he is not satisfied with any particular work then the grant for the next year will be withheld. It is within the power of the Honourable Minister in charge of the Local Self-Government to see that this little power is not taken away from the local bodies. This is nothing but interference with the internal administration of the local boards.

The Honourable the PRESIDENT : The honourable member is repeating himself.

Rao Bahadur B. R. NAIK : With these remarks I only repeat what I said before that Gujarat should be treated on an equitable basis.

The Honourable the PRESIDENT : The House is adjourned to 1-30 p.m. to-morrow, Friday, the 9th March 1928.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Friday, 9th March 1928

The Council re-assembled at the Town Hall, Bombay, at 1-30 p.m. on Friday, the 9th March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, KHAN SAHEB
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad KHAN SAHEB HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN

JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOG, Mr. V. N.
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.

SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

TRAINING SCHOOL, DHULIA

Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(*a*) whether it is a fact that they are going to close the Training School at Dhulia;

(*b*) whether they are aware that the District Conference of Primary Teachers held at Dhulia in the month of December 1927 passed a resolution requesting them not to close the school;

(*c*) if the answer to (*a*) is in the affirmative, the reasons why the school is to be closed?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) No.
(*b*) No.
(*c*) Does not arise.

CROPS IN KADEGAON

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether they are aware that locusts have damaged almost all the crops in certain survey numbers of Kadegaon and other villages in Khanapur Taluka of the Satara District;

(*b*) what steps they have taken to prevent such damage;

(*c*) whether the Government officers have taken into consideration the damage done to crops while submitting their annewari reports?

The Honourable Mr. G. B. PRADHAN: (*a*) There was no visitation of locusts in the Khanapur Taluka, but grasshoppers damaged the Bajri crop in some villages.

(*b*) A fieldman was appointed to demonstrate how the grasshoppers should be destroyed. Committees of cultivators in each village affected were also formed to promote and supervise measures of destruction and to help the village officers.

(*c*) Yes.

Mr. L. M. DESHPANDE: Locusts in Marathi means "Tol." If that is so, I had personally seen many fields in which they were preying on the standing crops.

The Honourable Mr. G. B. PRADHAN : "Tol" means both locusts and grasshoppers. Tols are able to fly : grasshoppers mostly not.

Mr. L. M. DESHPANDE : Was there any destruction to the crops because of these grasshoppers ?

The Honourable Mr. G. B. PRADHAN : The reply has been given that grasshoppers damaged the *bajri* crops in some villages.

Mr. L. M. DESHPANDE : Was there any fall in the annewari owing to this damage ?

The Honourable Mr. G. B. PRADHAN : The honourable member will see from the reply to (*c*) that the damage was taken into consideration in fixing the annewari.

Mr. R. S. ASAVALE : Will the Honourable Minister say whether any remuneration was paid to the fieldman who was appointed to demonstrate..... ?

The Honourable the PRESIDENT : How does that arise ?

Mr. R. S. ASAVALE : It is stated that a fieldman was appointed to demonstrate how the grasshoppers should be destroyed.

The Honourable the PRESIDENT : He is a government servant.

SUB-REGISTRARS' POSTS : VACANCIES

Dr. M. K. DIXIT (Surat City) : Will Government be pleased to state—

(*a*) whether any post of sub-registrars have been kept vacant in any part of the presidency ;

(*b*) if so, the names of such places, with the period for which they have been so vacant and the reasons therefor ;

(*c*) whether they have been kept vacant for want of suitable candidates or for the purpose of effecting savings ;

(*d*) the net savings accummulated from the vacancies till now and the head of expenditure to which it is applied ;

(*e*) whether they are kept vacant with a view to abolish them ;

(*f*) the policy involved in keeping the posts vacant from time to time ;

(*g*) whether any karkuns are appointed to work as sub-registrars in these vacancies ;

(*h*) if so, whether their work has been found to be satisfactory ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*), (*c*) and (*f*) The names of the places where and the period during which the posts have been vacant are :—

	Place	Period
1	Mandvi	.. 2 months.
2	Chikhli	.. 2 ,,
3	Bombay	..10 ,,
4	Bombay	..11 ,,
5	Kalvan	.. 9 ,,

		Period
6	Supa	.. 4 months.
7	Devrukh	.. 4 ,,
8	Mandangad	.. 9 ,,
9	Guhagar	.. 3 ,,
10	Kusumba	.. 7 ,,
11	Javli	2 years 9 months.
12	Siddapur	..10 ,,
13	Kumta	.. 3 ,,
14	Kakar	.. 3 ,,
15	Mirpur Bathoro	.. 8 ,,

These are small offices which can easily be managed by experienced clerks. They have accordingly been left unfilled temporarily in the interests of economy.

(*d*) The net saving amounts to Rs. 888. It was not applied to any head of expenditure.

(*e*) No.

(*g*) Yes.

(*h*) Yes.

Dr. M. K. DIXIT: (Made some remarks which were inaudible).

The Honourable the PRESIDENT: The honourable member is not audible to me.

Dr. M. K. DIXIT: The Honourable Minister says: "They have accordingly been left unfilled temporarily in the interests of economy." Will these posts be permanently kept unfilled if the work is satisfactorily done by the clerks. ?

The Honourable Mr. G. B. PRADHAN: The reply has been given that they have been left unfilled temporarily.

Dr. M. K. DIXIT: Are these posts kept unfilled because of the proposed introduction of the system of photography in the Registration Department ?

The Honourable Mr. G. B. PRADHAN: No.

BHIMA RIVER BRIDGE: WORKING CONDITIONS

Mr. S. C. JOSHI: Will Government be pleased to lay on the Council Table—

(*a*) a copy of the terms and conditions on which the Government had granted permission to the Barsi Light Railway Company, Limited. for the construction of the Bhima river bridge near Pandharpur;

(*b*) a copy of the license or permission given to the said railway company authorising the levy of pontage on goods and passengers carried by them to Pandharpur over the said bridge;

(*c*) a copy of the detailed rules and regulations regarding the recovery of the pontage charges ?

The Honourable Mr. J. L. RIEU: (*a*) The terms and conditions, etc. under which the Barsi Light Railway Company was granted permission to build the Bhima river bridge are contained in the agreement dated

7th October 1913 made between the Company and the Secretary of State in Council of India, a copy of which is placed on the Council Table.

(*b*) and (*c*) Clause 6 of the agreement referred to in (*a*) above deals with the levy of pontage over the bridge, and there are no rules and regulations except those contained in that clause. The pontage was abolished from 1st October 1923.

Stamp 10 *s.*

THIS INDENTURE made the 7th day of October 1913, BETWEEN THE SECRETARY OF STATE IN COUNCIL OF INDIA (hereinafter referred to as "the Secretary of State") of the one part, and THE BARSI LIGHT RAILWAY COMPANY, LIMITED, having its registered office at Winchester House, Old Broad Street, London (hereinafter referred to as "the Company") of the other part.

WHEREAS these presents are supplemental to the following Indentures made between the same respective parties, namely, an Indenture dated the 26th day of August 1902, hereinafter referred to as the Contract of 1902, an Indenture dated the 28th of May 1903, hereinafter referred to as the Contract of 1903, an Indenture dated the 4th day of December 1905, hereinafter referred to as the Contract of 1905, and an Indenture dated the 31st day of March 1909, hereinafter referred to as the Contract of 1909.

AND WHEREAS the Company is desirous of extending the Railway first mentioned in Clause 3 of the Contract of 1902 (which in the Contract of 1905, is called "The Pandharpur Extension") by erecting a bridge over the River Bhima, and carrying the same railway over such bridge into the town of Pandharpur.

AND WHEREAS the Secretary of State has sanctioned the construction by the Company upon the terms hereinafter appearing of such proposed extension.

NOW THIS INDENTURE WITNESSETH, and it is hereby agreed and declared as follows:—

1. Subject to the provisions hereinafter contained, the Contract of 1902 as modified and altered by the Contracts of 1903, 1905 and 1909, shall be construed and have effect as if the railway first mentioned in Clause 3 of the Contract of 1902 instead of terminating at the existing Pandharpur Station on the north bank of the River Bhima had included the bridge over the said river, and the extension now proposed of the same railway to Pandharpur Town (which bridge and extension with the station and works connected therewith are hereinafter referred to as the Pandharpur Town Extension) and the expression "the said Railways" as defined in the Contract of 1902 shall be varied accordingly.

2. The time for completion of the Pandharpur Town Extension shall, subject to any extension of time, which the Secretary of State may see fit to grant, be the 30th day of September 1915.

3. The additional capital required by the Company for the construction of the Pandharpur Town Extension shall be raised by the issue of shares or debentures or debenture stock of the Company of such an amount and on such terms as the Company with the sanction of the Secretary of State shall determine.

4. The Company (subject to any provision to the contrary contained in its Memorandum of Association or in its Regulations for the time being) may pay interest on any shares or debentures or debenture stock for the time being issued under this Contract with the sanction of the Secretary of State for the purpose of the construction of the Pandharpur Town Extension, and used for that purpose out of capital for the period, and subject to the conditions and restrictions in this Clause mentioned, and may charge the same to capital as part of the original cost of the construction of the Pandharpur Town Extension.

(1) Such interest may be paid until the end of the half-year in which the Pandharpur Town Extension shall be actually completed and opened for traffic, but for no period extending beyond the date mentioned in Clause 2 hereof.

(2) The amount so paid out of capital by way of interest in respect of any period shall in no case exceed a sum which, together with (*a*) the net earnings (if any) of the Pandharpur Town Extension during such period, and (*b*) the amount (if any) by which the interest received by the Company from any investments in which any moneys raised by the shares or debentures or debenture stock issued under this Contract are invested, and from any bank or banks in which any such moneys are deposited, and the profits realised by the Company by the sale of any such investments as aforesaid, and any other miscellaneous receipts in the nature of revenue on account of the Pandharpur Town Extension during such period, shall exceed a sum equal to interest for the same period at the rate of ½ per cent. per annum on such debentures or debenture stock for the time being issued or on the amount for the time being paid up on

such shares, shall make up an amount equal to interest for the period at the rate of 4 per cent. per annum on such debentures or debenture stock or on the amount for the time being paid up on such shares.

5. Until the close of the latest half-year in which any interest is paid out of capital as aforesaid, a separate capital account in respect of the Pandharpur Town Extension, and a separate account of the earnings of the same extension shall be kept. Clauses 40, 41, 42, 43 and 44 of the Contract of 1902 as modified by the Contract of 1903, shall (so far as appropriate) apply to such separate capital account, Clauses 41 and 44 being read for this purpose as referring to expenditure and receipts in relation to the Pandharpur Town Extension, and any items of expenditure or receipts relating to the same extension and any other part of the Company's system shall for the purpose of the accounts in this Clause referred to be divided in such proportions or manner as the Secretary of State shall approve.

6. In addition to the rates and fares authorised by Clause 27 of the Contract of 1902 the Company shall be entitled to charge a pontage on passengers and goods traffic crossing the Bhima River subject to the following conditions, that is to say :—

(1) Such charge shall not exceed as a maximum the cost of carriage for 20 miles at the mileage rate quoted from the station of origin to the station of destination on the undertaking of the Company.

(2) The levying of such charge shall be optional with the Company, but if such charge shall be levied on any particular item or description of traffic it shall be levied in both directions and charged on both through and local traffic, the charge in both cases being calculated at the same mileage rate and for the same distance.

(3) Any such charges which are intended to be levied must be notified in the tariff changes memoranda, and must be subject to the Conference Regulations in every respect as regards any changes in the rates and conditions that have once been notified.

7. The provisions herein contained with respect to the Pandharpur Town Extension shall supersede those contained in Clause 35 of the Contract of 1902, which clause shall be deemed to be expunged from that Contract.

8. The cost of the existing terminal station on the north bank of the River Bhima and of any other works which shall be rendered unnecessary by reason of the construction of the Pandharpur Town Extension shall remain at the debit of capital, provided that the value of any materials removed from such station or works and used for revenue purposes shall be credited to capital.

9. The cost of preparing the returns and statistics and copies referred to in Clause 54 of the Contract of 1902 and incidental thereto, so far as such costs relate to the Pandharpur Town Extension, shall be charged to capital until the same extension is opened for traffic, but so far as such costs relate to the Pandharpur Extension as defined in the Contract of 1905 (the whole of which has been opened for traffic) they shall be included in working expenses.

10. Capital moneys raised by the issue of shares or debentures or debenture stock with the sanction of the Secretary of State for the purpose of the Pandharpur Town Extension shall be deemed to be included in the expression " capital " in Clause 60 of the Contract of 1902.

11. Nothing herein contained shall affect the provisions contained in the Contract of 1902 as altered by the Contract of 1905 with respect to the capital to be raised for the construction of the Pandharpur Extension as defined in the Contract of 1905 or the payment of interest on such capital.

IN WITNESS whereof LIEUTENANT-COLONEL SIR DAVID WILLIAM KEITH BARR, K.C.S.I., and ABBAS ALI BAIG, ESQUIRE, C.S.I., being two members of the Council of India, have hereunto set their hands and seals, and the Barsi Light Railway Company, Limited, have hereunto caused their Common Seal to be affixed, the day and year first above written.

Signed, sealed, and delivered by the said two Members of the Council of India in the presence of—

D. W. K. BARR. L.S.

A. A. BAIG. L.S.

FRANK R. MARTEN,
India Office.

The Common Seal of the Barsi Light Railway Company, Limited, was hereunto affixed in the presence of—

Seal of the Barsi Light Railway Company, Limited

G. A. ANDERSON.
F. M. HALLIDAY, } Directors.

W. A. BROWN & Co : Secretaries.

True copy

H. MALELSAR,

First Asstt. R. & I. Branch,
P. W. D. Sectt.

"TALKINA MAZHAB"

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(*a*) whether they are aware of the fact that a book named "Talkina Mazhab" published by one Aziz Ahmed from Cawnpore contains a very offensive description of Sati Sita of Ramayan fame and that it is freely distributed and circulated in this Presidency by Mahomedan agitators to injure the feelings of the Hindus;

(*b*) if so, whether they intend to take steps to prevent the distribution and circulation of such a book in this Presidency;

(*c*) if they are not aware, whether they intend to make inquiries in the matter?

The Honourable Mr. J. E. B. HOTSON: (*a*) No.

(*b*) Does not arise.

(*c*) If the Honourable Member will send me a copy I shall have it examined.

"ISLAMKA TAMASHE"

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(*a*) whether they are aware that a pamphlet named "Islamka Tamashe" containing a serious defamation of the whole Brahmin community has been printed at the Islam Press, Nadiad, and published from Rander;

(*b*) whether they are aware that in the pamphlet Muslims have been exhorted to kill the Aryas ;

(*c*) whether they intend to proscribe this pamphlet and prosecute the writer and the printer for printing and publishing such literature ;

(*d*) if they are not aware, whether they intend to make inquiries in the matter ?

The Honourable Mr. J. E. B. HOTSON : (*a*) and (*b*) No.

(*c*) and (*d*) Government are making enquiries.

AGRICULTURE

Mr. S. A. SARDESAI (Bijapur District) : Will Government be pleased to state—

(*a*) whether it is a fact that seventy or eighty per cent. of the population of this Presidency is solely dependent upon Agriculture ;

(*b*) if so, whether the present agricultural staff for each district has been found sufficient for carrying on intensive propaganda work to introduce improved modern methods of Agriculture in each and every village ;

(*c*) whether they intend to open agricultural, industrial and technical schools and introducing some irrigational canals to do away with the permanently prevailing famine conditions ?

The Honourable Mr. G. B. PRADHAN : (*a*) According to the census returns of 1921, 64 per cent. of the total population of the Bombay Presidency is supported by pasture and agriculture.

(*b*) In carrying on the work of propaganda the Department of Agriculture is assisted by the officers of the Revenue and Co-operative Departments, and also by such non-official agencies as Co-operative Societies, Taluka Development Associations, Agricultural Associations, and also by District Local Boards. Government have no reason to believe that the staff of the Agricultural Department is inadequate for this purpose though, if funds were available, they would gladly increase it.

(*c*) Government propose to open additional agricultural schools when funds permit. For information regarding industrial and technical schools the Honourable Member is referred to the Honourable Minister for Education and for information regarding irrigation canals to the Honourable the General Member.

VETHIAS IN GUJARAT

Dr. P. G. SOLANKI : Will Government be pleased to state—

(*a*) what are the duties of Vethias in villages of Surat district and in other districts of Gujarat ;

(*b*) whether they are aware of the fact that the petty village officers such as patels and talatis harass these Vethias for their own private and personal work without giving any compensation in return ;

(*c*) whether they are aware of the fact that great discontent is spreading among these Vethias owing to the harassing treatment at the hands of the patels and talatis ;

(*d*) if so, whether they propose to take any action in the matter ?

The Honourable Mr. J. L. RIEU : (*a*) Generally speaking the duties of Vethias are as follows :—

They carry remittances to the Taluka sub-treasury, assist village officers in collecting the land revenue and carry village officers' post to the taluka katchery for villages where there is no post office close at hand. They attend the camps of district officers. They perform police duties, such as patrolling the village and assisting the police patel and other police officers in detecting crime, etc. They look after impounded cattle. They help the village officers and the Circle Inspectors at the time of inspection of the crops and boundary marks. Many of these duties are required to be performed only at long intervals, and hardly at all in the monsoon season.

(*b*) No. No such complaints have been received.

(*c*) Government are not so aware.

(*d*) In view of the replies to clauses (*b*) and (*c*) this does not arise.

VETHIA OF ABRAMA : DISMISSAL

Dr. P. G. SOLANKI : Will Government be pleased to state—

(*a*) whether it is a fact that the talati and patel of village Abrama, taluka Jalalpore, district Surat, got dismissed one Vethia named Laloo Gopal from his service and deprived him of his livelihood by confiscating his wavla land for refusing to do the private work of talati who is a Koli by caste ;

(*b*) whether it is a fact that Laloo Gopal was dismissed without any inquiry in the village by mamlatdar ;

(*c*) if so, whether Government propose to take any action in the matter ?

The Honourable Mr. J. L. RIEU : (*a*) No. Lallu Gopal, a vethia of this village, was dismissed on 27th September 1926 as there was a long standing complaint against him dating back some seven years of insubordination, irregularity in his attendance and negligence in his work.

(*b*) No. He was dismissed after proper inquiry by the Prant Officer.

(*c*) Does not arise.

Dr. B. R. AMBEDKAR : With refrence to (*b*) will the Honourable Member state whether the enquiry was made in the presence of the aggrieved Vethia named Lallu Gopal ?

The Honourable Mr. J. L. RIEU : I am afraid I cannot say. I have not got the proceedings before me.

Dr. B. R. AMBEDKAR : Was it made *ex-parte* ?

The Honourable Mr. J. L. RIEU : I have already told the honourable member that I cannot say.

Dr. B. R. AMBEDKAR: Will the Honourable Member make an enquiry into this matter ?

The Honourable Mr. J. L. RIEU: If the honourable member will put a question to me, I will.

GUJARAT COLLEGE: CEREMONIAL CHAIRS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether it is a fact that Sir Chinubhai presented two big chairs worth Rs. 1,500 (rupees fifteen hundred) in the days of Principal Robertson to the Gujarat College for being used on some special occasions like the visits of His Excellency the Governor;

(*b*) whether one of those big chairs is being used by the present Principal of the Gujarat College for his daily use in his office ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes. (*b*) No.

Mr. J. C. SWAMINARAYAN: Has the principal discontinued the use of the chair after this question was asked ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No, long before.

JUDGE, SMALL CAUSE COURT, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) the name and age of the present Small Cause Court Judge, Ahmedabad;

(*b*) the average numbers of cases per day fixed for hearing for each of the last three months;

(*c*) the average number of cases decided per day;

(*d*) the average number of cases postponed without any hearing;

(*e*) whether it is a fact that even in those cases which are postponed the parties, their witnesses and pleaders are kept waiting from 11 a.m. to 5 p.m.;

(*f*) whether it is a fact that this results in very grave inconvenience and trouble to parties, their witnesses and pleaders;

(*g*) whether it is a fact as a result of this harassment good pleaders do not like to take up cases in this court ?

The Honourable Mr. J. E. B. HOTSON: (*a*) Mr. J. N. Bhatt. 54 years.

(*b*), (*c*) and (*d*) A statement giving the figures is placed on the Council table.

(*e*) No.

(*f*) Does not arise.

(*g*) Does not arise.

Statement showing the number of cases fixed for hearing, etc., in Small Cause Court, Ahmedabad

—	November 1927	December 1927	January 1928
Average number of cases per day fixed for hearing for each of the last three months	60	57	55
Average number of cases decided per day ..	20	20	20
Average number of cases postponed without any hearing	11	10	8

KHATEDARS OF SAHIJPUR BOGHA : OCCUPANCY RIGHTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they have received a petition from the khatedars of Sahijpur Bogha, a village in the North Daskroi Taluka of the Ahmedabad District, stating that they were in undisturbed possession of their fields for more than the last eleven hundred years since 846 A.D. (Samvat 902), the year in which their ancestor founded the village, and protesting against the attempts of the Inamdar of that village to curtail their occupancy rights and to convert them into mere tenants-at-will ;

(*b*) if so, what steps Government have taken to safeguard the occupancy rights of khatedars of such long standing who are occupying their lands from such remote antiquity ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) Government have decided to reject the petition as no second appeal lies to them in such cases. It is open to the parties to have their claims decided by a civil suit.

PLOUGH TAX : ARANDI

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the khatedars of the village Arandi of the Godhra Taluka of the Panch Mahals District have filed a Civil Suit No. 339 of 1923 in the Court of the Sub-Judge at Godhra, protesting against the oppressive halia tax (plough tax) levied by the inamdars of that village, in proportion to the number of ploughs in the family though the land in the possession of the family may remain the same and praying that the inamdars should be prevented from levying the tax in the oppressive manner as shown above ;

(*b*) whether it is a fact that before the Court has decided the above suit, the Revenue Authorities have interfered and compelled the cultivators to pay the oppressive tax and a further fine of Rs. 406-8-0, equivalent to one-fourth of the demand ;

(*c*) whether the khatedars of the said village have sent a petition to Government, requesting them to consider their grievances and to

refund the fine of Rs. 406-8-0, equivalent to one-fourth the demand, illegally exacted from the cultivators during the pendency of the Civil Suit referred to in (*a*);

(*d*) If the answer to (*c*) is in the affirmative, what decision Government have arrived at on the petition of the cultivators and what action they have taken to prevent the rack-renting of the cultivators in the way shown in (*a*)?

The Honourable Mr. J. L. RIEU: (*a*) A suit was filed in the Sub-Judge's Court, Godhra, on 22nd October 1923, but it was dismissed on 20th February 1926 with costs as the plaintiffs did not furnish the full number of stamps required by the Court.

(*b*) The Mamlatdar decided an assistance suit on 1st May 1925 in favour of the inamdars, granted a decree with costs and levied from the tenants a penalty equivalent to one-fourth of the demand. The penalty amounted to Rs. 481.

(*c*) Yes. A petition to this effect was received.

(*d*) Government declined to interfere. The village is unsurveyed and unsettled. The tax is levied on the number of ploughs owned by each tenant irrespective of the area of land occupied by him. The custom of levying a plough tax is prevalent in most unsurveyed villages and has the sanction of antiquity.

LIQUOR SHOPS: PREMISES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether Government Resolution, Revenue Department, No. 5275, dated 31st May 1911, authorises Collectors to take on lease and rent premises as liquor shops in places where suitable accommodation is not available;

(*b*) if the answer to (*a*) is in the affirmative why in the notification of the Collector of Ahmedabad, dated 8th February 1927, and the similar notifications in the preceding years, the responsibility of finding premises for shops is laid on the shoulders of the bidders in term No. 4 of the conditions of auction sales of Ahmedabad country liquor shops?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes; but only in exceptional circumstances.

(*b*) Because it is ordinarily the business of the successful bidders to find premises.

LIQUOR SHOPS: PREMISES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether in paragraph 8 of his petition, dated 4th January 1924, to the Commissioner of Customs, Salt and Excise, Bombay Presidency, Bombay, Mr. Hiraji Hormasji Anklesaria drew attention of Government to the difficulty of securing suitable premises for country liquor shops on account of the monopoly of the existing shop

premises having been secured by Mr. E. R. Fanibanda and his friends in the City of Ahmedabad ;

(*b*) whether in reply to his petition the Commissioner of Customs, Salt and Excise in his No. 57-58/23, dated the 1st February 1924, informed him that " It is the duty of the licensee to arrange for the premises required " and threw the whole responsibility of securing the premises on the bidders ;

(*c*) if the answer to (*b*) is in the affirmative, why the Commissioner of Excise, Customs and Salt gave such a reply in spite of the existence of Government Resolution, Revenue Department, No. 5275, dated 31st May 1911 ?

The Honourable Mr. G. B. PRADHAN : (*a*) and (*b*) Yes.

(*c*) The Commissioner was not convinced that exceptional circumstances existed in that case.

HEBATPUR DRAIN : IMPROVEMENTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) Will Government be pleased to state—

(*a*) whether improvements to the Hebatpur Drain in the Viramgam Taluka of the Ahmedabad District, involving an expenditure of Rs. 30,000 during the year 1927-28 was included in minor irrigation works under the Superintending Engineer on Special Duty for which a provision of Rs. 5,00,000 was made under the expenditure head 15 ;

(*b*) if the answer to (*a*) is in the affirmative, how much work was done on the Hebatpur Drain up to the 31st December 1927 ;

(*c*) if no work has been done, what were the reasons for delaying the work though provision of money was made in the budget of 1927-28 ;

(*d*) whether Government intend to commence the said work early enough in the year 1928 so as to expend the amount provided in the budget before the close of the official year 1927-28 ?

The Honourable Mr. J. L. RIEU : (*a*) It is presumed that the Honourable member refers to the list printed on page 68 of the Blue Book (Budget) for the year 1927-28, entry 3 of which under Northern Division refers to the Hebatpur Drain—Rs. 30,000 were shown in the last column of the entry as the probable expenditure on the work during the year. The total probable expenditure on all the works mentioned amounted to Rs. 7,80,000, but it was explained in paragraph 94 of the Explanatory Memorandum under the head " 15—Civil " printed on page 67 of the Blue Book that in view of the uncertainty of some of the projects being taken up during the year a provision of Rs. 5 lakhs only had been made. It will be seen that the work referred to by the Honourable Member was mentioned as one of those likely to be taken up during the year, but no provision was actually ear-marked for it or for any other work.

(*b*) The work was not commenced during the year.

(*c*) The preparation of plans and estimates took more time than was anticipated owing to the necessity for an exhaustive enquiry into the area which would be affected by the drain.

(*d*) No.

GRASS FARMING SPECIAL OFFICER

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they had sent an officer to America to specialize in grassfarming;

(*b*) when he returned;

(*c*) what amount was spent on him;

(*d*) what post he holds at present?

The Honourable Mr. G. B. PRADHAN: (*a*), (*b*) and (*d*). The attention of the Honourable Member is invited to the replies given at the last session. They are printed at pages 1118-19 of Part XV of Volume XXI of the Legislative Council Debates.

(*c*) Rs. 10,050.

AGRICULTURISTS' INDEBTEDNESS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they have considered the question of preparing a register of the agriculturists who are heavily in debt with the help of the Registration Department and the Co-operative Credit Societies with a view to enable Government to know the real condition of the agriculturists at present;

(*b*) if so, what further steps they wish to take in this matter?

The Honourable Mr. G. B. PRADHAN: (*a*) No. Government do not consider than an attempt to compile such statistics from the records of the Registration Department and the Co-operative Societies would secure the result desired.

(*b*) Does not arise.

CROP DESTRUCTION BY WILD PIGS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that the cultivators are not allowed to enter the forest to destroy wild pigs, etc., which destroy the crops in the fields near the forest;

(*b*) if not, why not?

The Honourable Mr. G. B. PRADHAN: (*a*) and (*b*) In Kanara Western, Southern and Coast Divisions the cultivators are allowed to enter the forests for the purpose of killing wild pig destroying crops in the adjacent fields. In other districts, villagers and cultivators are allowed to beat for pig in any of the Reserved Forests where the Collector in consultation with the Conservator considers that the destruction of crops by pig is serious, provided that they give 24 hours' notice of their intention to the nearest forester or forest guard.

BAILIFFS : APPOINTMENTS AS KARKUNS

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) with reference to Government Resolution No. 5665, dated the 1st July 1924, how many bailiffs were appointed as karkuns from 1st November 1916 to 31st October 1926 in Satara District ;

(*b*) whether there is any such bailiff in the Satara District who has served as per Government Resolution No. 5665, dated the 1st July 1924, as karkun without any break from 1st November 1916 till to-day and who got Rs. 35 per mensem as pay from 1st March 1920 to 28th February 1922 as per Government Resolution No. 438, dated 25th June 1920 and Government Resolution No. 59, dated 27th January 1921, but who did not get an increment from 1st March 1922 to 28th February 1924 and another increment from 1st March 1924 as per Government Resolution, Home Department No. 9866, dated 24th July 1926.

The Honourable Mr. J. E. B. HOTSON : (*a*) Four.
(*b*) No.

VILLAGE WATER SUPPLY SCHEME, CENTRAL DIVISION

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether it is a fact that they have under consideration a comprehensive scheme for the improvement of village water supply of the districts in the Central Division and that they have ordered a detailed survey to be made in order to enable them to frame a working programme?

The Honourable Mr. J. L. RIEU : Government have under consideration a working programme for the whole presidency.

Question again proposed :

Reduce by Rs. 10,000—Votable Demand.

Mr. M. D. KARKI (Kanara District) : Sir, the budget estimate for 41, Civil Works, for the ensuing year is a poor show if compared to that of the current year. I shall quote certain figures which will show comparison between the expenditure for this year and the ensuing year. For the current year the budget estimate for this item is for Rs. 1,27,83,000 and the revised estimate is for Rs. 1,28,32,000. But the budget estimate for the ensuing year 1928-29 is for Rs. 1,20,82,000. So, it will be observed that the expenditure on this item is going downhill. However it should be admitted that the budget estimate for the ensuing year is an improvement and an advance on the estimate for 1926-27 when it was for Rs. 1,17,06,756 (actuals). It is to be noted that the non-voted expenditure side under establishment charges is expanding. If we look at the figures for the year 1926-27 we find that the expenditure in that year was Rs. 6,89,339. This amount came up to Rs. 14,04,000 in 1927-28 and the revised estimates for that year were Rs. 13,95,000. But this year this item has gone up to Rs. 14,83,000. Although this item is increased, no explanation has been given in the Blue Book as to why this expenditure is so expanded. If we compare the figures given in the Statement III of the Blue Book, what do we find ? In the year 1921-22

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the expenditure was Rs. 1,88,000 ; in 1922-23 it was Rs. 1,06,000 ; in the years 1923-24, 1924-25 and 1925-26 it was Rs. 98,00,000, Rs. 92,00,000 and Rs. 92,00,000 respectively. Here you will find that the expenditure is on the decrease. But in 1926-27 it again rose and went up to Rs. 1,22,000 and in the revised estimates for the 1927-28 it still rose and went up to Rs. 1,33,000. If you compare these figures, you will find that the expenditure since 1922-23 is decreasing. This I submit is no progress in this nation-building department.

Sir, if there is any department under this Government, which can give amenities to the people, it is this department. We do not expect Government to open Tramways, Railways and instal electric plants in the countryside. All that we, the people in the countryside, expect from the Government are good roads, nice culverts, beautiful bridges, strong causeways, fair-looking mile stones, furlong stones and sign-posts and lastly grand avenues of road-side trees. These amenities can be got only from this department. Therefore they love this department. Their attitude with regard to other departments has now—a—days quite changed. Take, for instance, the Revenue Department. They have lost all faith in it. We find that they are tired of village officers, the circle inspectors, mamlatdars, deputy-collectors, collectors, and commissioners. They are disgusted with the police. They have no liking for magistrates and judges. That is the state of affairs.

If you take education, you will find that the village teacher has merely to repeat the Sathye-Paranjpye scheme. In the countryside there is no independent schoolhouse for boys and girls. They, *i.e.*, schools are either held in a dharmashalla, a temple or a private verandah. If petitions are made for a permanent house for these schools, no heed is paid to them but they are thrown into a waste paper basket. So they are tired of that department also. The sins of the Forest Department are too many to be narrated. The days of that department are nearly counted. God only knows when the present system in that department will vanish. Now, Sir, I come to the point.

All the amenities I just mentioned, *i.e.*, culverts, bridges, causeways, and so on, come under the head "communications." I do not know whether road-side trees also come under that head. What is the state of things about these communications ? Is Government allotting sufficient money on communications ? I would just show to this House, Sir, that Government is not providing money sufficiently under this head also. In 1925-26 they had spent Rs. 9,59,089. This was raised in 1926-27 to Rs. 13,82,865. In 1927-28 estimate it was again brought down to Rs. 11,29,000, but the revised estimate was for Rs. 14,41,000. In the ensuing year the figure is only Rs. 7,08,000. Sir, it is stated that on account of financial stringency an adequate sum of money could not be allotted to this department. There was also last year a cry that there was financial stringency, and the budget also was a deficit budget. Yet we find that the amount allotted under this head was Rs. 14,41,000. If there was financial stringency and if there was deficit last year, why, then, was this amount of Rs. 14 lakhs spent ? This year we have allowed

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taxation bills and now there is no fear for the Government. They will be realising more revenue under the Stamp head. Though the amount budgetted for communications comes to Rs. 7,08,000 next year, I request the Honourable Minister for Local Self-Government that this amount may be raised to Rs. 14 lakhs in the estimate, to be revised hereafter, so that every district may have a fair chance of getting more money for "communications."

Now, Sir, I come to my own district. It is a matter of some consolation that the Honourable Minister for Local Self-Government has somewhat responded to the requests and suggestions made by me both inside and outside this House. I repeatedly brought to his notice the serious position prevailing in my constituency with regard to the Public Works Department affairs. I asked several questions and also started regular correspondence whenever necessary to inform him that immediate steps should be taken to remedy the want if there was any. Kanara, Sir, is very differently situated from the other parts of the presidency. Its condition is very peculiar. No doubt it is a nice country. It has been said by the Governors of the presidency from time to time in the past that Kanara is the pride of the presidency. In 1925 when I had the honour of welcoming the present Governor, Sir Leslie Wilson in Kanara His Excellency said to me that Kanara was a very lovely country. Sir, the needs of Kanara are, therefore, great and require to be solved. From the point of view of communications, of course, Kanara is very backward. I have repeatedly said on the floor of this honourable House that Kanara is backward from this point. Road communication is the main one, if not the only one. There is steamer communication, but it is most inconvenient to the people—to the passenger traffic. The steamers are not run throughout the whole year and they are not calling at every port in the district. I wanted, therefore, the Honourable Minister to study these things and also the requirements of the people in person by visiting Kanara. I accordingly gave him invitations twice, but he has not responded to them. I now leave him to himself. But it is a matter of satisfaction that at least he has responded to my request with regard to the improvements in roads.

Now, Sir, I have repeatedly complained about the Public Works Department administration in Kanara. Even now it is not so satisfactory as it ought to be. They have committed themselves to certain things in the past and they do not go behind them. I may say they hug to them. They are not progressive. They are rather conservative. Sir, on the floor of this House I brought to the attention of the Honourable Minister that there are rivers and creeks intercepting the coast road, which is nearly 100 miles in length. I wanted him to have one or two causeways, one on the Venkatapur river in Bhatkal petha and one over the Badagani river in the taluka of Honawar. In 1924 the causeway over the Kumta ferry was sanctioned and it has been completed in the year 1927. But these two causeways which I have been urging on the mind of the Honourable Minister since 1924 have been not yet undertaken o be constructed. When I made a speech this time in 1926, I specially

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invited the attention of the Honourable Minister as regards the necessity of constructing causeways over these two rivers. But the head of the Public Works Department administration of Kanara said in his report on my speech which was sent to him for report, that the causeway over Venkatapur river would involve greater expenditure and that the causeway over Badagani river was not necessary as landing stages were constructed. Now, Sir, I was not content with the said report. It was placed on the Council table in reply to a question of mine. I took a copy of it at my own expense and it is with me. Again, this time I have tabled a resolution, one with regard to Venkatapur river and one with regard to the Badagani river. I wanted definitely to know what would be the attitude of Government especially of the head of Public Works Department Administration, Kanara, in regard to these causeways. Therefore, I asked questions in this House in regard to the said causeways. Though I was not present when the replies were to be given, the replies have been printed on pages 45 and 45 of the second and third lists respectively of questions and answers of this session. The Government say that it is possible to build a bridge or causeway over the Venkatapur river but it would be so costly that the work could not be justified, and.....

The Honourable the PRESIDENT: But was this reply given in the Council? The honourable member is wrong in referring to it. The question was not put.

Mr. M. D. KARKI: But it is printed, Sir.

The Honourable the PRESIDENT: No, no. The honourable member is not entitled to read it as the question has not been put and answered in this House.

Mr. M. D. KARKI: Anyhow, Government have made up their mind not to undertake these two causeways. Though I am trying my best for better amenities, the Public Works Department in Kanara is not helping me. Therefore I say they are not progressive but hugging to things to which they have committed themselves. The absence of causeways on these rivers is inconveniencing the passenger traffic. I would urge strongly on the mind of the Honourable Minister that this year or at least in the life-time of this third Reformed Council, the causeway over the Badagani river costing about Rs. 16,000 may be undertaken and finished. The causeway over the Kumpta creek was estimated to cost Rs. 16,000, then the estimate went up to Rs. 18,000 and lastly it rose up to Rs. 24,000, but I am certain the causeway over the Badagani river will not cost so much provided strict economy is observed throughout; it may cost at the most Rs. 16,000, which is a mere fleabite to the finances at the disposal of the Honourable the Minister for Self-government and the Public Works Department. On the advisibility of having a causeway over the Badagani river, the Collector of the District and the Commissioner of the Division may be consulted. One point more as regards the maintenance and the upkeep of the roads. I find that consolidation work is not so satisfactory. That is why the roads suffer heavily in the rains. The roads on the coast line are not equipped with

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rollers and the like, so the consolidation work suffers. Besides no sufficient care is bestowed by the Administration on the consolidation work which is necessary for the good upkeep of the roads.

I want to draw the attention of the Honourable Minister to some items in the budget estimate for 41, Civil Works. Last year certain amounts were allotted for improving of the Kumpta-Hubli Road, Sirsi-Kodakani Road, Khanapur-Yellapur Road, Sadashivagad-Kadra Road and for constructing a diversion road near Dhareshwar in mile 4 of Mirjan-Madras Frontier Road. Sir, if the lengths of the roads under the Public Works Department Administration are more in any district, they are in Kanara. Owing to the peculiar circumstances of the district, on account of the absence of transport facilities and the conveniences of easy communication, it became necessary for Government to open new roads and keep up the old roads that were in use in pre-British days. The length of roads comes to about 672 miles maintained by the Public Works Department. If any district contains a larger portion of unmetalled roads, it is the district of Kanara. In the report for 1925-26 you will find that the unmetalled portion of the roads came to 259 miles and 280 ft. in Kanara. In the Thana District there were only 5 miles of unmetalled roads. The following are the figures of unmetalled roads in other districts :—

Surat	18 miles and 4503 ft.
Broach . ..	0 mile.
Kaira	9 miles and 680 ft.
Panch Mahals ..	17 miles and 2640 ft.
Ahmedabad	82 miles and 460 ft.
Satara	45 miles and 330 ft.
Poona	70 miles and 2580 ft.
Sholapur	0 mile.
Ahmednagar	17 miles.
Nasik	27 miles and 1140 ft.
East Khandesh ..	10 miles and 660 ft.
West Khandesh ..	3 miles and 2640 ft.
Belgaum	36 miles and 4250 ft.
Dharwar	37 miles and 1945 ft.
Bijapur	113 miles and 241 ft.
Ratnagiri	0 mile.
Kanara	259 miles and 280 ft.

In these days of greater amenities and facilities, it is indeed regrettable that the greater portion of the roads in Kanara should remain unmetalled. I admit that some provision has been made for the improvement of certain roads in Kanara, but it is not sufficient. More money is required for improvement throughout. There is some appreciable improvement in the ghat portion of the Kumta-Hubli Road. A sum of Rs. 63,942. has been allotted for the improvement of Sirsi-Kodakani Road. A sum of Rs. 20,000 has already been expended. What is the result ? His Excellency the Governor was to visit the Gersappa Falls. So, some

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improvement of the road was taken up in hot haste and finished in a hurry at a cost of Rs. 20,000. Sir, in spite of that, the improvement is not satisfactory. The limit of motor car speed for His Excellency's car was kept at ten miles per hour and in some places it was four miles only. Such is the state of a road on which a sum of Rs. 63,942 has been allotted. I hope by the time the money is entirely spent, there will be a better improvement in the condition of the road. Although the sum of Rs. 20,000 has been spent on the work done, I am sure the work could have been done better with even Rs. 10,000.

The improvement of Sadashivagad-Kadra road was started in 1924. Since then the improvement has been carried out but not to completion. I hope it will be finished early to facilitate traffic between Londa and Karwar.

As regards the Diversion Road, no doubt a sum of Rs. 16,931 has been allotted for this in the estimate of the current year. But I was struck with horror and indignation when I found that a provision has been made for Rs. 16,931 when the length of the road is not more than 4 furlongs. The length should be between 3 and 4 furlongs only. The portion to be built up is only about one or 2 furlongs. That too to the height of two or three feet on plain land. The lead for materials is quite near. The filling is done with sand and not with stones ; yet such a large amount has been provided. I do not know whether this amount includes a provision for compensation to the owners of land acquired. Even if it does, the estimate is a large one. A causeway of a permanent character, lasting for centuries, could be built at that cost. If a length of four furlongs costs Rs. 16,000 and odd, I think it would be very difficult to go in for metalled or any kind of roads in Kanara. It is not in any upcountry place like Sirsi or Yellapur but it is in a coastal place like Dhareshwar and for such a road in such a place, the sum of over sixteen thousand rupees is certainly enormous. I would ask the Honourable Minister to look into this matter very carefully.

Now, Sir, one more point and I have done.

(At this stage the honourable members Messrs. Munshi and Mukadam in going out of the House came between the honourable member addressing the House and the Hon'ble the President).

The Honourable the PRESIDENT: Order, order. This practice is increasing day by day, and honourable members have begun to neglect the instructions given. I trust they will not.

Mr. M. D. KARKI: I would like to point out that it has become the habit of the officers of the Public Works Department to follow traditions. That is to say, a former officer creates a sort of policy in that department and it is handed down to his successors to follow. Every officer wants to keep up the tradition left by his predecessor. If one officer compiles an estimate of Rs. 20,000 for a work costing Rs. 10,000, his successor prepares an estimate of Rs. 25,000 for work which can be done at Rs. 10,000. The wonder is that no one of them will betray the other.

I have now to make a few remarks with regard to the landing stages of Badagani in Kanara. The building up of landing stages at Badagani

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was undertaken in the year 1924. The estimate was for Rs. 12,123 but Rs. 12,230 were actually spent. There was a great cry that even half of the amount was not expended on the work. I put several questions on the subject, and pointed out that the cost incurred in building up that landing stage was not proportionate to the work done. With all that, the Honourable Minister has whitewashed the misdeeds of the department by saying that everything has been done according to plan and estimate. I wanted to know what sort of filling was provided for in the estimate. The filling was done with sand only. It was very near at hand, and it might have cost Rs. 200. But the cost of the landing stage came up to Rs. 12,230; see the enormity of the amount that was expended. In fact, the work could have been done in the way in which it has been done by spending only Rs. 7,000 to Rs. 8,000. So, I am afraid that the officers are always keen to keep up old traditions and to make high estimates. In the case of the diversion of the road at Dhareshwar, I think it must have been done on the same lines. Of course, if the Honourable Minister sends my speech to the officer concerned, he will say that Mr. Karki has been always uncharitable towards them. I must make one point very clear. I have no personal grudge against any officer. They are all good men. My complaint is against the system of their working and against their tradition which should be broken up. He would say that they were doing their best to improve the condition of the roads in Kanara. With all that, I can say according to the dictates of my conscience that higher amounts are expended on works which can be done by spending smaller sums.

Now, Sir, as a grant-in-aid to the local boards for local public works Rs. 19 lakhs have been provided. This item is a very nice one. Of course, I feel that in every district there is a necessity for the construction of village roads. Wherever I have gone during my term of office as a member of the Forest Grievances Committee, I have found that in the rural areas there is a lack of roads, not only in Kanara but in every district of this presidency. It is true that Rs. 19 lakhs have been provided, but the amount must be earmarked for the opening up and improvement of village roads. There are already big main roads, and there should be a net-work of roads connecting the villages with the main roads. Only in that case will the people in the rural areas have the benefit of the roads; otherwise not.

Sir, in the letter No. S. 220-28952-W. addressed by Mr. N. N. Ayyangar, Secretary to the Government of Bombay, Public Works Department, to me, on the 16th January 1928, there is some happy news to me and to my constituents. It is stated in the letter "I have further to state for your information that a programme of improving the roads in Kanara involving an expenditure of Rs. 9 lakhs is at present under consideration." I welcome this announcement so far as Kanara is concerned. I expect the day to come soon, when Government will undertake this work. I know many schemes are under the consideration of Government for the last so many years, but if this proposal regarding Kanara is to meet with the same fate which the other schemes have met with, then there

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is no hope for Kanara. I say that the conditions prevailing in Kanara do call upon the attention of the Honourable Minister that immediate steps should be taken and money allotted for the improvement of roads in Kanara. With these remarks, I resume my seat.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, I desire to make a few remarks on this demand under 41-Civil Works. I wish to point out that the first item is for buildings, and the amount allotted is Rs. 3,94,000. Out of the whole of this amount only Rs. 27,000 are going to be spent for Sind. Now, it will be seen that this com s to about one-sixteenth of the amount provided, and that is going to be spent for the benefit of Sind.

Coming to the question of roads, I find that Rs. 7 lakhs are going to be spent, but in the whole of the item, I do not find that a single pie has been provided for Sind. During the next year I do not see that anything is intended to be spent for roads in Sind, and during 1926-27 and 1927-28 also nothing was spent. Sind covers an area of 350 miles long and 100 miles broad, and it has been under the British administration for the last 85 years. Karachi is the entrance to Sind; it is also the headquarters of the Commissioner in Sind, and it is a place visited by Governors, Lieutenant-Governors and high officials of Government, but there is not a single road in Sind which enables them to go from one city to another. Only in the city of Karachi two or three small roads have been constructed. The first road is the Salt quarry road, which is 8 to 10 miles long. That road was constructed for the convenience of Government, to enable them to bring salt which they require. The second road, the Magar Pir road, was constructed about 20 to 25 years ago. The third road, *i.e.*, Malir road was constructed when the Governor was coming to Karachi. We had great expectations that that road would be connected to all the important places throughout India, and it would enable everybody to come to Karachi by motor cars. But I am sorry to say that only 5 miles, *i.e.*, up to the European Club the road has been completed. Not an inch more has been constructed. Secondly there is another road from Karachi to Landhi, because the military headquarters are there. That too is not in the interest of the public. If we look at the presidency divisions, there is a net-work of roads fit for motor cars between Gujarat and Bombay and Bombay and Poona and all through India. We have not got such a system of trunk roads in the interior of Sind. While money is being lavished on the asphalting of the few roads that exist in Karachi to ensure smooth running for the motor cars of officials, not a pie is spent on the construction of even ordinary roads in the interior of Sind, which are in such a bad condition that the carts jolt so badly that the occupants hit their heads frequently on the roof of the carts. The Bombay Government has not so far spent any money at all on the construction of roads in Sind, in spite of our boast that we have a Sindhi man as Honourable Minister in charge of the portfolio for the last seven years, and that Sind contributes richly towards the general exchequer of this presidency to the tune of 2½ crores. It may be that the Honourable Minister for Local Self-Government is afraid of being criticised by the

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provincial members if he spends appropriate amount of money for Sind. Out of the total amount provided for Civil Works the amount allotted to Sind is very meagre, and if the Bombay Government ruling over Sind since 85 years are not able to treat Sind fairly as they do the other divisions of the presidency, they should separate Sind, and make it an independent province. Even in the amount provided for Government have betrayed their mania for costly establishment. On page 4 you will find that the amount provided for works is Rs. 73,40,400 and the establishment charges on this work come to Rs. 29,12,300, which is 40 per cent. of the amount provided for works. In India there is no scarcity of labour and there is unemployment everywhere. Government can get and maintain an establishment at a very cheap cost. Still we find the establishment charges are abnormal in proportion to the cost of the works. Most of the amount provided for establishment is consumed by travelling allowance, house allowance, a passage allowance and a number of other allowances. I do not find any necessity for any of these allowances. The price of foodstuffs, the cost of clothing and the other necessaries of life have gone down very much and still why should there be any increase in the establishment charges ? Government are indifferent and the complaints we have been making are let in by one ear and let out by another. Unless Government pay attention to our complaints and take action we must force them to do so.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to support the motion moved by Rao Saheb Dadubhai Desai. Firstly, I would again point out a defect in the presentation of the budget for 41, Civil Works, which I pointed out in previous years also. If we turn to page 15 (of the Provincial Civil Works Budget Estimate, 1928-29), we will find that it purports to give details of expenditure amounting to 54 lakhs of rupees, but the details are contained in ten lines. You will not find in the budget of any other province the details of such a large amount shown only in ten lines. Moreover it is in such a form that no honourable member of this House can form any idea as to what amounts are spent on what works or form any opinion as to whether the amounts are distributed properly and reasonably. Now, I certainly think that Government should give us much more details than what is given in these ten lines, as this is an expenditure of 54 lakhs of rupees. You cannot find details of this expenditure anywhere else, and this page is supposed to give a full detail of the expenditure. It is not an abstract of the expenditure, but is supposed to give details. That the details should cover only ten lines when you are spending 54 lakhs cannot possibly be regarded as satisfactory.

Another thing which I should like to point out is the expenditure on establishments. I will not fall into the error into which previous speakers have fallen of saying that the expenditure on establishments comes to 40 per cent. If you will look at page 42 (Provincial Civil Works Budget Estimate, 1928-29), you will find :

"Each of these heads was debited with 21½ per cent. on the estimated cost of works and repairs for Establishment and 1½ per cent. for Tools and Plant till the year 1926-27 These percentage rates having been increased to 24 for Establishment and 3 for Tools.

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and Plant with effect from 1st April 1927 in view of the average rates of actuals for the previous five years....."

So, the expenditure for Establishment and Tools and Plant has been raised from 23 to 27, an increase of 4 per cent. Moreover, we find that after deducting for Establishment charges at the rate of 24 per cent. under all other heads we get 29 lakhs left against repairs under 41 Civil Works. So, if we take the entire expenditure in the Public Works Department and work out the Establishment charges on the entire expenditure, it will work out to about 30 per cent. If we take all the expenditure, it is 24 per cent. on some items, but on the rest it comes to 40 per cent. So, the expenditure on establishment comes to 30 per cent. on the whole. So, I think it is high time that Government gave its attention to this matter. An expenditure in the neighbourhood of 30 per cent. for establishment and about 3 per cent. for Tools and Plant means an expenditure of nearly one-third swallowed up. When you are undertaking large works, this is certainly excessive.

I would again bring to the notice of Government the desirability of providing better communications in Gujarat. We do not ask for a net work of good trunk roads. At present we only ask for one good trunk road. There is at present not a single good road in Gujarat. If you look to the south of the presidency, you will find that Poona has got beautiful trunk roads in all directions. There is a trunk road from Poona to Bombay, and trunk roads from Poona to Satara, Poona to Mahableshwar, Poona to Nasik, Poona to Sholapur, Poona to Ahmednagar and so on. If you can give a complete net, work of roads to one centre you can certainly give at least one trunk road to Gujarat. Give us at least one road from Bombay to Ahmedabad, and I can assure you that we will not ask for anything more for several years to come. Of course, the road is likely to cost a very large amount, but the expenditure could be distributed over a number of years. If you look to the income and expenditure sides, you will find that Gujarat contributes a very handsome surplus to the Government revenues. The one district of Surat alone contributes a net surplus of no less than 50 lakhs of rupees to the Government treasury. Of course we do not want to go on the principle that whatever we give should be spent in our district, but we do certainly maintain that those districts which contribute handsomely to the provincial exchequer should receive an equally good treatment as other parts which do not contribute so handsomely. We are entitled to receive equal, if not better, treatment. But we find we are being treated very shabbily. I do not know what has been the cause. It may be because Ahmedabad has never been the seat of Government. Poona is the headquarters of Government for several months in the year, and naturally it is likely to receive greater attention and better communications. Now, if you look at this budget we find that new works and works in progress are estimated to an expenditure of nearly 50 lakhs of rupees. Out of that there is not a single pie to be spent either in Surat district or in Broach district, and each of these districts contributes a handsome surplus to the Government treasury. As a matter of fact in the whole

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of Gujarat the total of the schemes is 3½ lakhs and this year the amount proposed to be spent is Rs. 51,000. If we take Poona District alone, we find that the total of the schemes is Rs. 11,80,000. If we take East Khandesh, the total schemes are for Rs. 10,50,000. For the one district of Poona you have got schemes which are going to cost Rs. 11,80,000. For the whole of Gujarat the schemes cost about 3½ lakhs, and for the two districts of Surat and Broach you have not provided even one pie for any scheme. Yet, I am prepared to lay down a challenge to any Government officer who has served in Surat, who has got an intimate knowledge of the Surat communications, to deny that communications in the Surat district are probably the worst in the whole of the presidency. My honourable friend Rao Bahadur Naik invited the Honourable Minister to visit the Surat district in the monsoon. I am sure the Honourable Minister would not be able to get very far into the district; unless he took a big elephant he would not be able to go very far. I would also invite him to visit the Surat district and ask him to see for himself what the state of the communictions is in that district. At present there is a road in the Surat district which has been a provincial road for the past several years. That is in charge of Government. Yet the Honourable Minister has admitted that even bullock carts cannot pass along that road in the monsoon. A provincial road which has been in charge of Government for several years is in such a condition that even bullock carts cannot pass along it. I ask, is this not a disgrace to Government? First of all they do not take up a sufficient length of roads as provincial roads in Gujarat, and secondly even the short distance that they have taken up they are not maintaining in good condition. This road is from Navsari to Chikhli taluka beyond Sisodra. It was stated by Government in reply to a question asked by me that even bullock carts cannot go along that road in the monsoon. How long will they take to improve that provincial road? If you told any one that in the Bombay Presidency we have got a provincial road along which even bullock carts cannot pass, he would certainly be greatly amused and he would think that our Bombay Government was very incompetent and inefficient. The other great inconvenience is that we have got several unbridged rivers. Surat district is near the sea and several rivers get tidal water and sometimes for a period of as much as eight to ten hours at a stretch the rivers are not fordable. Bulsar is probably the biggest taluka town. It has got a river to the north, the Auranga, and for about eight to ten hours at a stretch, when the tide comes in, the river cannot be crossed and all vehicular traffic is held up for eight to ten hours at a stretch.

There was formerly a scheme for a bridge on the Auranga river and I believe Government have prepared an estimate for that. But I do not know when they are going to get that bridge ready. When His Excellency the Governor visited Bulsar, the people of Bulsar made a request to him for this bridge. A great inconvenience is caused to people, as large traffic is carried on from the north of Bulsar. I do not want to put forward the claims of a particular place, but I certainly do feel that we have not been treated fairly by this Government. We are

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entitled to receive our due share of the amount, which Government may be in a position to spend. To reply " we have no funds " is not proper. I do not say " Give us this much or that much." But I say that Government should give us our due share. We are contributing more than our due share. We are probably contributing twice as much on a proportionate basis. When we are contributing so handsomely, we certainly expect to get our due share out of the funds that are available. I, therefore, trust that the Honourable Minister will distribute funds according to the claims of different places. At one time the Honourable Minister said "If you want all these facilities, give us more money by way of more taxation." I would tell him that my demand is not that Government should give us this much. But my demand is that we should get our proper share. At least give us one trunk road for Gujarat. You have given several to other parts of the presidency, so why not give us at least one such road. If this is given, we will not ask Government to give us more for some years to come. I, therefore, hope Government will give a considerate reply to this demand made by me.

Mr. C. W. A. TURNER : Sir, At the outset I regret to have to bring to the notice of the honourable House that my honourable friend Rao Bahadur Naik—either wittingly or unwittingly—was guilty of making a seriously misleading statement in his remarks regarding a certain official communication which was made to him on the subject of the audit of expenditure of grants-in-aid from Government by the Local Boards. He quoted certain extracts from an official document which according to him prescribed that the programmes of works to be undertaken by the Local Boards with the aid of the grants made by Government were to be approved by the Collectors, and that the expenditure on such works was not to be passed till the Collector had certified that these works had been satisfactorily completed. Now, Sir, these extracts were taken from a memorandum addressed by Government to the Commissioners in which it was stated that the procedure mentioned in these extracts had been suggested to Government, and the Commissioners were asked to favour Government with their remarks on them. Presumably the Commissioner, Northern Division, forwarded this memorandum to my honourable friend, who is the President of the District Local Board, Surat, for favour of his remarks before he reported to Government. It will thus be seen that the extracts quoted by my honourable friend did not contain any orders, but merely suggestions and that these suggestions were circulated by Government with the object of obtaining the opinions of their officers and of the Local Boards before taking any definite action on them. I think, Sir, that my honourable friend should have read this memorandum more carefully and with his experience should have been able to distinguish between a Government Resolution and a memorandum calling for remarks,—before he came before this honourable House and made the misleading statement which he made yesterday. I ask the honourable House to consider whether his action was fair.....

Rao Bahadur B. R. NAIK : On a point of information, Sir. Has not this suggestion of the Examiner been approved by Government ?

Mr. C. W. A. TURNER: It was not approved. I would refer the honourable member to the extracts from the memorandum. It is perfectly clear from their wording that the suggestions were being circulated or opinions before Government passed any orders on them.

I would now ask this honourable House to consider how important it is that a strict check should be kept on the expenditure of the grants-in-aid made to local bodies. It has to be remembered that the resources of the District Local Boards are derived to the extent of four-fifths from grants-in-aid made to them by Government from the amounts voted by this honourable House. The Honourable Minister and this Department are in the position of trustees in regard to the funds voted by this House for such grants-in-aid, and are bound to take all possible precautions to see that they are properly expended. They can only do this by maintaining a strict audit on such expenditure, and insisting that the works done are inspected by their local officers who are in the best position to know whether such works are carried out or not.

I must remind this honourable House that in two districts recently Government have had an unfortunate experience of the working of the District Local Boards. The honourable members are familiar with what has happened at Sholapur where the District Local Board has been superseded. In that case it was proved that monies were paid to parties, and it cannot be established that these parties were entitled to the sums they received. In the other case which is at present under enquiry the evidence of over-payments and of improper payments is so considerable that it is reasonable to hold that disbursements amounting to about two lakhs of rupees are open to the suspicion that due care has not been exercised in controlling these payments. I regret to say that there are two other cases which have recently come to the notice of Government in which certain members of the local bodies concerned have made definite complaints against the boards regarding the irregularity of their expenditure. In view of these experiences I maintain, Sir, that if the Honourable Minister did not insist on a strict audit and inspection he would be failing in a proper sense of his responsibilities.....

Mr. B. G. PAHALAJANI: Are you judging him?

Mr. C. W. A. TURNER: No, Sir. I would only add that so far from considering the present check imposed by the Audit Department adequate, the Auditor-General in a strongly worded letter which he has recently addressed to the Finance Department has threatened to accept *no* further responsibility for local audit unless it is tightened up and steps are taken to see that the irregularities pointed out by the Audit Officers are promptly rectified.

Mr. A. D. SHETH (Ahmedabad District): Sir, while supporting this cut of my honourable friend Rao Saheb Dadubhai Desai, I wish to place before this House some of the ideas which I hold about the Public Works Department. Only yesterday the Honourable Minister said to the House how it is difficult to secure money from the Honourable the Finance Member, and yet he received a good deal of money for this transferred part of his department. We all very much wish that everything given

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to the transferred department should be very jealously guarded and, as a matter of fact, no retrenchment is ever desired by this part of the House in the matter of transferred departments. But the fact stands that we do require more money. Our necessities are certainly great. Government purse is certainly tight. In that case, we ought to find out some remedy whereby we can fulfil our desires and may not have to go to Government at every time. For this reason, I believe that we ought to go at least once into the whole question very seriously to consider whether there is a real necessity or whether any real retrenchment can be effected in the Public Works Department. I believe, Sir, it is possible. There is a very wide scope of retrenchment in Public Works Department, and I say, Sir, that I do not speak it airily. I want to speak concretely. From the experience of my constituency and my taluka I want to point out to the Honourable Minister that though the local board sundry works like schools, tanks, dharamshalas and other buildings are far outnumbering the Public Works Department works in the taluka, and though the local board has got about 10 miles of metalled roads and 36 miles of unmetalled roads, and the Public Works Department has got 54 miles of metalled roads, and the local board has got three bridges while the Public Works Department has got none, yet, Sir, with about 46 miles of road of the taluka local board with three bridges and a number of small sundry works, we have got only one overseer, two mistries and two karkuns. And with 54 miles of metalled road and with very little sundry work, the Public Works Department have maintained one sub-divisional officer, (the assistant engineer), some three overseers, and sub-overseers, road karkuns and mistries. Only two years back, Sir, this Public Works Department handed over to the local board 10 miles of metalled road. From these two years' experience of ours, I can very confidently say, Sir, that what we inherited from the Public Works Department we have found to be a very, very expensive boy in our family—a boy who can very easily be treated with only necessaries of life—was being given all the luxuries which the Public Works Department was capable of giving. I mean, in these two years' experience we have been able to reduce establishment expenditure on that road by about one-third. The three bridges that we have been given for the last two years, every year I am particularly visiting to find out whether the budgeted amount can be spent, and I very frankly say that I am always puzzled how to spend that budgeted amount for current repairs for these bridges. I enquired of some of the old workers how this Public Works Department could spend all this amount, and I will be content with saying that everything was not quite proper. I mean, after only two years' experience both the taluka local board and the district local board presidents have concurred that on the expenditure side even keeping the condition of the roads and bridges even better, we can certainly reduce that expenditure by one-third. I say, Sir, that after we, the taluka local board, got the management from the Public Works Department both in the establishment and in the expenditure we have found that we can reduce the expenditure on both grounds. Now, Sir, in our taluka we have one road from

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Ranpur to Dhandhuka, and one from Dhandhuka to Bhimnath. They are very good roads and necessary to be maintained throughout. But, Sir, for the last five years after we have got a railway in the taluka, the traffic on these roads is not even five per cent. of what it was in pre railway days, and still the same sort of establishment continues and no appreciable change has been effected even in the expenditure. I do not say so for the reason of criticising. I want to point out, Sir, that this particular side of the Public Works Department expenditure, that is, recurring expenditure, has not been very seriously looked into. Every year "ditto" is being passed, current expenditure is being sanctioned, so much per cent. for construction, so much per cent. for building, and so on, the same as before. Like that things continue to go on, and I believe if some very serious business is made and if enquiry is being made about every recurring expenditure to be incurred, there would be a lot of saving in other talukas as there is in my own. So far as the engineering works both of the local board and the Public Works Department in our taluka are concerned I am quite sure, I speak from the administrative point of view, I do not speak as a mere critic in this House, I manage this road as the president of the taluka local board for the last two years and I confidently say that even if both these works of the Public Works Department and local board are to be done, at least half the expenditure in establishment can be very easily reduced and at least one-third on the expenditure side can be as well reduced.....

MOULVI RAFIUDDIN AHMAD: Without interfering with efficiency?

Mr. A. D. SHETH: Yes.

MOULVI RAFIUDDIN AHMAD: Without interfering with the efficiency?

Mr. A. D. SHETH: Yes, without interfering with the efficiency. My reply to my honourable friend's enquiry is that I challenge the Public Works Engineers to visit the district local board roads in my district of Ahmedabad and say whether or not they are on par if not better roads than the Public Works roads. I say if this matter is very seriously looked into, quite a decent saving could be effected and that saving could be utilised for the benefit of the department from which retrenchment may be made. I do not say that money saved by retrenchment from a transferred department should be handed over to any other department or that it should go into the general coffers of Government. In my district if things are managed economically and in a business-like way, there would be a very substantial amount of retrenchment which can be profitably spent for popular purposes. My concrete suggestion to the Honourable Minister would be to appoint some sort of a committee to go in detail into the current expenditure of the Public Works Department in the light of the new situation arising owing to the railway and to see whether it would not be possible to reduce the establishment to an appreciable extent. A substantial reduction of establishment without loss of efficiency is possible at least in my district. I do not know

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whether it would be possible in other districts but it would be the duty of the proposed committee or of Government to find out what can be done to curtail the establishment charges in other districts. In all probability, the situation in other districts will resemble that in my own district.

My honourable friend Rao Bahadur Naik spoke yesterday about the interference of the District Collector in the matter of these district local board roads. The Honourable Minister then shook his head and said " Oh, if we don't control the money that we give to local bodies, then it might get all spent up in other directions. " Till a couple of years back we thought and understood that all the grants that were being given by Government to district local boards were grants to be spent on any part of the district local board's activities. We now know that that was a misunderstanding on our part. If I remember rightly, this has been the attitude taken up by Government only since last year and after that there has been no diversion of money. My honourable friend Mr. Turner said that auditing must be there. I assure you on behalf of local bodies that auditing must be there and we do welcome it, in fact we would not mind even more severe auditing than that called for by Government. We appreciate that the honour of elected representatives and the honour of self-governing institutions is closely involved in the proper use of funds placed at the disposal of local bodies and therefore we want a certificate from the auditors to that effect. We know we the elected non-official put at the head of the executive have got to entrust many times many things to office people and therefore auditing must in every case be insisted on. We welcome it most wholeheartedly, but what we seriously object to is the interference by the District Collectors. What is the meaning of Collectors interfering in matters like water supply, wells, tanks, roads etc. etc. ? Only recently we passed a famine grant of Rs. 3,29,000 for water supply in the districts affected by famine or liable to famine. That grant will go to local bodies. Together with these grants a number of conditions are being attached. Even that I don't so much object to. Let mamlatdars, assistant collectors or Collectors have all sorts of inspections they like. That would keep us more vigilant. Our objection is against the power of veto exercised by the Collectors. We pass an item and the Collector vetoes it. That sort of thing we object to.

Mr. C. W. A. TURNER : I made it plain then to Rao Bahadur Naik that they were mere suggestions by Collectors and not orders.

Mr. A. D. SHETH : I did understand Honourable Mr. Turner rightly. But I refer not to roads but to Bhal water supply to which I come just now.

Now, as regards the grant for Bhal water supply which is given by the Revenue Department to local bodies, the contention of the Revenue Department is that it is Government money and the man who pays the piper must call the tune. So they say, " the money is ours and we will conduct the whole affair. " They only ask from us our plans. We give plans say for Rs. 65,000 and they sanction about Rs. 30,000. They argue,

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therefore, they ought to have some control over the expenditure of that money. I quite agree that it is a Government grant. But where does the money come from ? It is public money. It comes from the people who pay taxes. The people living in local board areas pay taxes to Government. Water supply is not a part of the Revenue Department's work. It is not the business of revenue collection or anything connected with assessments due from agriculturists. It has been conceded to be the business of the local bodies which are conversant with local conditions in every taluka and in every village. The local bodies maintain their own technical staff such as engineers and so on, they have with them members who have personal knowledge of real situation, while the Revenue Department have no such technical staff, nor personal knowledge. What do their mamlatdars and assistant collectors know of technical matters, rates of labour and so on ? I say, therefore, that this sort of Government policy is not conducive to really good work ; on the contrary it handicaps heavily the legitimate work of the local bodies. I therefore strongly urge that the local bodies should be allowed a free hand in these matters (subject of course to the usual auditing) as they are matters which are primarily and substantially a concern of themselves and not of the Revenue Department of Government.

With regard to Gujarat roads, there has been a lot of complaint and possibly the Honourable Minister and other honourable members have by now got tired of hearing the same song. They may think that Gujarat is a bit jealous of Poona or other districts in the Deccan. Far from it. We very much relish that our friends in the Deccan are having their road requirements properly looked after. Whether they are or are not well looked after, our case is that we deserve better treatment both because we pay the highest revenue to Government and because Gujarat is now in a miserable condition. Possibly when members like myself make use of the word " misery " it may be taken to be a mere exaggeration. It is not so. Some of my honourable friends have spoken about the situation in the district of Surat, etc. In my taluka of the Ahmedabad district we have what are called Bhal villages, villages which are not fordable even on foot or horse-back or in bullock carts for one month continuously. Instances have happened when one man, having gone out to a village for some work just before the monsoon, has not been able to return home because the monsoon started and for about 20 to 25 days there was no other way back, neither a track nor a road nor a village path of any sort or kind. This is the condition in Gujarat not in one taluka only but in many talukas of Dhanduka, Dholka, Viramgam and other talukas also. I can quite realise that we cannot spend a lot of money on having metalled or trunk roads in these places because to do so would be awfully expensive, but this is a matter which deserves special consideration. Some way ought to be found whereby these places may be made fordable either on foot or in bullock carts especially at such times of the year when the monsoon makes it impossible to go from one place to another. Lastly I draw the special attention of the Honourable Minister to the resolution recently passed

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by the Ahmedabad district local board which has made some concrete proposals for road making. And I wish and request that the same would receive the very generous support of the Honourable Minister and the Government. With these remarks I conclude.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, as a representative from Sind, I wish to offer a few remarks so far as the roads in Sind are concerned, so that it may not be misunderstood that my province has no cause to complain. Sir, really our tale is more painful than that of the other parts of the presidency. The roads in Sind are in a more disgraceful state than those in the other parts of the presidency, or in any parts of the whole of India. Sir, we have got no metalled roads worth the name, except a few miles here and there, and I am sure I will be borne out in this by most of my official friends as well as non-officials who represent Sind. I am surprised at the criticism from honourable members from all parts of the country, where we know they are far better situated, and almost all these crores of rupees that have been spent for roads have been utilised mostly in those parts of the presidency which are the foremost to express their dissatisfaction and disappointment, and are not satisfied in spite of the crores that have been utilised and spent for their comfort and convenience, while we from Sind are hopelessly watching, and asking for, what has already been done for all other parts of the presidency. In fairness it is only our province which has utterly been neglected by giving preference to the rest of the presidency, who do not seem even to thank Government inspite of all what has been done for them. Then, Sir, the railway service. Let us compare, it is far more inferior in my part of the country than in the rest of India. For instance, it will not stand any comparison with the railway service between Bombay and Poona which have got excellent metalled roads in addition connecting all parts of Deccan. But even between Ahmedabad and Bombay the railway service is far superior, than we in Sind can expect during next half a century unless we have got our own Government to put things right for us. Sir, unfortunately, when we see the roads in the neighbouring provinces on our frontier, we realize the extent to which Bombay Government have neglected us, we cannot claim to be put on the same level as those in Punjab, the most fortunate lot, where one finds prosperity alround, but even the bankrupt province of Baluchistan, which depends on the charity of the Government of India, can claim far superior metalled trunk roads and communication than Sind can dream of for another 25 years. Sir, on the completion of the Barrage we expect a general development of Sind, and unless improvement of communications are immediately taken in hand, I think we will be very much handicapped so far as the export of our raw material is concerned. Sir, Government ought to very seriously consider road question in Sind and to start with take up at least one of the trunk roads, I mean the trunk road on the Right Bank, which is the most important road in the province of Sind, passing through Barrage zone used by high officials frequently, having heavy public traffic and used by Military while marching from Quetta to Karachi or Hyderabad.

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Sir, the district local boards are doing their best to keep these roads in good condition. We know that the cost incurred by the local boards in the maintenance of the roads is far less than that incurred by the Public Works Department. The Honourable Minister who is in charge of Civil Works, when he was last at Larkana, had an opportunity to drive about 15 miles on a district local board road and 6 miles on Public Works Department roads, the cost of maintenance of the former is Rs. 70 to Rs. 80 per mile, while the latter from Oaki to Muhejo Dero which is in charge of Public Works Department cost over Rs. 1,000 per mile for maintenance. Now, I do not know why Government should hesitate to transfer these provincial roads to the local boards, when they can safely save so much money, and from the savings they can improve and maintain at least a far greater area of the roads, than it is done for the present.

Sir, I know that the Government have appointed a special officer to investigate the problem of roads in Sind. But the special officer will hopelessly fail in his efforts after wasting huge public funds, if he doesn't acquaint himself with local circumstances, and does not take the local boards into his confidence and if he does not carry on experiments in consultation with them, and no good results would be achieved. One of our young honourable members of this House, Mr. Soomro came to our rescue recently, when this special officer was proposing to carry out an experiment at a cost of Rs. 18,000 on a portion of a road in the face of all adverse circumstances. The experiment had proved total failure, with Rs. 18,000 loss to taxpayers and with a detrimental result to our province if it had been submitted to Government and had not the honourable Mr. Soomro pointed out all defects to the chief engineer who agreeing with Mr. Soomro changed the site at once, and accepted Mr. Soomro's suggestions in full. Sir, some of the honourable members are under wrong impression owing to their ignorance, that we have got camel services and need no roads. There is no part in Sind where there is no water and motor lorries' heavy traffic and local boards cannot meet the maintenance cost for want of funds. The Local Boards Act of 1923—gives local boards powers to impose additional taxation. Some of the local boards, particularly my own at Larkana, took action immediately and imposed the taxes in face of strong public opposition on the understanding that the Government will appreciate our courage and action and will give us full support. On the contrary Government have created all possible difficulties in our way and have taken years simply to accord their approval to our proposed taxes. Does it mean that the Executive desire us to prove a failure ? If affairs are so slow, I do not know whether we can expect much improvement and progress under the circumstances.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I rise to support the cut. Just now we have heard complaints from all districts that their demands are not being met, and sufficient money is not provided for their requirements. The Honourable Minister for Local Self-government has himself complained that the demands are many, and that he has not got sufficient money on account of financial stringency. He has not got even that much amount which he had received last year. He has received less than

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that to the extent of Rs. 7,50,000 for next year. But this reduced amount for Civil Works (transferred) when compared with the increased amount that has been given for the reserved side is worth studying, and I leave it to the Honourable the Finance Member and the Honourable Minister for Local Self-Government to explain it, because, only the other day the Honourable Minister rather waxed eloquent that the Finance Department was helping him always, and he himself now raises the cry that he has received less, although the demands are many.

Sir, I maintain that the establishment charges have gone up to the extent of 40 per cent. and when it is said that they have gone up only to 30 per cent., I think my honourable friend Mr. Shivdasani has not taken into account certain deductions which have to be made from the total. Grants to local boards to the extent of Rs. 19 lakhs and Rs. 1 lakh reserve with the Government have got to be deducted. If that is done, there remains a sum of Rs. 71 lakhs, and the establishment charges calculated on that amount come to 40 per cent.

Are these not very heavy ? I wish to draw the attention of the House as well as of the Minister to the fact that although on account of financial stringency there has been less expenditure on works, the establishments remain the same, and consequently the charges are getting higher. Since 1921-22 the length of roads under Public Works Department has been reduced by 1,433 miles. In 1921-22 there were 9,951 miles of roads while in 1927-28 they are only 8,518. In the year 1921-22 the cost per mile of repairs and maintenance was only Rs. 256 while in 1927 it has gone up to Rs. 406 ; an increase of nearly 59 per cent. This has been admitted by Government themselves. I am quoting the very figures given by the Government. Government have further admitted that this increase has occurred in spite of the fact that the rates have fallen very considerably. If that is so, what explanation have they to offer for this increase of nearly 59 per cent. in the charges for maintenance and repairs. Is there no room for reduction ? Is there no room for retrenchment ? Why this increase has taken place ? Further, without heeding the recommendations of the retrenchment committee and the retrenchment officer, they have gone on creating new posts involving large expenditure. A new circle to my surprise has been created called the Irrigation Development and Research Circle in the Deccan. (An Honourable Member : It is not new.) That appears under 41, Civil Works. So, I mention it. This book which I hold in my hand concerns entirely 41, Civil Works and the creation of the post appears under this head. Following are some of the proposals made by the retrenchment committee and the retrenchment officer which have not been carried out. I mention them for the information of this House and of the Honourable Minister in order that he may reduce the expenditure on this account and meet the demand of the people with that saving. The system of permanent travelling allowance has not been applied in the case of the upper-subordinates and officers of the Provincial Service of the Public Works Department, while it has been given effect to in regard to only certain officers. I fail to understand why this system should not have been given effect to in

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the case of all officers in the Public Works Department. The sub-division allowance has not been stopped. The retrenchment officer and the retrenchment committee have remarked that this sub-division allowance should go, but still we find that it has been maintained, although I must state that it has been reduced from 75 to 50. Even in spite of this reduction it is not necessary and should be done away with. Then again, I fail to understand why the headquarters works division, the Sub-divisions of Sholapur and Ahmednagar, East Khandesh and West Khandesh and Dharwar Irrigation works are maintained, in spite of the unanimous recommendations of the retrenchment committee and those of the retrenchment officer appointed by Government themselves. The retrenchment committee recommended a reduction of Rs. 14,52,000 for the whole of the Public Works Department and what Government have done is to effect only a retrenchment of Rs. 3,46,000. There ought also to be a transfer of roads from the Public Works Department to local boards, where local boards have a qualified engineer whose appointment has been approved by Government. It was intended that there ought to be a programme and a system whereby seven selected districts were to be brought under this new experiment in the first instance. But that has for the present been postponed on account of the view taken by the roads committee. But there is no objection to try the experiment in individual districts as is being done now in Ahmednagar and Poona districts. If the roads are transferred the expenditure will be less.

With regard to the complaint of interference I want to say this. Interference by revenue officers, that is, Collectors, is one thing and audit is entirely a different thing. No doubt the functions of the local boards have been enlarged and larger powers have been given. But one blunder has been committed by Government. It seems that the Government want to see that these powers are misused and then to say that we are unworthy of them. When functions of local boards are expanded and more powers are given, along with it Government ought to have provided for the power of proper check. The powers of surcharge and disallowance have not been given. Even in England where local self-government has reached a stage which we have not yet reached these powers are provided for. Had these powers been given there would not have been instances like Nasik and Sholapur District Local Board. In the Madras presidency these powers are given. The local fund audit department has brought this to the notice of the Government in their report. (An Honourable Member : Where is that ?) I have not got the audit report here ; otherwise I would have pointed it out. By this power of check members are personally held responsible for any loss or damage caused by mismanagement, if certified to that effect by an auditor. In order that the auditor may not misuse his power, a right of appeal is given which will lie either to Government or to a civil court. If in the appeals also the decision of the auditor is upheld, the members responsible for the damage are made to pay. The very existence of such a power will prevent mistakes. (Interruption). This power has been given to the Audit Department all over the world. I challenge any member to show

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a local institution either in America, England or Europe where this power has not been provided for. Because these powers are not given here, mistakes are committed sometimes by ignorant members and Government pounce upon them saying that they are not fit to use any power. If powers of check are provided for such mistakes will not occur. (An Honourable Member: What is the power of surcharge and what is the power of disallowance ?) These powers are defined.

With regard to the plea of trusteeship, I at once say that along with Government we also are equally responsible for the money spent. It is not only men like the honourable member the Secretary to Government who are trustees, but also we who sit in the opposite benches. We also want to see that the moneys are spent in the best interests of the people and we do not want to see them misused. We want more powers : at the same time we do want to see that those powers are used in the best interests of the ratepayers and the people. The example of Nasik and that of Sholapur may be quoted. But I can throw that charge on the face of Government by quoting the Bombay Development Department.

Sir, as regards the distribution of grants to district local boards I have got one complaint to make. I say that Karnatak has been very badly treated. Gujarat has complained ; I do not know whether the Deccan is going to complain or not ; Sind has also complained. Although the Minister is from Sind still the Sindhis also have complained that they have been badly treated. But I should like to point out that Sind has been fairly treated. (Rao Saheb R. V. Vandekar : By facts and figures). Yes. I shall prove now. Under the local boards Sind has got 10,870 miles of road of which only 40 are metalled roads.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: Is that *kutcha* ?

Mr. P. R. CHIKODI : If you do not understand, you sit quiet.

The Honourable the PRESIDENT : Order, order.

Mr. P. R. CHIKODI : Under the local boards Sind has got 10,870 miles of road of which only 40 miles are metalled, while the local boards in the presidency have got 10,970 miles of road of which 2,790 are metalled roads. Yet, the grant given for Sind is in exactly the same proportion in which grants are given to other divisions. Is this not starving the district local boards in other divisions ? Is expenditure the same on metalled as on unmetalled roads or fair weather roads ? (An honourable member : More on unmetalled roads). I believe metalled roads require more expenditure than unmetalled or fair weather roads. If that is correct, then Sind people have got no reason to complain. At the same time if Sind requires more roads, let us combine and take funds from the reserve side and help the Minister to provide more money for roads.

Rao Saheb R. V. VANDEKAR : Prove it.

Mr. P. R. CHIKODI : I can prove it.

Then my honourable friend Mr. Karki complained that Kanara is not being given more. But I complain that Belgaum has been robbed in order to give more to districts like Bijapur. (At this stage there was interruption from some honourable members). I challenge. You have

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been given more. The Commissioner of the Southern Division is here. He has given more for the District Local Board of Bijapur than for the Board of Belgaum.....

Mr. H. L. PAINTER: Sir, on a point of information. I have been round all the districts of the division during the present touring season and the president of every single district local board in the Southern Division has made to me the identical complaint the honourable member is making, that is to say, that his own district has been sacrificed for others. If all the six district local board presidents will meet and come to an unanimous decision as to the manner in which the grant provided for the division should be distributed, I give a guarantee that it will be distributed in the manner they desire.

Mr. P. R. CHIKODI: All I can say is that it is robbing Peter to pay Paul. As we want more money we must help the Honourable Minister to get more money: instead of starving the roads, let him fight and give us more money.....

The Honourable Sir CHUNILAL MEHTA: From the House.

Mr. H. V. PATASKAR (East Khandesh District): Sir, my chief complaint is that sufficient money has not been provided by Government for improving means of communication in this presidency. There have been complaints from Gujarat, complaints from Sind, complaints from almost every district that they want more money provided for this purpose. The honourable member for Kanara (Mr. Karki) gave at very great length a lucid description of the condition of roads in his district. The condition of the roads in my district—I may say, I have travelled through many of the talukas of Kanara District—is far worse than the roads in Kanara. I think that description will be enough to give you an idea of the condition of the roads in the district of East Khandesh. Now, I find that there is a provision of Rs. 1,86,000 for Poona, Rs. 1,29,000 for Nasik, Rs. 60,600 for Ahmednagar, Rs. 59,400 for West Khandesh. But unfortunately the district of East Khandesh has been provided only with an amount of Rs. 25,500. Now, Sir, in the district of East Khandesh there is a main road which connects this district with the Nizam's Dominions, and that is known as the Outram Ghat Road. Questions were asked in this Council in the July session with regard to the condition of this road, and it was admitted by Government that the road was in a very bad and unsatisfactory condition. The road when it passes into the Nizam's Dominions is, I think, ten times better than when it passes through our presidency. This road is also so narrow at certain places that two carts cannot pass at a time. There is no parapet on the valley side of the road when it passes through the Ghats. All these facts were admitted by Government in the last July session. They stated then that the matter of improving that road was under consideration. Having regard to the importance of the road, I am surprised to find that all this consideration has resulted only in the provision of an amount of Rs. 3,000 for improving this road which consists of 25 miles. I do not know how this amount of Rs. 3,000 is going to improve this road of 25 miles length.

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Then, Sir, there is another important road which runs from Malegaon to Chalisgaon and after that to Bhusaval and connects our presidency with the Berars and the Central Provinces. With regard to that road, I think the Chalisgaon-Malegaon section has been under construction for the past 20 years. On this road as soon as we leave the borders of Nasik and enter East Khandesh, we find there are no bridges; ditches have been left in places where bridges were intended to be constructed. This has been the condition for the last seven years, and no provision has been made yet to make it safe for the public. With regard to that road also it was stated by Government that the matter was under consideration. I find, however, that the provision made for this road is only Rs. 12,000. I do not know how they are going to construct bridges over this road with an amount of Rs. 12,000. Then, on the Outram Ghat Road, they constructed a causeway near Chalisgaon town in about 1918. That causeway was intended to enable people on the station side of the city to go to the other side of the city in the monsoon.

What has been the result? A causeway was constructed in such a manner that there were no sufficient outlets kept and the current of the river was diverted. There has been this diversion of the current of the river towards the old town threatening to cause considerable damage to the property. In that connection I put a question in July session last year calling the attention of Government to this fact but the Government replied "that there is no definite evidence to show that the current of the river was diverted." I say it is a fact that the current is diverted. Any child from Chalisgaon town over sixteen years of age will be able to state that the current has diverted, but the Government say that there is no definite evidence of this diversion. I think Government cannot say so. They say so simply because the officers who were responsible for the construction of the causeway report to them accordingly. The officers must be rather reluctant to admit the mistake which they made in the construction of this causeway.

Then, Sir, in the district of East Khandesh whenever we have to pass from one taluka to another, we have to cross some river or rather whenever we have to pass from Chalisgaon to Dhulia or Chalisgaon to Pachora, we have to do so. There is no causeway anywhere at all.

I was amused at the remarks of some honourable members that more money has been spent for the Central Division. That is not absolutely correct. My district does not come under those districts which are nearer Poona, and, therefore, it has been badly treated in the matter of roads. The former Commissioner, Mr. Hatch, has admitted to me in private conversation that the district of East Khandesh has been badly treated in the matter of roads. Our new Commissioner is new to this Division. If he visits this district he will also find that my district has been neglected in the matter of roads. I, therefore, appeal to the Honourable Minister to pay some more attention to my district.

The THAKOR OF KERWADA (Northern Division): Sir, at the outset I should make a reference to the speech of the honourable member, Mr. Turner, who stated that Government suggestions are carried out by

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the Commissioner and though it may have been conveyed as a suggestion by the Commissioner, really speaking in certain cases we know how these suggestions are given effect to. Suggestions made by the Commissioner are many a time treated as orders by the local officers.

The Honourable Sir GHULAM HUSSAIN : On the point of explanation, Sir, I may inform the honourable member that the district local board was invited to make remarks.

The THAKOR OF KERWADA : I would submit, Sir, that in certain respects the district local board has to consult certain officers when a certain work is to be undertaken. Take, for instance, the excavation of a tank, provided from the water grant, the collector does not know anything about this and therefore he has to refer this matter to the mamlatdar. Then the matter goes back to the local board after a very long time with remarks of the mamlatdar and it takes such a long time that sometimes the work cannot be completed in time. Thus it causes great delay. I remember when the Honourable the Revenue Member had visited my district, a complaint was made that a certain correspondence was not forwarded by the collector to the department concerned for a long time, and the Honourable the Revenue Member then told us that in cases of urgency, a copy of the correspondence should be sent direct to the department.

Now, if you look at the budget, what do we find ? You will see that about Rs. 11 lakhs have been provided for the construction and improvement of roads round about Poona alone, whereas Broach and Surat do not get a single farthing for this purpose. The district from which I come pays the highest taxation per head and still what is the condition of the roads there ? It is in a bad condition so far as the roads are concerned. About a few years back, one road was constructed, one provincial road, which leads from Municipal Road to the European Gymkhana, and that road is about two hundred yards. Since then we have got only 56 miles of the road but for many years we did not get any share out of that for our roads. I may inform the Honourable Minister that for want of better roads, my district is suffering a heavy loss. If the Honourable Minister will visit my district in heavy rains, he will see the condition of the roads. I cannot supply him with a camel to take him round, bullock cart cannot move and even walking is impossible and I may have to get an elephant for him to tour in the district. Well, Sir, I say this is a gross injustice to Gujarat. I am sure the Honourable Minister,—I do not know, unless he is well up in the art of jugglery in figures,— has to admit that Gujarat has suffered very badly in this matter and is treated in a way in which any civilised Government cannot treat the taxpayers. I want to suggest, and I am sure many honourable members, I think, would agree with me, that we have come to this stage that I do think that a redistribution of this grant is absolutely necessary. Gujarat districts pay the highest revenue to Government, yet they have no good roads. I think those districts that have got good roads can afford to wait for further improvement. But this House should urge upon the Honourable Minister for

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a redistribution of the grants, and I hope that the Honourable Minister will adopt that course, which is the only alternative by which this problem can be solved.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I confine myself only to two items to draw the attention of the Honourable Minister. The first and foremost item is the drainage scheme of the Poona municipality. The other day, while speaking on that subject, I remarked that drainage water was let into the river. The Honourable Minister replied that I was wrong. .....

The Honourable Sir GHULAM HUSSAIN: I did not say "wrong".

Mr. N. B. CHANDRACHUD: He said the drainage water was taken to Manjri farm side. That was the statement he made. But before contradicting him here, I tried to make myself sure whether my information was correct or not, and on further enquiry, Sir, and after a personal inspection of the place, I find that my information is correct. The other day I personally saw the place in company with the president of the municipality, and if the Honourable Minister is anxious, I can take him to Poona by the week-end ticket and bring him back on Monday here, and will satisfy you that not only in one place but in three or four places the drainage water is let into the river. The Honourable Minister was under a wrong impression. I tell you the reason. The drainage scheme was first prepared by Sir Visweswarayya in the year 1906. It was undertaken by the Government in 1910. It was entrusted to Mr. Mandy, who committed a series of blunders, and the drainage scheme went on till the year 1916. It was a hopeless failure. It was a waste of money. So, Government appointed one Mr. Watson, who was an expert from Nottingham to go into the whole matter. He pointed out a number of defects, and there was a large correspondence, and it was only in the year 1920, when all these defects were pointed out to the Government by Mr. Watson, that the Government prepared a new scheme, and it was in the year 1922, after you, Sir, became a Minister, that there was a conference between you, twice, I believe, once in December and once in the month of January or February, a conference between you and.....

The Honourable the PRESIDENT: Order, order. No direct addressing each other.

Mr. N. B. CHANDRACHUD: I beg your pardon. There was a conference between the Honourable Minister and the municipality, etc., and a new scheme was launched; the first scheme cost about 15 lakhs, out of which Government had paid as a grant 4/9ths and the other amount was advanced to the municipality as a loan at 4 per cent. interest. Then, the Honourable Minister wanted a new scheme and that scheme has cost about Rs. 35 lakhs. Of that Rs. 35 lakhs, half the amount is to be given by Government as a grant.....

Mr. H. B. SHIVDASANI: On a point of order. Is this relevant under 41-Civil Works?

Mr. N. B. CHANDRACHUD: In supporting the motion I have to dilate on drainage, because I have no horse like the honourable member to ride. This is a new scheme, a scheme combined with the drainage of

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the Poona City municipality, the cantonment and the suburban municipality. That scheme was undertaken by Government in 1925, and it is to be completed within three years. I hope it will be complete, it is expected to be complete, by the end of March 1928. At present the arrangement is this, Sir, that the drainage water is brought into the Rasta's Peth. There, they have a central pumping station. Unfortunately.....

The Honourable Sir GHULAM HUSSAIN : May I rise to a point of explanation ? I informed the honourable House that under the new scheme the whole thing would be all right.....

Mr. N. B. CHANDRACHUD : But the new scheme is not coming into operation, Sir,.....

The Honourable Sir GHULAM HUSSAIN : It will.

Mr. N. B. CHANDRACHUD : I am only dilating on the point, Sir, to draw attention to the fact that Poona is supposed to be the pet child of the Honourable Minister and so he should hasten the matter. That is the only reason I have brought it to his attention. I must admit that he has treated Poona very sympathetically. Since he became Minister, he has given every support to Poona. Had it not been for the Honourable Sir Ghulam Hussain, this drainage scheme would not have come into operation at all. I only want to draw attention to the fact that he should try his best to hasten the matter and to see that once for all it is brought into execution. As long as the drainage stands incomplete, it is a source of danger to the city ; the river is full of drainage water, night soil and dirty water, and what not. So, he should hasten the matter.....

The Honourable the PRESIDENT : The honourable member is repeating his arguments now.

Mr. N. B. CHANDRACHUD : The second item which I want to draw your attention to, Sir, is rather a delicate one. That is about the question of infectious diseases hospital. There is a grant for extension and development of the infectious diseases hospital, a grant of about Rs. 1,15,000. I do not want to raise any racial or communal question here. But unfortunately, our experience is that there is a very invidious distinction made here in the treatment of Europeans and Indians. The Poona municipality is asked to nominate one representative on that body. It was also asked to contribute something towards the upkeep and maintenance of this hospital. I believe the president of the municipality is on the board of management. He refused to contribute a single farthing, simply for the reason that there is individious distinction made in the treatment of Europeans and Indians. I do not know whether this grant is made only for adding to the European ward. But it is simply scandalous ; there is hardly anything to call a hospital room for Indians here.....

MOULVI RAFIUDDIN AHMAD : Where is this ? And is it infectious or contagious hospital ?

Mr. N. B. CHANDRACHUD : Contagious and infectious is the same thing. Before any expenditure is sanctioned, Sir, I only wish the Honourable Minister should make himself sure that no invidious distinction is made in the treatment given in this hospital. With these remarks, I resume my seat.

(*After Recess*)

Mr. M. S. KHUHRO (Larkana District) : Sir, before the debate on this subject is concluded, I would like to say a word in this connection. During the course of the day we have heard several complaints from honourable members representing various parts of the Presidency and Sind about the condition of roads. The complaints as regards roads in Sind are more genuine and of far greater importance and are far more serious in their character. In the matter of distribution of grants and in the matter of the distribution of roads, we cannot understand the policy of Government. Some—only a few—of the roads are called the P. W. D. roads. The rest are maintained by local boards. When some of the local board roads were handed over to the Public Works Department, people hoped that there would be considerable improvement and that the grievances of the people would be mitigated a good deal. But we have been disappointed sorely in this expectation.

As regards grants made to local boards for upkeep of roads, I must say with considerable regret that they are very meagre, and so the local boards have no funds to maintain their roads with. It is in my view most disgraceful that in the whole of Sind there should be so few pucca roads. With hardly seventy or eighty rupees per mile you cannot expect a district local board to keep its roads in proper repair especially in a hot climate and in sandy parts of Sind. Government always put forward the excuse that the local boards have got their own management, that it is not Government management, that they are authorised to levy taxes and raise funds to maintain their own roads. But when these very local boards take a practical and a bold step in the matter and come forward to tax their people in spite of the height of opposition and submit schemes of taxation to the Commissioner in Sind, that official holds them up in his office for months together under some excuse or other without any reply. Usually it is said that there is opposition from some section of the people and that therefore the tax cannot be sanctioned. Even such a small tax as a toll tax, which is so common in the presidency and levied on almost every road, is not yet sanctioned in Sind. Our efforts to raise money are thus handicapped. On the one hand we do not get funds from Government and on the other, we are not allowed to levy a fresh tax. That being so, it is impossible for local bodies to keep their roads in Sind in a suitable condition. The Honourable the Minister for Public Works himself comes from Sind and knows the condition of roads in Sind. He knows that the climate of Sind is hot and that most of the territory is a sandy tract and that for these two reasons a large amount of money is needed to keep the roads in Sind in proper condition. The only metalled road in Sind is, I believe, the one from Karachi to Malhir. The other roads are katcha roads. There is another length of about

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15 to 16 miles from Jungshahi to Tatta. The most important length of all roads, running from Karachi to Quetta usually known as imperial road occasionally used by the military as well is also in wretched condition owing to want of funds. No substantial grant is provided by Government for it and such an important road is handed over to the district local boards without any grant for its maintenance. When the barrage is completed in a few years time the traffic will be far greater than at present. Many more lands will then come under cultivation and therefore there will be a great need for transport of agricultural produce and such other facilities as otherwise marketing of corn will be a very difficult problem for an agriculturist of Sind. Hence there will be no justification for Government to enhance the land assessment when they can't provide facilities in proportion to the needs of people. It is very unfortunate for Sind that although the Honourable Minister belongs to Sind and knows full well the condition of roads in Sind, he has not been able to provide enough money for the maintenance of roads in his own province. We do not know what the state of things will be when he relinquishes that portfolio for something higher. The grievance of Sind is a very genuine one and worth serious consideration. We do hope that substantial grants will be made for the improvement and maintenance of roads in Sind.

We are thankful to the Honourable Minister for the creation of a Road Board in this presidency, and for his having taken up one honourable member from Sind, the President of the Larkana district local board, as a member of the board, and we hope that he will be able to get sufficient money by way of taxes exclusively for the roads of this province, and we hope that some tax will be set aside exclusively for the roads of the province of Sind.

Sir, at present the fundamental need of the province is roads, and it is very necessary that funds should be provided as early as possible to commence the work on these roads. It cannot be finished soon, because programme is very long and consequently the Government will have to do it piece-meal, and it is essential therefore that no time should be lost over this matter. I would like to repeat the urgency of the taxation proposals being decided soon. I hope the Honourable Minister will take up that question, and ask the Commissioner in Sind to expedite the matter. All the local boards have been complaining bitterly that they do not get that response from Government which they ought to get. With these remarks, I resume my seat.

Mr. N. A. BECHAR (Karachi City): Sir, I do not wish to go into the question of the threat held out by my honourable friend from Kaira that should the Government neglect Gujarat as it has neglected it so far, then there will be a demand on behalf of Gujarat for a separate province for itself. I also know that Sind is already tired of the Bombay Government; so also the Karnatak is talking about its unification, and probably very soon Maharashtra will talk about combining with C. P. Marathi and form themselves into a province, thus reducing Bombay to the status of a city State anologus to that of the city of New York. That question

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gives one indication to the Government that, so far as these distant provinces constituting the component parts of the Bombay Presidency are concerned, they are not satisfied with the manner in which their affairs are being administered to-day. Those of my honourable friends who come from the different divisions of the presidency have ventilated their grievances, and it is my duty to join my honourable friends who come from Sind in bringing home to the Government of Bombay the utter neglect with which they have treated Sind so far. Sir, I was looking into the figures given in the Civil Works estimates from which I find that out of Rs. 7,80,000 provided out of current revenues for communications, not a single rupee has been allotted for roads in Sind. Then again, Sir, if you look at the capital works sanctioned, for communications you find that as against Rs. 71 lakhs commitment made by the Government, only Rs. 6,20,000 have been sanctioned for one road in Sind. That comes to only 8 per cent. of the total expenditure that is proposed to be incurred for improving communications throughout the presidency. Now, Sir, a most phenomenal contrast between the conditions in the presidency proper and Sind is revealed by the figures that I have been able to get from the honourable the Secretary of the Public Works Department that, as against 6,234 miles of metalled roads in the presidency proper, there is only an insignificant number of 63 miles of metalled roads all throughout Sind. Again, as against 765 miles of provincial unmetalled roads all throughout the presidency, there are 1,517 miles of unmetalled provincial roads in Sind. That shows that Sind has been utterly neglected so far, and if there is any one cause more than another that has contributed towards bitterness in Sind, and which has made them ask for separation from the Bombay presidency, this one of indifference is greatly responsible for it. The people of Sind have all along felt that the Government is looking after only those particular areas in which it is situated. Sir, I do not wish to make a grievance of the improvements that are being carried out round about Bombay, Poona and Mahabaleshwar where the Government stay for a certain time in the year. But what we do claim is that there must be some equity in matters of expenditure like this. As Government are claiming revenues from all parts of the presidency in the same manner as they claim revenues from the areas which are treated very well, I claim that in that very manner the other divisions, and particularly Sind, which has been neglected so far, should be treated and the great leeway should be made up by some extra efforts.

Again, coming to the question of buildings, for which provision has been made in the budget to the extent of Rs. 3,93,000, we find that Rs. 60,000 is devoured merely in making certain constructions in the Government House. That means to say that 15½ per cent. of the total expenditure merely goes for providing some additional comforts in the Government House. That, to my mind, is a very unsatisfactory state of affairs, and if you refer particularly to the budgets of the past years you find that provision of Rs. 1,00,000, Rs. 50,000, Rs. 60,000, and at that rate, has been made indefinitely from year to year. I think that there

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must be some halt at some stage, and particularly at a time when we are facing deficits, when the Honourable Minister of Education is unable to give any grant for the construction of schools where the school children have to sit in most insanitary places. I think the cause of education and other nation—building departments ought to have a greater claim on the finances than the amenities of one individual, however exalted he may be.

Now, coming to the question of medical relief, you find that a total commitment of Rs. 4,54,000 has been made, mostly for the city of Bombay.

As against that you will see, Sir, that there is no provision made for Sind. In the matter of health Rs. 1,16,000 has been provided and there is not the slightest provision made for Sind. I ask the Honourable Ministers for Local Self-Government and for Education respectively whether they think that everything has been provided in Sind and nothing remains to be done. It appears to me that people round about the seat of Government clamour and as Government see it for themselves get all the things they want, which is a deplorable fact, with the result that only what little money is left is spent in other areas. The city of Karachi is a growing city and during the last 10 years there has not been any increase in the provision for medical aid in the civil hospital with the result that a number of people have to be turned out for want of accommodation. The civil surgeon has been clamouring for provision for additional wards but no relief has been given. I do not say that Karachi alone should get more provision for medical aid but that the conditions of small towns being worse should also receive attention. Therefore I hope that something will be done by means of reappropriation from some other head and money provided for our needs in Sind.

With regard to overhead charge it is mounting up and has now come to nearly 40 per cent. A reference has been made that the salaries of the officers are very high and that something ought to be done to reduce their salaries. Instead of reducing the salaries, you will remember, Sir, that recently on account of the Lee Commission recommendations large increases in their salaries were made, whereas in England after the war they actually reduced the salaries of the civil servants, because conditions that warranted that salary during war time disappeared; and the salaries then fixed could not be justified at the present time. Therefore, if there is any intention on the part of the Government to reduce the topheavy administration they can easily reduce the number of officers as also their salaries. But I know that so long as this kind of artificial conditions exists, so long all this will be a cry in the wilderness. We all feel that our revenues are being frittered away in directions which do not bring us any real return of service. The only way open to us is to become serious and be masters of our own destiny which alone will enable us to spend our revenues in the interest of our welfare and prosperity. I support the cut moved by my honourable friend from Kaira and hope that the Honourable Minister when he rises to reply will explain how he proposes to alleviate the strong feeling existing in Sind. At least he should sanction one provincial road from Karachi to Jacobabad.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District): (Addressed the House in Urdu): Sir, referring to the question of roads, I would like to point out the condition of Sind roads to the honourable members. We have got very bad roads in this province and no trouble is being taken to improve them. In the whole of Thar Parkar district there is only one provincial road and the condition of this road too is very bad. The road gets spoiled during rain and no pains are taken to improve it.

Looking at the condition of roads in the rest of the presidency, one finds that there are very good roads. For instance the roads in the neighbourhood of Bombay and Poona are in very good condition. Is it not fair that Sind should also be treated as the rest of the presidency? The Honourable the Finance Member, the Honourable the Revenue Member and the Honourable the Minister for Local Self-Government have all been to Sind last year As all of them have seen the bad condition of roads in Sind, I don't think that it is worthwhile to say anything more about this. Sind is at a little distance from the presidency. Many honourable members are unacquainted with the bad condition of roads that prevails there. If they go to Sind, I am sure they will fully realise how far our claims are justifiable. As the rest of the presidency has been benefitting all these years in this direction so much so that nearly all the roads are *pacca*, I think it is just but right for the Honourable the Minister of Local Self-Government to turn his direction now to Sind, as Sind also forms a part of the presidency. This may be accomplished by stopping the further development and improvement in this direction in the rest of the presidency and taking it to the roads of Sind, until the condition of Sind roads is just the same as that of the presidency roads.

I therefore request, Sir, that a committee be formed to investigate the conditions of roads in Sind and to put the facts before this Council.

Secondly, the Public Works Department roads were to be open to the public also. These roads are now closed to the public and this causes very great inconvenience. So, I request, Sir, that these roads may kindly be opened to the public who I think fully deserve this concession.

Mr. D. R. H. BROWNE: Sir, I was surprised yesterday, and greatly gratified, to hear so many honourable members of this House suggesting as a panacea for all ills to hand over everything to the Public Works Department. I did not think that my Department deserved such high praise. But I notice to-day there has been considerable change in the feeling of many of my honourable friends. I cannot understand it, and I am as much surprised to-day at this change of feeling as I was yesterday at the praise bestowed on the Department to which I have the honour to belong. I would like to place a few facts before the House and remove some misconceptions which have been shown to exist.

In the first place there has been a good deal spoken about our establishment charges amounting to 40 per cent. of the cost of works. I am afraid I am not as familiar with details of this voluminous budget as are some of the honourable members opposite. I do not know where they got those figures from. At any rate I can tell them that they may have proved the facts to their own satisfaction with the figures they got but they are not

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correct. The facts are very different. The establishment part of 41, Civil Works, is a very complicated thing to understand, and I may confess at once that I cannot fully understand it myself. I will not go into details, but the fact is and I hope the House will take it from me, that the actual percentage of establishment to the total works is about 26 per cent. and not 40 per cent. as some honourable members have argued.

One of the honourable members for Ahmedabad mentioned the subject of a certain road in a Taluka Local Board area (Dandhuka) being maintained at much less cost by the Taluka Board than it was formerly maintained at by the Public Works Department and stated that it would effect great economy if roads were managed by Taluka Local Boards everywhere. I know something about that road. It was a very short length of road, and it is just possible that there may have been, before that road was handed over to the Taluka Board, a little more establishment employed on it than was absolutely necessary. I do not say that was so, because I cannot verify these things at a moment's notice. Probably that establishment was looking after a lot of other things. However, it might be so. All I can say is, that if any honourable member notices that on any particular section the establishment appears excessive and he lets us know, and if we find that it is so, we shall be very glad to economise in any way we can. Several honourable members gave me the impression the other day that they thought that the Public Works Department were carrying out their works very efficiently and as economically as possible. I was greatly gratified at that, as I say. If they will assist us to economise by pointing out any places where it is possible to economise, we shall be only too glad.....

Mr. A. D. SHETH: I suggested a general survey to find out whether percentages spent after repairs and the establishment necessary for it can be reduced and not individual cases of reduction.

Mr. D. R. H. BROWNE: Several honourable members have talked about Sind roads. That is a very important subject. I think the honourable House knows that we have at the present time a special officer (an Executive Engineer) going into the question of roads in Sind. The whole face of Sind will be shortly changed by the Sukkur Barrage project, and the question of transportation is one of extreme importance. That is realised thoroughly by Government, and we have in Sind a Transportation Board which goes into the question of the roads and feeder railways that will be needed. I think that possibly some honourable members who have not had as much occasion to think about the subject of roads as I have, may have the feeling that what they want in Sind is miles and miles of metalled motorable roads. Well, I should like to see the same myself, but we have to look at the practical possibilities of it. We have got to see what is the best way of providing transport for passengers and the produce of the country; what is the most economical. That, Sir, I think, will not be provided by long lengths of motor roads; it will be provided so far as I can see by conveniently spaced feeder lines of Railway. Very shortly a resolution will be brought forward by the Honourable

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Member in charge of the Revenue Department for sanctioning a guarantee for certain such lines. Well, I am sure the Honourable Member will be able to assure the House how extremely important it is and how extremely economical it will be if those feeder lines are provided. I feel certain that the House will before long realise, and I am sure that it will be their conclusion, that conveniently spaced feeder lines of railway will be the best means of providing transportation in Sind both for passengers and for produce. I can assure the House that the needs of Sind have not been forgotton by Government but are engaging their very close attention.

One of the honourable members mentioned the sum of Rs. 50,000 which he said is to be used for Government House works. That honourable member I see is not here. That item should not properly have come into this debate, because the cut under discussion relates to the votable demand and that sum of Rs. 50,000 is non-votable expenditure. So that, I think that point should have been kept out of this discussion.

Well, Sir, I do not think I have anything more to say, but I should like to assure the House that the expenses under 41—Civil Works have been absolutely cut down to the limit. I do not want to trouble the House with all the cuts we have made in the demands made by local officers, but they were very very considerable and if this cut of Rs. 10,000 is made I can only say that it may be the last straw that will break the camel's back, and anybody who has sympathy with the camel would not I feel sure, like that to happen.

Rao Saheb D. P. DESAI (Kaira District): Sir, at the outset in reply to the honourable member the General Secretary, I may state that after all Government's communications to the Collectors and the Commissioners show which way the wind blows. Those communications show to the Collectors what the intentions of Government are, and when they receive those communications it is likely that they will always send their replies in conformity with the views contained in them. That has been the usual practice and that is our common knowledge.

The Honourable the Chief Engineer made a confession that he did not know the details of establishment charges of the works connected with his Department. But he made one point, and that was important. He said that Government were carrying on sundry works for the local boards and for those works the establishments have to be maintained, and therefore the establishment charges of Government included the establishment charges for carrying out local board works. Am I right ?

Mr. D. R. H. BROWNE: Sir, I did not hear exactly what the honourable member said.

The Honourable the PRESIDENT: Will the honourable member proceed ?

Rao Saheb D. P. DESAI: Do you mean.....

The Honourable the PRESIDENT: Please do not address each other direct.

Ra Saheb D. P. DESAI: Did the honourable member the Chief Engineer mean that Government Public Works establishment was carrying out works which were owned by the local boards, and therefore some of the expenditure on establishment included charges for establishments which were employed on local board works ?

Mr. D. R. H. BROWNE: I do not know what part of my remarks my honourable friend is referring to.

Rao Saheb D. P. DESAI: That is all right. I am sorry, Sir, that establishment works out over 40 per cent. There is no doubt as to that. It is also a fact that the charges for repairs and maintenance of buildings and roads are on the increase, though the cost of labour and materials has fallen. Perhaps my honourable friend the Minister will say that for the last two years we have increased our expenditure on original works and therefore provision has to be made for repairs and maintenance of those original works also, and therefore the charges for repairs and maintenance are bound to increase. But I may state in reply that during recent years he has made very little addition to original works. I, therefore, do not think that such a large amount of Rs. 29 lakhs is required for the repairs and maintenance charges. I, therefore, request the Honourable Minister to curtail expenditure in this respect. From my own experience I can state that only Rs. 200 to Rs. 400 per mile would be quite sufficient for this purpose. We can carry out the repair and maintenance work with efficiency within this amount. For special repairs to roads a further Rs. 100 or Rs. 200 would be sufficient. I think the sub-divisional officer used to get Rs. 200 and he used to manage in that amount. Now that the prices of material have fallen and labour has become cheaper than before, not being more than 200 rupees should be provided for ordinary repairs. When it was possible to manage within Rs. 200, why should it not be possible now ? But I think there is something wrong with the department. I think that the Public Works Department ought to be more cautious than they are at present.

As regards the posts and salaries of the sub-divisional and other officers, I may state that the Honourable Minister has increased their salaries. Look at the salary of the executive engineer. The senior executive engineer was drawing a salary of Rs. 1,000 but now it is about Rs. 1,500. Then there is the assistant engineer, that is, the old sub-engineer who was getting Rs. 500, but now he gets Rs. 750. as regards Gujarat I again repeat with all seriousness that if Government will not spend a proportionate amount for this purpose out of the revenue realised from each district or each province, I am afraid they will lose that province. By the policy of mishandling the affairs of a province Government have already lost the best of their provinces.....

An Honourable MEMBER: What province has been lost ?

Rao Saheb D. P. DESAI: Malabar which was under the Bombay Government has been lost. Coming to the question of revenue, I may submit that we have increased the revenue by Rs. 8 lakhs in the rural areas, but at the same time we have reduced the revenue from the rent of the buildings. In 1921 we used to get about Rs. 21 lakhs when there

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were no tolls. I think perhaps Government may have made a concession to their officers; but I do not know why Government should throw the burden on the shoulders of poor cultivators? They have removed the revenue derived from the rents of buildings and in that place they are taxing heavily the cultivators. I therefore say that Government should abolish tolls and restore their former practice of deriving revenue from rents.

In conclusion, I would request the Honourable Minister to curtail the expenditure on establishment and grant money to each district and province from the funds available for roads, bridges, etc., in proportion to its revenues. If he does so, I am sure my district will not be starving as at present.

The Honourable Sir GHULAM HUSSAIN: I find that my department has been subjected to considerable criticism. Sir, at the outset I will deal with a letter which was read out yesterday by my honourable friend, the representative of Surat (Rao Bahadur Naik). It was a letter from the Examiner making certain suggestions about the audit of the local boards. That proposal of the Examiner was sent to the Commissioner for his remarks, and the Commissioner in his turn referred the matter to the president of the District Local Board for their opinion. Now, Sir, honourable members will agree with me that it is good policy to consult the local boards concerned before taking any action affecting them. If honourable members will read the letter, they will find that the auditor has remarked that the accounts are not kept properly by the local boards, and he therefore made certain proposals in the matter. I agree that the honourable members on the opposite side are as good trustees of the public revenue, as those honourable members sitting on this side of the House.

Now, Sir, we have made provision in the Local Boards Act with regard to taking steps against a member responsible for misapplication or waste of funds. There is a clause in that Act, which reads as follows:—

"Provided that every member of a local board shall be personally liable for the misapplication of any money or other property of the local board, to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the local board concerned, with the sanction of the Government or by the Government for recovery of or compensation for the misapplication of such money or property and any money or property so recovered by the Government shall after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the local board."

Well, that is one of the provisions. If the honourable House is not satisfied with that, and, as it is suggested by my honourable friend Mr. Chikodi opposite to me, that we should give the power of surcharge, well, I should like to have the lead from this honourable House. Government will be prepared to give such power to any district local board the House may like. But, then, honourable members should not turn round and complain. I inform the honourable members that I am prepared, and this side of the Government benches is prepared, to consider any proposal as regards surcharge or as regards any other power which the House considers should be given to the local boards or to the auditor.

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I hope this will satisfy the honourable House that Government is ready to consider any such proposal. They only do not want that the public money should be wasted.

Rao Bahadur B. R. NAIK : On a point of information from the honourable Minister. Are not the Collectors empowered at present to deal with the district local board in such cases ?

The Honourable Sir GHULAM HUSSAIN : That is so. But my honourable friend opposite to me is not satisfied with that. Now, what is the Minister to do ? On the same bench, I find two honourable members, one of whom orders me to do a thing in a particular way, and the other says not to do it. Therefore, I desire the honourable House to give me a definite indication as to what further provision we should make in the Local Boards Act to safeguard the interests of the ratepayers.

Now, Sir, another complaint that I have heard is that Government has always been very partial to Poona, which is one of the seats of Government. (An Honourable Member : Central Division.) Or C. D. I assure honourable members that that is far from the intentions of Government. The position is this. Before the reforms—if the honourable members refer to the previous records, they will find it,— a very large number of roads were provincialised in the Central Division, and they were metalled roads ; and also in the Southern Division. Now, is it not the duty of the present Government to keep these roads in order ? Well, what have we after the reforms ? We have increased mechanical transport in the country. We have a larger number of motors and heavy lorries. Even though in the Central and the Southern Divisions we have pucca roads, still, owing to the heavy traffic, these roads are deteriorating very much. Is it not the duty of this Government to maintain these roads in good order ? Honourable members will thus see it is on this account that larger grants are made to that division. If we did not make larger grants to those divisions, what would be the result ? All the capital expenditure that we have incurred would be wasted. Therefore, honourable members will see it is not because Poona is one of the seats of Government that a larger amount is spent on it, but because it has the largest mileage of pucca roads, which we have to keep in order and improve from time to time. Now, suppose I accept the proposal that all the money that is provided for communications should be equally distributed in all the divisions, what will be the fate, then, of the Central and Southern Divisions ? They will get much less. Therefore, those roads which we have constructed will fall into disrepair, and the crores of rupees that we have already spent on them will be wasted.

Mr. H. B. SHIVDASANI : They had the benefit all these days.

The Honourable Sir GHULAM HUSSAIN : If the honourable member thinks, if the honourable House thinks, that it is the wisest policy, they may propose that policy to me, and I will carefully consider it. Now, as regards the honourable mover of this cut, all the arguments which I have heard patiently yesterday and to-day were in favour of raising the grant rather than cutting it. Now, I assure this honourable House

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that I am as anxious as any one here to get as much money as I possibly can for this department.....

Mr. N. A. BECHAR: What about Sind ?

The Honourable Sir GHULAM HUSSAIN: I am coming to Sind.

Mr. A. D. SHETH: And what about Gujarat ?

The Honourable Sir GHULAM HUSSAIN: I am coming to Gujarat also. Now, Sir, my demand for works in progress for the next year was Rs. 16 lakhs, which was reduced to Rs. 8 lakhs. For new works, we had made a demand of Rs. 47 lakhs, which has been reduced to two lakhs. Then, for repairs we had made a large demand, but we have got merely Rs. 51 lakhs. Now, honourable members will realise that this year is not one of those prosperous years like 1921-22, when we were able to make large provision for expenditure in this department as well as to have large balances. The honourable member himself characterized the budget as a deficit budget. So, the Government, the Honourable the Finance Member, and every one says, " Cut your coat according to your cloth."

Mr. P. R. CHIKODI: But what about the General Administration ? A very large provision is made there ?

The Honourable Sir GHULAM HUSSAIN: We are coming later on to General Administration. Let us deal with this department for the present. Now, Sir, another suggestion of my honourable friend was that we should not provide for 41-Civil Works out of Loan.

Most of the works that are undertaken by this department are of public utility and of a lasting nature. Is it a fair proposition that the works which are useful to the people at large and which will last for a great number of years should be paid for by the present generation.....

An Honourable MEMBER: Why should the future generation pay for them ?

The Honourable Sir GHULAM HUSSAIN: Because future generations will derive benefit from those roads, and ought, therefore, to pay for them.....

An Honourable MEMBER: Then, don't finance them out of loan funds.

The Honourable Sir GHULAM HUSSAIN: It does not lie in the mouth of my honourable friend to say " don't finance them out of loan funds," because it was he who raised a hue and cry in this House and said " have better communications for Gujarat; have better communications for the Deccan, for the Southern Division and so on." On the one hand, he says " don't finance this department out of loan moneys; " and on the other, he says " budget more money for this department " and yet he says that the only legitimate source of revenue of this department, *viz.*, the toll, should be abolished in spite of the fact that this toll is paid by the very people who use these roads. He wants to eat his cake and have it too, which is impossible.

[Sir Ghulam Hussain]

Honourable members will see that we have been getting money out of loan as well as out of revenue. Even this year, the honourable members will see, we have 120 lakhs out of revenue and 54 lakhs out of loan money, but we cannot finance ordinary work out of loan money but only work which costs more than five lakhs of rupees.

I now come to establishments, which some honourable members assert costs about 50 to 60 per cent. The amount of Rs. 29,12,300 has been provided in this budget for establishment. I refer the honourable member to page 4 of the Provincial Civil Works Budget Estimate of this year. The honourable members will see that "this sum of Rs. 29,12,300 includes Rs. 3,27,600 on account of leave allowances, etc. to be paid in England. It does not represent the actual estimated cost of establishment under "41" Civil Works, but represents the residue of the total estimated cost of establishment after its distribution over other heads. Please see abstract at page 41 post." This is what the foot-note says. So, this department covers the sins of omission and commission of several other departments. All the residue, after charging a certain percentage to other departments, such as Irrigation, is debited to my account.....

An Honourable MEMBER: Why do you allow that?

The Honourable Sir GHULAM HUSSAIN: Such are the orders, and I have to carry them out.

I now refer the honourable members to page 37 of the same publication. The Secretariat establishment does not merely attend to work in connection with roads and buildings, but it also does work in connection with Irrigation, Lloyd Barrage, and yet the whole Secretariat establishment is shown here. The Electrical Engineer, similarly, does not carry out any roads and building work and yet that item is debited to my account. Then, the Consulting Architect to Government is also shown here. If you deduct all these items, you will see that I am not spending Rs. 29,12,300 on establishment alone. You will then see that I am spending much less than that.

I will now draw attention to page 40. This establishment carries out some of the works of the district local boards, works of the Central Government, military works and other Contribution works, for which we have to recover yearly the sum of Rs. 4,44,800. We carry out all these works. So the honourable members will see that my department is only the victim of a system which has been dictated to us from above. Otherwise, I am sure they would not have seen this sum of Rs. 29 lakhs and odd there. It is much less than that, as I pointed out to you, because it includes charges on account of various other departments which do not carry out any roads and buildings work.

Coming to roads, my honourable friend Mr Karki is, I am afraid, rather unfair to me, because he seems to be the more dissatisfied the more he is given.

I then come to my dear Sindhi friend, the honourable member from Karachi city. If honourable members from Sind look up the budgets in the pre-Reform days, they will find only thousands provided for Sind

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communications and Sind buildings. Now, they are getting lakhs for Sind communications and Sind buildings. In fact, I was responsible for provincialising Sind roads and buildings. No one else in this House can claim credit for that. It was I who as a non-official member brought a resolution in this very House in the pre-Reform Council, and that resolution was accepted by Government, under which the few roads that are now provincialised were provincialised for the first time. My honourable friend from Karachi mentioned the names of three roads which have been made pucca roads. We are now taking the Sukkur-Shikarpur road which is within the constituency of my honourable friend opposite (Mr. Pahalajani).....

Mr. B. G. PAHALAJANI: That comes under 60-Capital works, Rs. 2,00,000.

The Honourable Sir GHULAM HUSSAIN: Therefore, it is there, and yet I am told it is not. I was surprised when I heard the honourable member from Karachi.....

Mr. N. A. BECHAR: Six lakhs out of 71 lakhs Capital expenditure.

The Honourable Sir GHULAM HUSSAIN: I have already given an explanation of that. We cannot take up all the roads at once. We take them up one by one.

We have appointed a special officer for the purpose of having a survey of all the Sind roads, and as soon as we get the report of that special officer, we will launch a regular new scheme for Sind roads.

Coming to Gujarat, one honourable member opposite to me (Mr. A. D. Sheth) said that they have in a particular taluka a railway, and that therefore a particular road in that taluka was not necessary, and it was a waste of public money to spend any money to keep that road in order, because there is a railway and it was not an important road.....

Mr. A. D. SHETH: In the present circumstances.

The Honourable Sir GHULAM HUSSAIN: My honourable friend says " in the present circumstances. " Well, see all the important towns in Gujarat, and you will find that they are all connected by railways. According to the argument of my honourable friend, therefore, no roads are necessary; but on the contrary, I find other honourable members from Gujarat say that they want to have railways as well as roads. You must further consider the fact that you have soft clay in Gujarat. To have metalled roads, you must spend a large amount of money not only on the construction of those metalled roads but also on their upkeep. However, we have a regular programme of roads for Gujarat also. We have now established a Road Board. We have now established a Road Board, on which there are representatives of each division, non-official as well as official.....

An Honourable MEMBER: Is it functioning?

The Honourable Sir GHULAM HUSSAIN: It is functioning, and it will decide all questions of policy. Gujarat is fully represented there: Sind is represented, similarly the other divisions are represented there.

Mr. A. D. SHETH : There ought to be representatives of local boards on the Board.

The Honourable Sir GHULAM HUSSAIN : We have put on the Road Board gentlemen who are not only presidents of local boards but who are members of this Council also. So they represent not only the local boards but the Council also.

I may assure honourable members that I will go into the various minor complaints that they have made.

As regards the honourable member from Poona city, I assure him that the delay is on the part of the Poona City Municipality, and not on my part. I have been expediting the municipality, and we are as anxious as he that the drainage scheme should be completed as early as possible.

Question put and lost.

Question that the demand for Rs. 1,42,94,000 under 41-Civil Works (Partly Reserved and partly Transferred) be granted, was put and carried.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to ask for a grant of Rs. 3,27,000 for 41-Civil Works (Reserved).

Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I make a demand for Rs. 19,000 for 37-Miscellaneous Departments (Transferred)

Question put and carried.

The Honourable Sir COWASJI JEHANGIR : Sir, I beg to move for a demand of Rs. 4,23,000 for 37-Miscellaneous (Reserved.)

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : The motion standing in my name is as follows :

" Reduce by Rs. 50,000, Total Demand.

I move this cut in order to raise a discussion on unemployment.

Question proposed.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I will take this opportunity again to revive an important discussion, which was foisted by a technical objection from the Honourable the Leader of the House. I should have thought, Sir, that the opposite benches would not have tried to shelve a question of importance like this by relying upon technical objections. However, we are thankful that another opportunity has been granted to discuss the matter, because I do feel that this is a question which requires to be discussed, and the only place where we can discuss with the official benches a matter of such importance is this House.

As I stated on the last occasion when speaking about the Vagrancy Act,—and I will refer to that subject again and again make my position absolutely clear,—it is not that because this relief is granted to the European vagrants and therefore by way of objection to that grant this discussion is raised. As I stated then,—and I say it again—I do not think any honourable member on this side of the House will object to any relief

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being granted to any section of the community, provided it is granted to the really needy and deserving. What I wish to ask is this, and I want a definite statement from Government on this occasion with regard to it: when Government are so solicitous about discharging their duties to this particular community, about their needs and about their unemployment, have they not got an equally important duty—I might say a more important duty—towards the other communities that are residents of this presidency? I do admit that, so far as this Vagrancy Act is concerned, it is a legislation which, under other ordinary circumstances, would have been very seriously criticised and objected to, because it is one of those legislations which lays down the law recognising racial distinction, which is, I should say, a very objectionable principle, which would not be tolerated in other circumstances. Simply because this distinction is made in the matter of giving relief to a particular community, we want to take very serious objection to it. We have to point out the principle that prevails. Already we find that there is racial distinction all over the country, so far as railway compartments, hospitals, offices and clubs are concerned; even in jails we find racial distinction; and even in the point of beggars, the European beggars and vagrants are in receipt of better treatment than the Indian beggars and vagrants.

That only shows to what extent this racial discrimination is being carried on. But we base our claim as a matter of right, as Indians, as inhabitants of this country. Now, I may ask whether they have made similar arrangement for Indians as they have made for European vagrants. As soon as a vagrant is produced before a court of law and as a result of magisterial enquiry.....

The Honourable the PRESIDENT: I think the honourable member is again beside the point. On the last occasion he raised a discussion of unemployment under a Head which referred to the European vagrants. The honourable member was told then that any discussion relating to unemployed was out of order under that head. I may now point out to him and draw his attention to page 251 of the Civil Estimate where the labour office expenditure is referred to. Under that head it will be logical to raise a discussion on the problem of unemployment; and the honourable member will be in order. But when I give him the opportunity he now goes back to the discussion of European vagrants and Indian paupers.

Mr. K. F. NARIMAN: Under the Vagrancy Act, vagrants are defined as those who have no ostensible means of livelihood, that is, no employment. The point I submit is if the State has provided means to give relief to the British unemployed and British community, whether they have devised similar means to give relief to the Indian unemployed. A European vagrant under the definition of the law is a European unemployed. The first question the magistrate asks is where he was born. As soon as the answer shows that he was born in India or in any part of it—he may be a European or Anglo-Indian—he is disqualified for any such relief. It is only when he claims his birth to some European country he is

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entitled to relief in the work-house or attempts are made to secure employment for him. This is a legislation which not only gives a special privilege to persons outside India but disqualifies those of them who were born in India to get that State aid. This point incidentally arises that a foreigner has got a prior claim than the inhabitants of this country. Even an Anglo-Indian or European born in India is not entitled to that privilege. I do ask honourable members on the other side as this question has been raised from time to time in various forms though this is the first time that this question has been seriously raised in a debate of this Council, which I do consider to be very important, whether they have done anything similar to Indian unemployed. What is the position so far as State aid is concerned ? They have started a labour office which is a department of Government and which under ordinary circumstances is expected to come to the rescue and relief of the unemployed in Bombay. But we find that the functions of the labour office are limited to the issue of a gazette every month ; and in the gazette we find no assistance to the poor unemployed of this presidency or this country. All the information contained in that is statistics about various states as to how many unemployed are there, how many graduates are without work and how many labourers are without work. Then information is given about the price of rice, price of grains and family budgets. What is the use of that information when they have no money to pay ? What is the use of giving family budgets without giving money ? If it shows the means of getting money then I can understand their saying : " You have got a little money and you can spend it in an economical way like this." The object of giving family budget is to give an idea to people with small income how to spend their money economically. What is the use of family budgets when there is no money to spend ?

Mr. G. WILES : The honourable member says : " First provide money and then show how to spend it." Is the honourable member under the impression that the collection of family budgets is meant to provide a model budget, showing how poor families should spend their money ?

Mr. K. F. NARIMAN : I am pointing out what is contained in the *Labour Gazette* ; and the functions of the labour office. My point is that Government should have some department whose duty it should be to organise some sort of scheme in order to come to the rescue of the unemployed. I do not suppose that any honourable member on either side of the House will dispute that there is a great deal of unemployment not only in this presidency but in the whole country. There are many educated hands, graduates, undergraduates, capable of doing work, efficient and willing to do work. For want of an organisation they have not been able to secure employment. Consider the activities of the State in other civilised countries. I do not suggest for one moment that Government should pay these men ; as I do not think that the present financial position will enable them to do so. I do not suggest that Government should feed them and provide them with home. But they can start some sort of scheme as it exists in other countries. In

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other countries the State department maintains a register of the names of the various unemployed in the country or in a province. They have got a register to show that there are so many graduates willing to work in particular direction, there are so many engineers, so many technical experts and so on. Thereby they create a medium between the unemployed and the employer, because there are many employers who need graduates, undergraduates, professional men, technical experts and the like. Unless there is a medium like this to put the unemployed in communication with the employer we cannot solve the problem. On the one side there is the capitalist employer and on the other there is a large number of unemployed. If some organisation is started by Government which will not entail much expenditure to maintain such statistics of the various employers and unemployed, they can bring about a solution of this question to a considerable extent. In the *Labour Gazette* I find that they have got a similar organisation in England. And that Labour Minister (as he is called) keeps himself in communication with both the unemployed and the employer camp, and thereby brings about an arrangement by which as soon as a large number of applications are received for employment in any particular branch of work they are sent to the employers. He provides a medium between the employer gang and the unemployed gang. Even the employers welcome the arrangement, because it relieves them from the necessity of having to search for their workers. So that if the Labour Office keeps itself in communication with all parts of the world—it may be even East Africa, South Africa or Zanzibar—and provides a medium between the employers and the unemployed, I think the problem can be solved to some extent. The Labour Office, for which we are asked to grant some amount every year, was in the initial stages intended to collect statistics. We want that institution to be developed in the future years on the lines on which Labour Offices in other parts of the world are being developed. We find, however, that year after year the same monotonous figures are being repeated and we are asked to contribute a certain amount for the Labour Office without relieving the unemployment problem or the labour problem in the slightest degree. Therefore, I say that the time has come when the Labour Office should be placed on the transferred side and some non-official members should be associated with the Honourable Minister whose function will be to look after the Labour Office. If such an organisation is created, it will do much more to solve this very great problem of unemployment in this presidency. I hope, Sir, that some definite statement will be made by honourable members on the other side as to whether they are contemplating any such schemes and whether they intend to develop the Labour Office on the lines adopted in other parts of the world.

Mr. S. C. JOSHI : Sir, I rise to support the motion moved by my honourable friend Mr. Swaminarayan. In addition to the discussion of the problem of unemployment I want to speak about the necessity of widening the present functions of the Labour Office and making it more useful, more efficient and more serviceable for those for whom it was started.

[Mr. S. C. Joshi]

Sir, the Labour Office came to be established in the year 1921, when the main function of that office was to collect statistics which will prove of great use to both employers and employees. Sir, after six years of experience we find that the Labour Office has been merely the news-agency not only of this Government but also of the Government of India. It has done nothing during the past six years of its existence except the regular publication of the *Labour Gazette* and the collection and publication of a few statistics in some matters. The money spent on this department is most usefully spent. In support of this I will quote the following passage from the Press Note that was issued by this Government at the time of establishing this office on the 18th April 1921 :

"While the cost of such a department is not productive in the sense that it earns interest yet, in countries where such an organisation exists it is not usually regarded as a purely unproductive investment for it is pointed out that by helping to secure harmonious relations between employers and employed it saves the parties immediately concerned and the country generally a great deal of money that might otherwise be wasted in industrial disputes."

Sir, in spite of this statement of the utility of spending money on the establishment of this office, what do we find after six years ? We find, Sir, that for the Labour Office, in the budget of 1921-22 a sum of Rs. 1,06,000 was provided, but that year after year the expenditure has been gradually curtailed until it has come to Rs. 66,000 in the present year. There has been a reduction in the expenditure of this office by 38 per cent. What do we find in other presidencies ? I will quote the instance of the Madras Presidency. In the Madras Presidency there is a Labour Commissioner. That office was established in the same year as the Labour Office of Bombay Presidency. We find that in that presidency the provision for the Labour Commissioner in the year 1921-22 was Rs. 1,25,000, but gradually I find—I have got figures for every year—I find that the expenditure of that office has been increasing year after year, until in the year 1927-28 a sum of Rs. 5,85,500 was provided. There is an increase of 468 per cent. in Madras, whereas in the Bombay Presidency we find a reduction of 38 per cent. What does that show ?

Mr. G. WILES : Is the honourable member aware of the duties the Labour Commissioner is performing in Madras ?

Mr. S. C. JOSHI : Sir, I am aware of it and I was coming to that. The Labour Commissioner in Madras was appointed with the express idea of helping the labouring classes, and that help is being given by him in addition to the collection of statistics and other things. The duties of the Labour Commissioner in that province, are duties in connection with (1) the emigration of labour, (2) the maintenance of a Labour Bureau (Employment Bureau), (3) the settlement of industrial disputes and (4) also investigation into the condition of the depressed classes. These are all the functions of the Labour Commissioner of Madras. Is it not now necessary to widen the functions of the Labour Office ? As pointed out by my honourable friend Dr. Ambedker the other day, in the Bombay Presidency there has been an enormous increase in expenditure on the reserved side but very little increase in the expenditure on the transferred side. But even on the reserved side, we find that departments which

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are useful to the community at large have been neglected and crippled. This has become amply clear from the figures I have quoted just now.

The next point I would like to refer to is the question of unemployment. Sir, it is not disputed by anybody that unemployment exists in India as well as in other countries, and that it exists not only among the working classes but also among the socalled educated classes. But while in other countries steps are being taken to solve that problem, in India unfortunately Government are not taking any serious steps to solve it.

Sir, the question of the well being of the industrial and labouring classes is no doubt very important, but equally important perhaps, I may say more important is the question of the unemployment of the educated classes.

We find, Sir, from the statistics that are published by the Labour office in the report of the inquiry of this question that there has been a good deal of unemployment among the middle class people. I am glad that the Bombay Government has thought it desirable to make an investigation into the extent of unemployment of the middle classes. But I must say, Sir, that that enquiry has not been complete. It is defective, disappointing and unsatisfactory. The Government have thought it desirable to make an enquiry into the extent of the unemployment, but they did not suggest ways and means of solving that problem and put them into practical shape. Is it not necessary for this Government to take steps to solve the question of unemployment ? There is an enormous number of educated people who are unemployed. I believe the honourable members of Government know it full well. They must be getting notes from their friends recommending this man or that man for service. There are so many B.A.'s, M.A.'s and LL.B.'s who are unemployed. Not only that but we find unemployed persons who have taken education in a scientific way, who hold degrees of the University, not only Indian but also English. We find such persons vagrant, so to say. They are going from door to door in search of an employment.

I know of a case of a friend of mine, who is a B.A., B.E., of the Bombay University. But he does not succeed in getting an employment, for the last three years. We also know that even medical men do not find employment. They do not get sufficient money to pay their staff in their own dispensary, so they have also to search for an employment. The other day I had an occasion to recommend a young gentleman to the Honourable Minister. That man was serving in the Revenue Department, but in order to better his prospects, he applied to Government for a Government stipend, which he was fortunate or more properly unfortunate to get. He passed the L.C. P.S. Examination. But for the last three years he has not been given an appointment. Since then many other appointments have been made by the Department; but this poor man does not get an employment for the last three years. I have got many instances to quote, but I do not wish to take the time of this House, as these instances are too well-known.

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There are various ways to solve this question of unemployment. I suggest that (1) it may be solved by establishment of an Employment Bureau; (2) it can be done by changing the system of education; (3) it can be done by introducing industrial and technical education in schools and colleges; (4) it can be done by opening new avenues of employment; (5) it can be done by giving substantial help to small industries, and cottage industries.

Other Governments have appointed committees to enquire into this question but the Government of Bombay is still lagging behind. I hope the Bombay Government will come forward and give a practical shape to the solution of this problem, which is most important. If the educated youths, who have to go from door to door in search of employment, do not get their food, what would be their position? I would, therefore, ask Government to consider this question very seriously.

As regards the other matters in which the Labour office should take part, I may suggest that they should start a Bureau for the settlement of industrial disputes. We see from the newspapers that every day there is an industrial dispute. Not a single day passes without a fresh dispute. We find that no steps have been taken in this respect. We find, Sir, that it has been mentioned in the press note that Government has started the labour office with a view also to be useful in the settlement of industrial disputes. So far, however, no steps have been taken in this direction. Our experience of five years is that no substantial help is given by Government to settle the industrial disputes which have been enormously increasing. The other day we had to take a deputation to the Honourable the General Member and at that time he was requested to intervene in the settlement of the recent strike. He gave us a very patient hearing, but no substantial help was given to us.

Another thing that is mentioned in the press note is that the Labour office will draft legislations in the interest of labour, but during the last five years we find not a single legislation has been brought forward in this House. What does it show? It shows that proper interest is not being taken in improving the conditions of labour. We are told that that is the subject for the Government of India to consider. I say, Sir, that welfare of labour is a provincial subject and as such, this Government should try to help the labouring class by drafting legislation relating to the Labour matter and introducing them in this honourable House. I hope the Honourable the General Member, before leaving his portfolio, will keep a note for his successor to give substantial help in these directions.

Mr. N. A. BECHAR (Karachi City): Sir, I think this House owes gratitude to the honourable member from Bombay South.....

The Honourable the PRESIDENT: Order, order. There is an important thing which I would like to bring to the notice of the House. The House is by now well conversant with the procedure it has to follow. I have been noticing for the last two days that whenever a discussion of a general nature is raised many honourable members who get up to speak,

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repeat the arguments which have been dealt with by other speakers, or repeat their own argument over and over again. Public time must be saved especially when the guillotine is hanging over-head. I would request honourable members not to repeat arguments. I have very often felt inclined to pull honourable members to order, but I do not like to do it. I desire to see that they themselves followed rules of debate by checking the habit of repetition.

Mr. N. A. BECHAR: Sir, I think my honourable friend, representing Bombay South, deserves the gratitude of the people who are unemployed for the opportunity he has taken to raise the discussion of this subject. Sir, before I proceed further in regard to the general question of unemployment, I should like to dispose of one argument that has been brought forward by him, and that is in regard to the European vagrant. Sir, so far as the racial privileges that the Europeans enjoy in India are concerned, I am at one with him entirely in order to resist many privileges that are wrongfully enjoyed by them. But, so far as the question of vagrancy is concerned, I hope he will realise that in this particular case the European enjoys in India nothing more than what he enjoys in his own country. Sir, there is no such thing as vagrancy in England or in most of the European countries (Some European Members: Oh, oh: No, no). Begging is legally prohibited there. If any one goes about begging in the streets, he is at once caught and sent to the Poorhouse and is provided with maintenance and some work. That is exactly the point I was trying to bring to the attention of this House. That is, a vagrant in England who has no means of livelihood is not allowed, as in India, to merely go and beg and to degrade humanity. Therefore, Sir, we should not grudge in the least the small provision that has been made under this head.

But, Sir, coming to the question of the duty of Government towards the unemployed, I am not sure, whether this very big problem and this national problem can be solved by any other than a National Government. Sir, if you will look at the figures that the Government of England is spending in terms of pounds for the purpose of relieving distress, for the purpose of giving pensions to the old aged people, for the purpose of giving pensions to the widows and orphans, for the purpose of relieving distress by means of poor laws, I think, Sir, these figures will look so startling, and more startling to this side of the House than probably to the other side; nevertheless I think that they should be quoted for their own sake. Sir, I find that on old age pensions the Government of England spent in 1925-26 £ 27,86,000; on the pensions to widows and orphans £ 40,00,000 on the unemployment £ 25,71,000; and if you calculate all the services that the Ministry of Health rendered, you will find that they were done at the cost of £1,81,17,048 to the State. Then, again, Sir, the Ministry of Labour spent £1,17,20,135. Now, Sir, I am not sure whether this Government, whose conception, I have often repeated, does not go beyond the stupid notions of law and order in this country, can ever make such stupendous national effort for the purpose of relieving unemployment and poverty. Sir, Bernard Shaw has very rightly said in his very

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informing book "Major Barbara," that poverty is crime and he describes how poverty is morally degrading humanity while on the other hand there are few people possessing most of the wealth in the country. Now, Sir, that is a problem which faces all countries. But this capitalist Government can never think of anything in these terms. Sir, even a Conservative Government in England is levying death duties in order to meet the growing demand for social service. But the Government, capitalist as it is, carrying on the Government of this country in alliance with the capitalists of this country, would never like to displease them, and would thus never like to do anything that will relieve the poverty of the country. My own feeling is, Sir, that so long as this foreign rule continues, this problem will stare us in the face and we shall never be able to do anything.

Now, Sir, apart from tackling this very big problem of unemployment, I should like to draw the attention of the Honourable the General Member to the scanty manner in which Government is giving help to the poor and infirm people. I find, Sir, that to the Bombay Helpless Beggars Relief Committee the municipality of Bombay is making a contribution of Rs. 1,000 per month for their relief, and as against that, a most magnificent, a most generous, a most liberal grant of Rs. 2,500 per year is made by the Government of Bombay. Now, Sir, is it not a matter of utmost shame to this Government that, when they can find 15 crores of rupees for various items, when they can find lakhs of rupees to spend on Government Houses, they cannot find a few thousand rupees in order to relieve the distress of these poor people? I say, Sir, it is nothing but callousness on the part of the Government, that has not got the slightest care, the slightest solicitude, for the poor people. In England, Sir, if such a thing was to prevail, I am sure the Government would not be able to remain in power for even twelve hours. The labour there demand work or maintenance. Similarly, I ask you, Sir, if all the unemployed workmen here were to go in procession and demand of Government and say, "We are here ready for work; either provide us with work or give us maintenance," what would happen? That is the big problem which the Government has to tackle. But what do the Government do? They recover taxes from the people, and mostly spend them to maintain army and police so that the people may not rise in revolt against their authority. That is the only function that this Government is discharging, and I say the sooner we end this Government, the better it will be for us, the people of this presidency and also of India. Sir, a reference has been made by the honourable member the Deputy Secretary, my honourable friend Mr. Freke, that the question of labour legislation is largely a matter for the Government of India to do. I submit that the Government of India cannot legislate for the Bombay Presidency in matters in which the financial obligations are involved and therefore, Sir, unless and until the Bombay Presidency tries to do something to relieve the distress which is being caused from day to day to the people, nothing will be done by the Government of India. I therefore hope that if Government cannot spend about 20 to 30 per cent. of their revenue on

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the relief of poor destitute people at least the Honourable the General Member will show some generosity towards the poor destitutes' Home. He can go and see their condition for himself. I hope he will find at least Rs. 50,000 for these poor people and do something for them before he retires from his office.

The Honourable the PRESIDENT: Before I adjourn the House, I should like to inform honourable members that in pursuance of the request made by the honourable member Mr. Swaminarayan from day to day for giving the House the half an hour the House has lost, I propose that the House should sit on Monday from 1 p.m. to 6-30 p.m. and make up that half hour.

The House is adjourned to 10-30 a.m. to-morrow, Saturday, the 10th March 1928.

MO *Hb* 260—5

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Saturday, the 10th March 1928

The Council re-assembled at the Town Hall, Bombay, at 10-30 a.m. on Saturday, the 10th March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR, Mr.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BELL, Mr. R. D.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI, MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JOG, Mr. V. N.

JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MARTIN, Mr. J. R.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

SHOLAPUR DISTRICT LOCAL BOARD

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) how long the Collector of Sholapur and the Commissioner of Central Division knew that the affairs of the Sholapur District Local Board were not being efficiently managed;

(*b*) whether any steps were taken by either of them under the powers entrusted to them for setting the matters aright;

(*c*) whether any orders of the Collector or the Commissioner were defied or set at naught by the district local board; and, if so, what those orders were?

The Honourable Sir GHULAM HUSSAIN: (*a*) (*b*) and (*c*) The replies to (*a*), (*b*) and (*c*) are clearly given in the Collector's report No. L.B.D.S.R. 493, dated the 6th February 1928, which is printed below with its accompaniment.

No. L.B.D.S.R. 493.
Camp Wadshivane, 6th February 1928.

From
H. R. GOULD, Esq., I.C.S.,
Collector of Sholapur;

To
THE UNDER SECRETARY TO GOVERNMENT,
General Department, Bombay.

Subject.—Council question regarding Sholapur District Local Board.

Sir,

With reference to your No. L. C. 1075-183-G, dated 20th January 1928, I have the honour to furnish the information as follows:—

(*a*) Since about a year and a half.

(*b*) The Board was advised to set the matters aright.

(*c*) The following can be cited as instances in which the Collector remonstrated the Board—

(1) About the waste of money as regards Madha-Shetphal Road (*vide* this office no. L.B.D.S.R. 176, dated the 25th May 1926, copy attached).

(2) The village water supply grant of Rs. 26,268 was not utilized though requested to do so before 31st March 1927.

(3) On looking to the audit note for 1925-26, the Collector warned the Board to improve the affairs of the Board (copy of this office no. L.B.D.S.R. 361, dated 15th December 1926, attached).

(4) Representations were constantly made also to the President personally about the bad state of L. B. administration and the scandal that was being caused thereby throughout the District.

No satisfactory action was taken by the Board in any of these cases. There was no case of actual defiance of orders, the Board's method being one of passive rather than active resistance.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) H. R. GOULD,
Collector of Sholapur.

No. L.B.D.S.R. 176.

Sholapur, 25th May 1926.

From

H. R. GOULD, Esq., I.C.S.,

Collector of Sholapur;

To

The PRESIDENT,

District Local Board, Sholapur.

Subject.—Construction of Madha-Shetphal Road.

Sir,

I have the honour to refer to the correspondence ending with your no. 767 of 29th November 1925 on the subject noted above and to bring to your notice that the progress made in the construction of this very important road appears to be very disappointing. Only those parts of the road where the work is easy have been touched at all and apparently the difficult parts at the Shetphal end and through Uplai Budruk have not even been properly planned yet let alone any work done thereon. At present it appears that nothing is being done at all.

When Rs. 10,000 were given to the Board from the Government grant it was not contemplated that that was sufficient for the construction of the whole road and yet although nearly two years have elapsed since the grant was placed at the Board's disposal even the full amount of the grant has not yet been spent. Obviously if works are to be done in this half-hearted manner any grants made to the Board by Government are sheer waste of money. The road in question is now very little more use to anybody than if no work had been done upon it at all.

I would now venture to suggest that this very important work should be taken up in real earnest. Obviously the first thing that is required is a survey of the road to fix the alignment of the difficult portions by a competent engineer. It would appear to me that a great mistake is being made in slavishly following the alignment of the old cart track at the Shetphal end. Many advantages could be secured by carrying the road along the ridge for the last three miles to run into the Sholapur Poona Road at a point one mile East of Shetphal. This would involve some land acquisition and a slight increase in distance between Madha and Shetphal but it would not add to the length of road to be constructed and would give a good alignment on high ground with practically no cross drainage works required. This however is a point on which competent technical opinion is required, and for the difficult portion near Uplai Budruk obviously a survey by a competent engineer is required. If the Board's own establishment is not considered competent to carry this out I would suggest that the Board provide the funds required and ask the Public Works Department to prepare plans and estimates for the whole work.

If the Board then wish to approach Government for a further reasonable grant the Collector would be prepared to support their representation, but he could hardly do so unless the Board themselves are prepared to contribute at least one-third of the total cost of the work. At any rate it would appear to be a culpable waste of money to drop the work now as the work already done will be useless unless the whole road is completed and moreover will steadily disappear unless suitable measures are taken for upkeep.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) H. R. GOULD,

Collector of Sholapur.

No. L.B.D.S.R. 361.

Sholapur, 15th December 1926.

Memorandum.

In forwarding herewith the audit note on the accounts of the District Local Board, Sholapur, for the year 1925-26 the Collector cannot help remarking that he has never before seen such an indictment of the administration of a public body. It reflects the gravest discredit on the District and its capacity for self-Government. It is evident that the year's work of the Board represents a lamentable waste of public money. The Board have shown a deplorable failure of administrative capacity and perhaps the worst feature of all—the auditor has felt himself constrained to comment on the lack of scruple displayed by certain members in differentiating between the public business of the Board and their own private concerns.

2. Unwilling as Government are to interfere in the working of Local Bodies it is quite clear that unless the next year's working of this Board shows evidence of a real effort by the Board to put its house in order the Collector will have seriously to consider the advisability of moving Government to make use of its powers under section 129 of the Local Boards Act.

(Signed) H. R. GOULD,
Collector of Sholapur.

To

The President, District Local Board, Sholapur.

Mr. L. M. DESHPANDE : After how many months the enquiry into the affairs of the district local board, Sholapur, was taken in hand by Government, after the date 15th December 1926, that is the date of the letter from the Collector of Sholapur to the President of the district local board, Sholapur ?

The Honourable Sir GHULAM HUSSAIN : I cannot give the exact date unless notice is given.

Mr. S. A. SARDESAI : May I know what are the causes of the suspension of the board ?

The Honourable Sir GHULAM HUSSAIN : They are given in the reply to the question.

Mr. S. A. SARDESAI : Are there any additional reasons ?

The Honourable Sir GHULAM HUSSAIN : No.

KULKARNI WATANS : DOCUMENTS AND RECORDS

SARDAR G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to place on the Council table the following Government Resolutions and other papers regarding commutation of kulkarni watans—

(1) Government Resolution No. 3699 of 1876.
(2) Government Resolution No. 5427 of 1877.
(3) Government Resolution No. 5003 of 1879.
(4) Government Resolution No. 1170 of 1881.
(5) Government Resolution No. 6444 of 1883.
(6) Government Resolution No. 3774 of 1887.
(7) Government Resolution No. 6680 of 1888.
(8) Government Resolution No. 5053 of 1895.
(9) Government Resolution No. 1887 of 1896.
(10) Government Resolution No. 5070 of 1914.
(11) Government Resolution No. 6574 of 1917 ?

The Honourable Mr. J. L. RIEU : The substance of these Resolutions is reproduced in Phadnis' Watan Act (3rd Edition), a copy of which is in the library. Government are not prepared to place the Resolutions on the table.

Mr. S. A. SARDESAI : May I know what is the reason for Government not placing these Resolutions on the Council table ?

The Honourable Mr. J. L. RIEU : Because these Resolutions contain reports from their officers to Government, which Government consider it is undesirable to publish.

LOCAL SELF-GOVERNMENT INSTITUTIONS : NOMINATION

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether it is a fact that in connection with nominations to the local self-government institutions the Government have adopted the policy of not nominating persons defeated in the elections ?

The Honourable Sir GHULAM HUSSAIN : No, but generally Government would not be inclined to nominate any one who had been defeated in the elections, especially if he failed to secure a reasonable number of votes.

Mr. W. S. MUKADAM : May I know what the Honourable Minister means by reasonable ?

The Honourable Sir GHULAM HUSSAIN : It cannot be exactly defined.

Mr. W. S. MUKADAM : Is it one-fourth, or half, or three-fourths ?

The Honourable the PRESIDENT : That can be imagined more than argued or reasoned out.

Mr. W. S. MUKADAM : I may consider it reasonable if one vote is less ; the Honourable Minister may consider it reasonable if it is five votes less. What is reasonable ?

The Honourable the PRESIDENT : There is a reasonable standard of considering what is reasonable.

TAXATION IN BOMBAY CITIES : INCIDENCE

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(1) the total amount of revenue collected from the principal cities of the Presidency having a population of over a lakh under the following heads :—

(*i*) Municipal,

(*ii*) Provincial ;

(2) the population of each such city ?

The Honourable Mr. J. L. RIEU : (1) (*i*) and (2) (Answered on 14th October 1927).

(1) (*ii*) The amount of provincial revenue collected in the city of Bombay was Rs. 2,92,88,000 during the year 1926-27. The figures of provincial revenue collected in the mofussil cities are not available, as the accounts are compiled by districts and not by cities.

PENAL CODE, SECTION 366B : PROSECUTIONS

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(*a*) the number of prosecutions under section 366B of the Indian Penal Code which provides against the importation from Indian States of girls under 21 for the purpose of prostitution ;

(*b*) the results of such prosecutions ;

(*c*) whether it is a fact that the section is defective and does not serve the purpose for which it was enacted ?

The Honourable Mr. J. E. B. HOTSON : (*a*) and (*b*) No prosecution under section 366B of the Indian Penal Code was undertaken by the Bombay City Police in 1926. One case under this section was put before the Presidency Magistrate, 2nd Court, Bombay, in 1927, in respect of a girl brought from an Indian State of which she was a native to Bombay, but it was held that the section does not apply to cases of that nature. The charge was consequently changed to one under section 366A or 372 of the Indian Penal Code.

(*c*) The object of the section was to cover cases of girls imported from a foreign country, whether direct or *via* an Indian State. It was not intended to apply to girls who are natives of any Indian State. Government are now considering whether it is desirable to amend the law further so as to cover cases of this nature.

GOVERNMENT PEONS, NORTHERN DIVISION : PAY AND PENSIONS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they have received a memorial from each peon of the Government offices of Northern Division praying for an increase in salary and demanding pension at the rate of half the pay ;

(*b*) if so, what action they have taken on these memorials ?

The Honourable Mr. J. L. RIEU : (*a*) Such memorials were received from peons in the Revenue offices of the Ahmedabad, Broach, Kaira and Panch Mahals Districts.

(*b*) Government regret they cannot grant any further increase in their pay. As regards pension, Government propose to provide for the grant of pensions equal to half pay, without any maximum limit, to servants in inferior service who retire after 1st April 1928.

GUJARAT COLLEGE : COMMEMORATION CELEBRATION

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the Principal of Gujarat College, Ahmedabad, announced in a meeting of College students held on the 13th January 1928 that commemoration of the College would be celebrated on the 26th and 27th January 1928 ;

(*b*) if the answer to (*a*) is in the affirmative, whether the said function was held on the said dates ;

(*c*) if the said function did not take place, what were the reasons for abandoning it ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) At a meeting held in the College Hall on January 13th the students decided by a show of hands to hold a Commemoration Ceremony and by votes of 262 to 164 it was decided to fix the ceremony for the 26th and 27th January.

(*b*) and (*c*) The function was not held because about 300 students petitioned the Principal that this would interfere with the Preliminary Examination to be held in the following week and it was suggested

that celebration should be deferred until next year when a special function should be arranged to commemorate the 50th year of the affiliation of the College to the University. To this the Principal agreed.

AGRICULTURIST'S INCOME

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they are collecting information regarding the present income of the agriculturists through a special officer;

(*b*) if so, whether he has been instructed to take the help of or consult the present irrigators' associations who are actually working in that direction?

The Honourable Mr. G. B. PRADHAN: (*a*) No.

(*b*) Does not arise.

CROP PROTECTION IN KANARA

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they have received any report from the Collector of Kanara in connection with crop protection as suggested in Government Resolution, Revenue Department, dated the 19th July 1927, on the report of the Forest Grievances Enquiry Committee;

(*b*) what his recommendations are and what action Government are taking on them?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) The Collector has made no recommendations, as he found that the orders of Government passed on the recommendations of the Crop Protection Committee were quite sufficient.

Question again proposed:

"Reduce by Rs. 50,000, Total Demand."

The Honourable the PRESIDENT: The discussion on the motion of the honourable member Mr. Swaminarayan, to reduce the demand by Rs. 50,000 will now be resumed.

Rao Bahadur R. R. KALE (Satara District): Sir, this demand includes the item for the Labour Office, and as the question of unemployment has been raised, I should like to say a few words.

The Labour Department, I find, is not a separate department as such. The Director of Information is an officer who partly looks to the Information work, and he is also the Director of Labour Intelligence, and we find from the remarks in the Blue Book that his salary is debited partly to the General Administration and partly to this Labour Office. It seems to me that there should be really one Department of Labour and Industries; that is to say, the Labour Department should be a branch of the Industries Department. I understand that in the Government of India there is a Department of Industries and Labour combined, and the question of unemployment which has been raised by honourable members on this debate would properly fall within the purview of the

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Department of Industries. At present it seems that the Labour Office collects certain information, and it is properly called the Labour Intelligence Office, that is to say, giving certain information and statistics about Labour operations.

It appears to me from the speeches of honourable members who preceded me that the scope of the labour office should be widened; I think it should be amalgamated with the Industries Department. In that case various problems dealing with the unemployment of intellectual labour and manual labour can properly be investigated and remedies suggested to meet this evil of unemployment. (An Honourable Member: One is transferred and the other is reserved.) It may be but there is no reason why the Labour Department should be reserved. It is naturally allied to the industries and there should be no difficulty in making the necessary rules to make labour office a branch of the Industries Department. It may be just as the Educational Department, partly reserved and partly transferred. I find from the white book that the Director of Labour is a highly paid officer; and if that is so why should he be kept for the mere purpose of collecting information? Further I find that his salary is non-voted. If we are going to have a labour department it should be combined with the principal Industries Department and certainly the establishment of the Information Bureau will look after the work of the labour office.

One word about the Information Bureau. In the days of non-co-operation in the year 1921 perhaps it was necessary to have a separate organisation for the purpose of carrying on counter-propaganda. Now every department issues its press notes and Government have other ways of publishing information. The Secretary of each department is able to communicate to the public all necessary information. Therefore I think that there is no necessity at all for the Information Bureau. The work which is at present done by the Director of Information is simply publishing leaflets and pamphlets and generally the information contained in them is known to the public in advance by means of newspapers. Hence I think it is time that Government will be pleased to consider this question of the desirability of continuing this department any further. As the question of unemployment is cognate with Industries, I think the proper time will be when the Industries Department comes up. I hope honourable members on the Government benches will pay attention to my suggestion and give it their favourable consideration.

Mr. S. A. SARDESAI (Bijapur District): Mr. President, the question of unemployment is the problem of problems. This question is certainly not confined to this country only but to the other countries also. On this question civilised nations have been breaking their heads. Some Governments have found a solution and others are still trying to find a solution. The problem of unemployment has been solved by the Italian Prime Minister in a more practical way; and the whole world is watching with interest the methods he has adopted. Certainly he has adopted more practical methods and I will mention only a few out of the hundreds

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of methods he has adopted : the finding of labour for employment in the various departments ; and exchange of skilled hands. I shall explain what is meant by the exchange of skilled hands. Suppose there are 5,000 carpenters in Bombay and Poona has got 5,000 blacksmiths. If Poona is in need of carpenters and Bombay in need of blacksmiths, these hands will be exchanged. That is one thing. He has provided for the expenses of persons to reach places where they can find employment. The other method is by giving vocational and industrial training in schools and abolishing the literary colleges and schools. By this judicial retrenchment he has been able to solve this problem. I think it will be better for this Government to consult about the Italian methods by direct communication with the Italian Prime Minister or by communication with the Italian Consul in Bombay. By this means they will get many suggestions for solving this problem. This problem is not so very difficult as it appears to be because they will find a solution for this if only they refer to the minority report of Sir M. Vishweshwara Ayyah Committee. Though this problem seems to be difficult it can be very nicely solved by the same methods as are followed by the Italian Prime Minister. I may suggest to this Government that instead of continuing good many literary colleges, like the Deccan College, because in Poona there are two other colleges, they may abolish certain colleges and twenty schools like the Bijapur High School. By abolishing these literary institutions, they will save some money which they can profitably spend on technical education. I think that Government should rise to the occasion and examine the whole thing properly and see whether it is necessary for them to maintain so many colleges and high schools which are quite unnecessary and which will not bring bread to the teeming millions of India whose cause I am now advocating. I can suggest to them many practical methods. I think the policy of the Italian Minister must be pursued. With these remarks, I support the cut.

Mr. B. V. JADHAV (Satara District) : Sir, I am an admirer of the Dictator of Italy, Signor Mussolini, but I would like to worship him from a respectful distance : I would not like his methods to be introduced into the administration of this country, at all events not into the administration of this presidency. Italy may be a land of happiness and good fortune, but we are not going to envy her.

With regard to the question that has now been raised about the unemployment of the middle classes, I should like to say a few words. In the first place, I have to emphasize one thing, namely, that no member of this House should try to introduce communalism into the consideration of this question. The middle classes are not recruited from one community ; to that rank come recruits from all communities. My grandfather, Sir, was a member of the labouring and cultivating classes, but my father and myself are now included in the middle class. So, the remarks that I shall make should be taken as not attacking any particular community but should be considered in the proper light and as applicable to the question of unemployment of the middle classes in general.

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The so-called middle classes are known in common parlance as gentlemen with fine clothes. They do not want to soil their hands and their white clothes by working in the fields, and in this way there has been in this country a distinction between the two classes. One has to bear in mind that these white-clothed classes are parasites : they feed upon the labour of those who work in the fields. Let them be lawyers, doctors, administrators or legislators : they do not produce anything : they are fed by the cultivating classes. (Mr. B. G. Pahalajani : They produce brains). They have brains certainly, but many a time their brains are abused. I think the misery and the abject poverty of the average ryot is due to the working of the splendid brains that are now boasted of. I would point out that there is a good deal of unemployment among the middle classes and that the condition of this unemployment is becoming more and more acute. Government are condemned in season and out of season for not doing anything, and for not raising their little finger to remedy this evil. I think also, Sir, Government are responsible for this condition. They have opened high schools ; they have opened colleges ; and in that way manufactured a commodity for which there is no demand. But what is the condition now ? When they propose the abolition of a high school or the abolition of a college, there a hue and cry is raised and the action of Government is condemned as being very retrograde. And what are our brainy men doing ? They are starting more and more high schools and trying to found more and more colleges—arts colleges, mind you—and in that way they are doing their best to add to the numbers of the unemployed from the middle classes. I do not know how long this process is going to continue. I admire the spirit which my honourable friend from Bijapur has shown here. He has proposed that the high school at Bijapur, the headquarter town of the constituency which he represents, should be abolished and the money and the building thus made available should be employed in founding a technical school at Bijapur. Bijapur, Sir, is a place very much suited for a technical school. Everybody has admitted that claim. The Government have admitted it. His Excellency the Governor on more occasions than one has expressed his desire to found a technical school at Bijapur ; but it has remained a pious wish, because no funds are available. Now, my honourable friend from Bijapur has pointed out the way, and I hope his suggestion will be taken up by the Honourable Minister for Education and that the great want that has been felt by the people of Bijapur so long will be met from the funds which will be saved by abolishing the high school at Bijapur. Sir, I may point out that the machines for turning out men who cannot find employment are on the increase. There was only one Government law college in the past, and yet the output from that college was so very heavy that the pleaders generally were called briefless. But now another college has been started at Poona and two more will soon be working. I do not know where all these law graduates that will be turned out of these colleges will find work. It is said, Sir, that idle fellows form a very serious danger to the society, and I do not know what the condition of

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the people will be in the districts when so many briefless lawyers go to swell the ranks of the already large numbers of the practitioners at the bar.

My honourable friend the member for Labour has described here the dire condition of some of the medical practitioners and the doctors that have been turned out of the medical colleges. I am told that these doctors are generally known as killers of flies. They will waste their time and opportunities in swarming into the biggest places, but will not turn their attention to the villages where people are dying like flies. In this way, our medical education is not benefitting the people at large. The villagers do not get the medical help they do want and medical intelligence and the medical talent are wasted in the cities and big towns. That is one of the causes of unemployment in the medical profession. A manufacturer who manufactures goods for which he knows there was no demand, would be looked upon as a fool. The society is now acting exactly in the same manner; they are producing abundant material—graduates in law, graduates in medicine, and graduates in arts—for which everybody knows there is neither demand nor prospects of employment. In spite of this more and more graduates are turned out year by year, and every district town is now wishing to have a college for itself. I have come to know that when the Honourable Minister for Education raised the fees in the high schools, many people thought that it was a retrograde step, and I would not be surprised if, when that portion of the budget comes under discussion, he is attacked on that account. I take this opportunity, Sir, of saying that I fully endorse his view and that I am of opinion that he has done well in raising the fees. (Moulvi Rafiuddin Ahmad: Bold thing?) Certainly this is a bold move, and I am ready to stand by him. It is absurd to say that the burden of secondary and higher education should be wholly borne by the general exchequer.

Government have up to this time spent a lot of money over higher education and also secondary education, but they have not done as much as they ought to have done for primary education. Government have now come to recognise their duty by primary education, and when they found that they have no funds to spend for primary education, and when they found that there is a demand for higher education, it is but right that the Honourable Minister should lay a portion of this burden on those who want to take higher education.

I would, therefore, say that the question of unemployment is mainly in the hands of our leaders. It is for them to solve this question. Our leaders have to find out a way for utilising the intelligence and work of these men. Our graduates and our learned men should not fight shy of going to and working in the fields or in factories. Up to this time the unemployment is solely due to the fact that our white-coated brothers would not soil their hands by working like the labourers. That idea ought to be given up by the educated classes. If this is done, I am sure this question of unemployment will be solved. This question is met with in all the provinces, mostly in Bengal. And I find that the Bengali

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graduates have gone to the land and are working on the farm as common agriculturists. If our graduates would do some such thing, they will not only add to the prosperity of themselves but to that of the people at large also. Thus agriculture will improve and will be made profitable to all concerned. There are so many tracts where the agricultural population is sparse and I think some of our graduates may try there and remove the pressure of unemployment.

Mr. B. G. PAHALAJANI (Western Sind): Sir, we find that the department of the Director of Information and the Labour are both combined. It lies concealed in a very small corner in the budget, and it is with considerable difficulty that one discovers this item in the budget.

On turning to page 91 of the White Book, we find the pay of the Director of Information, under general administration where the amount of Rs. 26,400 has been shown, Rs. 2,000 is shown as the salary of the Director of Information and to it is added a special pay of Rs. 200. This comes to Rs. 26,400, non-voted, against Rs. 24,000 for 1926-27, and Rs. 24,450 being the budget estimate for 1927-28. You will also observe that the same officer, namely the Director of Information, has to do the duty of the Director of Labour. At page 251 of the same book, you will notice that a provision has been made for Rs. 69,000 voted, and Rs. 16,000 non-voted for the next year for the Bombay Labour Office. This amount together with the expenses for other establishment comes to Rs. 1,50,000.

Now, if you look at the Blue Book, it shows that Rs. 16,000 has been debited to the Labour Office as half charges incurred on account of the salary of the Director of Information, who does the work. I do not know how there has been an increase of Rs. 2,400 on this item, over the amount of Rs. 24,000. You will also notice on page 91 of the White Book that there is an item of Travelling allowance Rs. 3,100 and House-rent allowance Rs. 2,400, which comes to the total of including the figure for salary about Rs. 32,000. I now put it to the Honourable the Finance Member and the Honourable Member who is in charge of the Miscellaneous,—whether he is the Honourable the General Member or any other honourable member—I put it to them whether it is not right that this amount should be spent over the department of Industries. It has been admitted that this department has not been developed. It has also been admitted that it will take some time for the development of this department....

The Honourable Sir COWASJI JEHANGIR: Sir, the Director of Industries is not included in this item.

Mr. B. G. PAHALAJANI: I know, Sir, it is not included in the item which is at present under discussion. I know that will come under the next demand. I know there is a separate item for the Director of Industries which will be next taken up for consideration and to which I have raised my objection. What I wish to say is this. I want to know from the Honourable the Finance Member whether he thinks that

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any expenditure should be incurred on the department of the Director of Information.

The Honourable Mr. J. E. B. HOTSON: Sir, the item for the Director of Industries is not included in this item and so, it is irrelevant to refer to that item.

Mr. B. G. PAHALAJANI: Sir, on page 97 of the Blue Book you will find:

> The Director of Information also holds the post of Director of Labour Intelligence. The provision on account of the pay of the Director of Information was made under the head "22-General Administration." As the Director also devotes about half his time to his duties in connection with the Labour Office half the provision on account of his pay and allowances has been made under this head. This increase is partly counterbalanced by a decrease under the sub-head "Controller of Rent."

The Honourable the PRESIDENT: I think both the sides are right. Technically the Director of Industries and the Director of Information is the same person.

The Honourable Sir COWASJI JEHANGIR: Not the Director of Industries, but it is the Director of Information and the Director of Labour Office.

Mr. B. G. PAHALAJANI: Sir, I have already observed that Rs. 16,000 are debited to the Labour Office on account of the salary of the Director of Information. What I want to say is this. The Government are going to create a separate appointment of the Director of Industries; I would, therefore, ask Government to consider whether the Director of Industries should not do the duty of a Director of Labour. Why should there be a burden of about Rs. 32,000 which is spent after the Director of Information? I should like to know from the Honourable the Finance Member and the Honourable Minister whether they cannot transfer the duties of the Director of Labour to those of the Director of Industries. We have him; he must continue, and let his work be confined to that. But, so far as the Director of Labour is concerned, let his duties be transferred to a more legitimate person, that is to say, the Director of Industries. Let him come in contact with unemployment. The Director of Information cannot come in contact with unemployment, because he has only to prepare press-notes and nothing more. This is a matter, therefore, which the Honourable Minister concerned and the Honourable the Finance Member might consider.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, here in 37, Miscellaneous Departments Labour Office has been included. As has been pointed out by the honourable members who took part in this discussion, the function of the Labour Office is very much limited at present. It merely collects statistics; but that does not give food to the unemployed. The function of the Labour Office must be like that of the Labour Ministry in England and other European countries. These functions are to find employment for the unemployed, and if they are unable to find employment for them, they have to provide them with food. That is the function which has been recognised by civilised

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governments in European countries. Here, Labour Office is merely doing a work which does not satisfy the requirements that are necessary if we want to conduct the government on civilised lines. It is the duty of Government to find work for the people, or if they are not able to provide them with work, then they have to provide them with at least the bare necessaries of life. In England also the Labour Ministry provide food, if they are not able to provide work. Similarly, if the Labour Office is to be conducted on the lines on which it is worked in European countries, it is worth while to have the Labour Office; otherwise the amount of money that is spent on Labour Office is merely wasted. It is wasted practically in giving salaries of big officers and in employing persons to collect statistics. You may collect statistics, and you may find that so many people are unemployed. But what would be the result? What would be the benefit to the unemployed? They are there, all the same. They do not get any benefit from this department. The duties of the Labour Office should be wider if they at all want to continue that department. I may at this stage compare the ideals of civilised Governments in Europe with the ideals of Government in ancient India. In ancient India the ideal of Government was, as pointed out by Kalidas in one of his great poems,

प्रजानां विनयाधानाद्रक्षणाद्भरणादपि ।
स पिता पितरस्तासां केवलं जन्महेतवः ॥

That is, the duties of Government are threefold. They have to give the subjects universal education. Then, रक्षणं, *i.e.*, they have to protect them. Then, भरणं, *i.e.*, they have to maintain them. These three were the recognised duties of the Government in ancient times. In fact, the subjects were to be considered the children of the King; the King was a greater parent to these children than the parents who gave them birth. The duty of protecting and maintaining them devolved on the State, and these three principles are recognised in Bolshevik Russia. And lastly, in Europe they have to do this. If they did not do that, I think there would be revolution as there was revolution in France and Russia. Let the Ministers who hold the reins of Government in England allow the unemployed to remain without food even for a single day; I think their offices would at that time be invaded and the people would altogether revolutionise the form of Government. Government have been compelled to recognise this as a primary function. This function was also the ideal in the ancient system of Government in India. Just, on the other hand, here, the Labour Office collect statistics, publish them in a Gazette, and the people starve on an enormous scale. At least in Bombay city you do not find the unemployed actually starving, but in the mofussil there are so many unemployed who do not even get sufficient food once a day. All these people have to be cared for and looked after, and Government have to realise their dûties towards them. That is the real function of the Labour Office, and if the Labour Office is to be widened and put on the lines of civilised

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governments, it is worth while to keep it; otherwise cut down these Rs. 50,000 and abolish your Labour Office altogether. With that object in view, I move this cut in this budget.

The Honourable Sir COWASJI JEHANGIR: Mr. President, this cut has turned out to be a debate on unemployment, and, therefore, I will confine my attention only to that aspect of the case. My honourable friend Mr. Nariman and my honourable friend Mr. Bechar have made no distinction in unemployment in industrial labour, agricultural labour, or amongst the middle classes. They have lumped them all three together. Sir, in this country I do not think it can be contended that there is any unemployment amongst agricultural labour, and no honourable member has put forward such a contention. I do not know whether it really requires even contradiction. But I would refer honourable members to the General Administration Report, the one last issued, of 1925-26, which gives interesting information. In the Central Division the daily average rate of wages of a field labourer in rural areas rose by 14 per cent.; in urban areas by 7 per cent., over the rates of 1924. Then, it goes on to give us the Southern Division. There was an increase of 25 per cent. in the wages of a field labourer in rural tracts in 1925 as compared with the previous year; in urban tracts the rates remained stationary. Sir, therefore, without taking up further time of the honourable House, let us eliminate agricultural labour. Then, we come to industrial labour. I do not think anybody can seriously contend that there is unemployment in this presidency to anything like the extent that is prevalent in Europe. I will, therefore, dismiss that part of unemployment. Then, we come to the middle classes, and there we are prepared to admit that there is, to a certain extent, unemployment in the big cities. In the middle classes I would include clerks and even some professional men. Sir, the remedy for this unemployment is not, by any means, an easy problem; and let it not be thought that up to now Government have paid no attention to this question. The very fact that Government ordered an enquiry into middle class unemployment is a proof that some attention has been paid to the matter. A report was issued in 1927, and I presume that my honourable friends have studied the report.

Let me first allude to a point made by my honourable friend Mr. Nariman when he stated that the information contained in the Labour Gazette was not of much use because after all what the people wanted was food and money to obtain food and they did not require family budgets. I could not quite understand the exact inference of that statement, but I will remind honourable members that family budgets are collected not to give any idea to the poorer classes as to what they should eat but they are collected to enable Government to get some idea as to the cost of living.

The one remedy that has been suggested is an unemployment bureau. I think that suggestion came from more than one honourable member yesterday; it certainly came from my honourable friend Mr. Nariman. Now, Sir, an unemployment bureau in any part of the world is not

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going to create employment : and, therefore, I will, with your permission, give you authoritative opinions as to the functions of an unemployment bureau. The introductory chapter of a book published by the Russel Sage Foundation on Public Employment Offices has gone into the question and has described unemployment bureaus very shortly, very concisely and very much to the point so far as our debate is concerned. It says :

" Our discussions with those who have been at work on unemployment bureau questions longest have shown that they recognised from the beginning that public employment exchanges could not in the periods of depression make jobs when or where there were no jobs, nor could they in times of prosperity and labour shortage discover more workers when the supply was limited and no more were to be found."

An employment bureau, therefore, regulates the supply of labour ; it does not create employment. In Bombay and big cities where unemployment in the middle classes is most noticeable, an unemployed, whether he be a clerk or a doctor or a struggling lawyer, does not find difficulty in finding an employer who has got a job to offer but the trouble is that employers have not got jobs to offer. If an employer had got a job to offer suitable for the middle class, he would find no difficulty in getting applicants for that job, nor would an unemployed find it difficult to find out employers who required their services. Therefore, an unemployment bureau would cease to function in this city. If there was great difficulty in bringing the employer and the person to be employed into touch with one another, an unemployment bureau would be a very useful institution, and therefore the suggestion of having an unemployment bureau is not going to help the middle classes in this city or in any other big city in this Presidency.....

Mr. K. F. NARIMAN : It will prevent foreign importation.

The Honourable Sir COWASJI JEHANGIR : I do not know how it is going to prevent foreign importation. That can only be prevented by the employer. If the employer ceases to employ foreigners, then only the unemployed in this country will get a job but as long as the employer prefers foreign labour and looks out for foreign labour, the unemployment bureau is not going to be of any use....

Mr. K. F. NARIMAN : Government is the largest employer.

The Honourable Sir COWASJI JEHANGIR : Government do not require an unemployment bureau. To have an unemployment bureau with any success, large employers of labour must be prepared to take all the servants they want through the unemployment bureau. Would my honourable friend Mr. Lalji Naranji, representing the Indian Merchants Chamber who are large employers of middle class labour, be prepared to employ only such as would register in an unemployment bureau.....

Mr. LALJI NARANJI : Provided the Government was my own, I would.

The Honourable Sir COWASJI JEHANGIR : They would in most cases never agree because it is so easy now-a-days to find the man they want.

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Our situation in Bombay having been little more clearly defined, let us see what is the position in Europe and America. In those countries unemployment exists mostly amongst the artisan class and unskilled labourer. State efforts are really exclusively confined to those classes. There is no assistance given, so far as I know, to the middle classes in foreign countries....

Mr. N. A. BECHAR: The middle class in those countries work by the labour of their hands.

The Honourable Sir COWASJI JEHANGIR: I wish that it was really so. What country does the honourable member's remark refer to?

Mr. N. A. BECHAR: England.

The Honourable Sir COWASJI JEHANGIR: Let us not compare such matters, but let us confine our attention to the facts as they exist in those countries. The facts are that in England and America Government aid for unemployment is confined to the unskilled labourer and to the artisan, and, therefore, when our friends ask us to follow the example of Europe, I do not think they are on very firm ground. Let us take the question of unskilled labour and of the artisan. Any State aid must be based on the foundation of doles. If the State tries to find employment for the unskilled labourer and the artisan and if it fails, it must be prepared for doles. Luckily for us at least in this presidency, we have not had to consider the question of doles. I would only say that we can dismiss the question of agricultural and industrial labour and therefore I do not go further into the question of what Europe does for that part of its unemployed.

Now, Sir, looking nearer home, Bengal appointed a committee to go into the question of unemployment, and its report has been before the public for some time. It will be seen that the bulk of its recommendations deal with alterations in the existing educational system, and that very few of its suggestions are designed to relieve the present situation. Therefore, so far as unemployment amongst the middle classes is concerned it becomes a matter of qualifications, and it comes down to education. Again, in Japan, they had an enquiry on the question of unemployment, and the main principle underlying the report was that the problem should be dealt with by an improvement of the present system of education. The report goes on to state as follows:

"Instead of giving undue prominence, as does the present system, to subjects remote from every day life, provision should be made for vocational education and subjects of a practical value with a closer bearing on social life, and their study should be encouraged."

Now, Sir, I am afraid that these reports are poor consolation to the middle class unemployed of to-day. A man wants a job; if you reply to him that we are taking steps to improve the education of the youth of the country, so that, when they grow up, unemployment will not exist, it is truly offering him a stone, when he is asking for bread; and I am fully conscious that the reports on unemployment amongst the middle classes that have been presented to the public up to now make no suggestions as to the immediate relief that can be given. The remedies

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go much further down and deeper than any mere superficial remedies we can suggest for the unemployed of to-day. A great deal of unemployment amongst the middle classes in this city is due to trade depression. There has been retrenchment everywhere, and you cannot expect large employers of labour to be philanthropists. In times of depression the axe must come down, and hundreds must find themselves without a job. What is the remedy for this state of affairs ? Can you discuss the remedy in a discussion on the Labour Office ? It is a much wider and much more important question. This unemployment amongst the middle classes requires discussion on education, on trade depression, and it depends on other factors. Therefore, when honourable members while addressing this House believed that they were giving us suggestions for the first time, they were not quite correct. These files date back to three or four years, and I am afraid that, on the present occasion, I cannot make any useful contribution to this discussion on unemployment amongst the middle classes, useful in the sense that I can come forward and say that Government are prepared to do something immediately. I have tried to point out the deep roots that this question has got, which have to be investigated and considered by all departments of Government.

Mr. President, the nominated Labour representative for the city of Bombay criticised the activities of the Labour Office and compared them with Madras, and when he was asked to explain the functions of the office in Madras, he said he knew them and he would explain them, and therefore led us to believe that the two offices could be compared. The office in Madras has the following activities under its control ; the management and control of criminal settlements, the education of the depressed classes, Factory Act administration, emigration of labour, and Co-operative societies ; and the budget for all these is about Rs. 5 lakhs. Now, Sir, to compare a department which has all these activities under it with a department like the Labour office is not a fair comparison.

Sir, the honourable member also made an allusion to the mill strikes, and stated that Government, except giving a very patient hearing, gave no further assistance. Since he made that statement, I find it necessary to say only a few words. These representatives of Labour believe that whenever there is a strike in an individual mill in Bombay, Government should immediately interfere. Why ? I do not know. If they are representatives of Labour, it is their duty first to see what they can do with the employers of those who go on strike. If they expect Government to jump in on every occasion, they will find that ultimately the assistance of Government will not be of much avail. After all, Government have no powers. They act as a friendly medium in the mill industry in Bombay between the employer and the employee, and the assistance of that friendly medium should, I believe, be only sought under grave circumstances. I have expressed that opinion to my honourable friends who represent Labour, and I express it openly in this honourable House, and I trust that they will first make efforts themselves and if the situation is really grave, Government have in the past

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and will in the future put their services at the disposal of both employer and employee.

Mr. President, a complaint was also made that Government are reluctant to go in for legislation. There are some who think that we are going a little faster than we should. I express no opinion on these different schools of thought, but I would point out that when this Government is accused of doing nothing with regard to the Industrial Disputes Bill, those who make the accusation are not conversant with the facts. Honourable members of this House know that a bill was drafted and was to be presented to this honourable House but it was withdrawn, as the Government of India proposed to legislate for all India. (An Honourable Member: It was in 1923 and nothing is heard of till now.) I have no further information to give from the Government of India. I think I have replied to a good deal that has been stated in this honourable House. I have nothing further to state at this stage.

Question put and lost.

Question that the Demand for Rs. 4,23,000 under 37, Miscellaneous Departments be granted was put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move for a grant of Rs. 1,02,000 under 35, Industries.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I move:

"That item No. 62 on page 276 of the Blue Book, 'Appointment of Director of Industries and extra staff in the Department' to be omitted."

Now, the House is aware that the Honourable Minister has made a demand for a magnificent sum of Rs. 1,02,000 for industries in an industrial province like Bombay. It is not necessary to go into the history of the Industries Department beginning with the reformed Council when the present Finance Member who was then the Minister in charge of fisheries purchased a trawler and sold it after two years. Since then the department has taken a downward course. The Director was done away with in 1924. Up to that year we had as Director an I.C.S. man and the cabinet found it necessary to do away with him, because he did not answer the purpose. The only purpose for which the Director was appointed was for the purpose of giving advice. This item is intended for the first time to introduce an expert and a sum of Rs. 29,597 has been provided, while the provision for the whole department is Rs. 1,02,000. My intention in moving this cut is twofold. The first is to draw the attention of the Honourable Minister in charge to the usefulness of this department and to ascertain from him whether he is prepared to increase the activities of this department, if he appoints an expert. If he is prepared to do so whether he is going to press the Honourable the Finance Member who, while in charge of that department, took a great deal of interest in it, to make greater allotment, which is in his power by means of omitting items of questionable utility. What the House emphatically desires is that the Honourable Minister will assert himself and that the Honourable the Finance Member shall allot more

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money even at the sacrifice of many other things which the Honourable the Finance Member may consider necessary. The next point is to insist that the Director to be appointed must be an Indian conversant with Indian industries. These are the two objects with which I have moved this cut. The House will be prepared to sanction a much larger amount than is provided for here. This cut is moved in order to declare that the department should be encouraged and that an Indian expert should be appointed as Director. If these two conditions are not satisfied, I am sure this House will omit that item unanimously.

Question proposed.

Mr. LALJI NARANJI: (Indian Merchants' Chamber): Sir, in supporting the views of the mover of this cut, I have to offer a few remarks on the question of the industries of this presidency which is called an industrial province. Out of the sum of Rs. 1,02,000 which is to be spent on this department, Rs. 29,597 is going to be spent on the appointment of a Director of Industries. Honourable members who preceded me very largely dealt with the question of unemployment but no remedy was suggested either by Government benches or by honourable members on this side of the House. I am tempted to speak on this subject, because the Honourable the General Member stated that he would like to hear from me as one concerned with industries and employers of middle class men whether those in trade and in industries would employ those men who are without employment. The Honourable the General Member seems to be impatient and I will just explain it to him. The real complaint in this country is that the industry has been deliberately not only disregarded but all attempts are being made by Government which is a foreign and industrial Government to keep India as a market only. Government has made no effort to develop the activities of this department. I will simply ask the Honourable the General Member to deny the following statements of mine on behalf of the Government which he represents.....

The Honourable Sir COWASJI JEHANGIR: Mr. President, as a matter of personal explanation. I have said nothing of the sort. I do not know what my honourable friend is alluding to. All I asked was whether the honourable member was prepared to take all he wanted through an Unemployment Bureau? I used that as an argument that an Unemployment Bureau will not be of any use. I said that employers of labour could do without such an agency; they did not require it in this city; why should they make use of such an agency? That is all that I said.

Mr. LALJI NARANJI: Sir, my remarks have reference to what he was saying when I interrupted him. If this country was self-governing this question would never have arisen. I certainly do not see any chance of our industries being uplifted from the position in which they are lying to-day, so long as the real elected representatives of the people are not on the Executive Council instead of they being responsible to Whitehall they must be made responsible to the people. If the Government were our

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own, the condition of India would not have been as it is to-day. I shall now refer to the condition of industries in other countries. I am quoting from the *Labour Gazette*, which has always been giving important news as regards industries :

" According to information published by the Federal Reserve Board of United States, it is estimated that in 26 years from 1899-1925, the volume of production increased by 175 per cent., the number of wage-earners by 60 per cent. and the average production of each wage-earner by 50 per cent. since 1899 and by 33 per cent. since 1921."

I quote these figures and ask if the Government of this country can show any such thing to its credit.

The Honourable Mr. J. E. B. HOTSON : Sir, is the honourable member aware that unemployment is a very serious problem at the present time in the United States of America ?

Mr. LALJI NARANJI : I will point out to the Honourable the Home Member that it is not so. I will show from the same *Labour Gazette* that the labourers in America are getting not only double, or treble, but four times the wages they were getting in the past. Those labourers who make four times their previous wages can certainly tide over a time of depression, but those who have been depressed since the advent of the British rule in this country cannot. I will show that Government have done nothing to help the industries....(An honourable member : They have increased the salaries of officers). They have increased the salaries of high salaried European officers and that is the reason why there is more poverty in this country ; we have paid high salaried officers not to serve this country by developing industries, but by creating work for the industries of England, and that is another reason why we have no help to industries. I will quote from the *Labour Gazette* of February 1928 :

" Further evidence of the truth of this principle is given by the conditions in America to-day where prosperity is immense, and trade-unionism on the whole, much weaker than in this country. Wages are very high because *the determining fact has been the strength of industry* and not the weakness of the trade unions."

It is pointed out there that high wages depend on the strength of the industry. If the Government were our own, I am sure Government would have provided not one lakh, but many lakhs. Other provinces in India are providing several lakhs. What is the reason why Bombay is not providing more ? It is sheer indifference or I may say it is because this subordinate Government is at the dictation of another subordinate Government of Whitehall. That is the only reason, and that can be seen from the report of the Industries Committee. Instead of any support to industries there has been pouring of cold water on the suggestions made to strengthen the position of the Director of Industries. The Department of Industries was started here as a result of the recommendations of the Industrial Commission of Sir Thomas Holland. It was started, I believe, in 1922, and when it was started under an I.C.S. officer nearly fourteen heads of activities were placed by this Government under the Director of Industries. But in 1924 I moved for a reduction in the total grant as a protest against non-Indian I.C.S. occupying the Director's post, and an arrangement was arrived at that time when the honourable member Mr. Jadhav was the Minister, by which the

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Department was to be conducted by an Indian. Now, what has been the attitude of Government since an Indian was appointed ? They curtailed all the activities of the Department and deprived the Director of all the activities which the previous occupant of that post had managed, and the Department was turned into an absolute non-entity. Coming to the report of the Industries Committee, what do we find ? Even the recommendations made by Sir Manmohandas and myself have not been accepted by Government, because we differed from the President of that Committee. The recommendation is that the control of the Factory and Boiler Inspection Department should be given over to the Industries Department. Even such a small thing Government were not prepared to accept, because they have no other alternative but to appoint an Indian Director. Now, if the activities of the Department are going to be curtailed because an Indian Director is appointed, how is the department going to be successful ? It will be simply waste of money to spend on such an important department such a small amount of money. This Department ought to be provided much more and not starved as the honourable mover of the cut said. I hope this department will not be deprived of those activities which were given to it when it was started under the recommendations of the Sir Thomas Holland Commission. Now, this department is important not only for the trading and the capitalist interests but also for agriculturists as labourers in their spare time. How will labourers find employment ? As already pointed out by me by the quotation that I read, America is prosperous because her industries are prosperous. Here no attempt is being made by Government to promote even small industries, leave aside big industries. But see what other Governments do. Take for instance Japan, and see how they develop their cottage industries, *e.g.*, match industries ; cigarette industries, soap industries, toy industries. When we talk of cottage industries, we are reminded by Government that they are encouraging handloom weaving. But is it a fact that this foreign Government have encouraged handloom weaving ? Do they not remember that India used to supply cloth to England and that England by prohibitive duties prevented Indian cloth from going to the West, and that they are now our suppliers of cloth ? What have they done to the handloom industry ? If you refer to the minute of dissent by Pandit Malaviya you will find not only that this Government has done nothing to help the handloom industry, but that they made every attempt to kill that industry by cutting the fingers of those workers who were the cause of the prosperity of India. They have deprived us of that handloom industry, and to-day they show that they are spending Rs. 30,000 for helping that industry. Have Government helped to start any new industries which supply certain articles which were luxuries before but have become necessities to-day ? I say that Government have done nothing ; they do not want to see any industry prospering in this country. We know that our weaving industry has existed in India in spite of the adverse efforts of foreign Government in this country owing to the ample supply of raw materials and spot market.

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That is the only industry that is left to us. What industry is there to the credit of this Government which they have helped to prosper ? Can they show to this House any industry which they have tried to help ? I do not think so. I may say that the money that will be spent for the development of industries will be repaid in various ways. That money will be repaid by employment of several lakhs of people. Sir, I had no mind at all to speak on this subject, but I only spoke because some remarks were made and a question was asked whether those who represent Industry and Trade will give employment to those on the list of unemployment bureau. I do say that those who represent industry and trade will give employment, if full and complete financial genuine authority were given to one province and if it was not stated that this subject is that of the Central Government. I say, Sir, that the Bombay Government is a branch of that Central Government in this respect and so partially it is responsible for this state of affairs so long as they do not secure complete financial authority to the people of this presidency. Nothing has been done to develop the industry. I have got many quotations to give to this House, but I do not like to take the time of this House. If you look into the *Labour Gazettes* from December to February you will find very important quotations given therein. If the honourable members will read the *Labour Gazette*, they will see that the Government are not only not doing anything, but they are shutting their eyes to see any industry developed. Look at the match industry. I do not think that Government will help this industry. Instead of that, they will try to remove that industry. So also the same thing is about the cottage industry. I do hope that the Honourable Minister, who is responsible to this part of the House, will make some efforts to develop these industries.

I had suggested some means in this direction; but the honourable member, Mr. Freke, did not agree with me. He said that the department of the Inspection of Boiler and Factories had to look after the health and safety. What is this health and safety ? This is nothing but the hesitation on the part of those officers connected with this department to come under a department which will be manned and supervised by an Indian. If they could work under the supervision of an I.C.S., I do not see any reason for any officers to complain to work under the same department officered by an Indian. Another thing I wish to bring to the notice of the Honourable Minister is that more money should be spent for the development of the cottage industry as far as possible under the present circumstances. I also expect that if the Director of Industries has not been able to do anything in the direction of the development of industries, owing to the fault of Government, he should not hesitate to come forward and say so boldly. He should not consider that he will be asked to resign by the Government and with that fear he should not suppress facts. The Director of Industries will be an Indian and we expect him to do his duty by the country. If he finds that the Government do not encourage the development of industries, he should say so openly. I am really sorry to find that even the Education Department is not prepared to part with their control on

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Industrial Education in favour of Industries Department. I do say that the Director of Industries should be an Indian alone. Indian is required for that purpose, because the industries which are to be developed will be Indian industries. I understand that arrangements are made to appoint an Indian as a Director of Industries and I hope that man will prove to be a proper man and he would put right the present policy of Government.

I would again appeal to those who do not wish that India should be industrialised to read the *Labour Gazette* for the month of December. There at page 337 they will find.

"Economists and.....have on the whole reserved the judgment on the subject of scientific management."

It further states—

"the whole outlook of economists is coloured by the fear of Europe becoming over-industrialised."

Sir, India is not given even a little share to allow its industries to develop. I submit, Sir, that if our industry prospers, then the people of this country will depend on the machinery imported from Europe and from other advanced countries. That should be their consolation and they should allow India to develop their industries. With these remarks, I support the views put forth by the honourable mover of this motion.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I have often criticised the Development Department not because the Honourable the General Member has been careless or is not competent but because the Development Department has involved us in a loss so great that we are unable to bear and we want a very strict supervision over it and we want to get out of, as best as we can, this serious position. But when I rise to make some remarks over this department, I do so not only with a regret, but also with a feeling of shame which cannot only be felt by any businessman or a man connected with industry and trade but also by every Indian who understands how helpless and poor we are owing to the state of our industries and owing to the lack of any attempt to build up even small industries for our every day's necessity of life. Sir, it is the only Department that we have got, which can give much assistance in the matter of the development of industry. But nothing has been done so far. In season and out of season we are told by the Honourable the Finance Member that there are no funds available. In and out of season we are told by the Honourable Ministers "There are no funds for the nation-building departments and unless this House agree to further taxation, we cannot do much." Sir, we have got this industries department to which I submit this Government and the Honourable Ministers should give their serious and very careful consideration. We have got a department which, if well and honestly looked after is the only department which can help us to meet to some little extent the burden of our heavy taxation. At present we are unable to meet any taxation, and why? Because the earning capacity of the people has not increased and unemployment is increasing.

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We have been forced to spend our large sums of money over the development department, for which so much has already been said. I do not say that the Honourable the General Member is responsible for that. But it is certainly due to facts beyond our control and therefore we are unable to meet our proper demands. As regards the question of unemployment. I think every effort is being made to solve this problem all over the world. It is only the Bombay Government that has not yet seen their way to solve this problem. If you look at other countries, you will find that Rs. 7 lakhs are spent over the department of the Director of Industries, to help the people in every respect, but here we find that hardly one lakh is provided for such an important department, and that is also not spent. I ask what do you think of a Government's earnest to help the people who are so heavily taxed when this is the condition of such an important Department.

A lakh of rupees provided by the Government for development of Industries in an important industrial centre, a Government comprising of businessmen in it, thinking this much amount sufficient is a very undesirable thing. It is only provided for the sake of misleading the public. And, above all, when they say that for a whole year we have not been able to get a Director of Industries I say this Government has never been serious about it. We are told "You don't pay sufficient taxes we can't give you the required medical relief, we can't give you sufficient education; we will tax you if you want medical relief or more educational grant and we shall not do anything unless you agree to pay more taxation but how are we to pay more." Is Government doing anything to improve our condition? I was sorry to find that when my honourable friend Mr. Lalji Naranji was addressing and was pointing all these things out to this House the honourable members on the opposite side were laughing. They do not realise what a grave mistake they have done, what blunders they have committed. If they put us on our legs or even help us to be on our legs we may be able to pay the heavy taxation and even for their blunders. But here we are forced to pay although we are on the verge of starvation without any help. Sir, while different provinces have been voting more and more for helping the industries every year what has our Government done? For the last three years we have been speaking loudly in this honourable House for help and describing the pitiable condition in which this department is lying, but it is regrettable that our Government does not realise the position and does not help it. Well, Sir, if this is the way they have adopted for helping industries, then, I must say that it is a misfortune and it is a shame that we have not yet realised the importance of the subject as all the world over it is realised. I may give one or two instances. In Bengal they were having a demonstration on last 20th February, and I saw this communique was issued. In collaboration with the Industries, Public Health, Veterinary, Co-operative and Agricultural Departments of the Government of Bengal, a demonstration train will leave Sealdah Station on 21st February on a month's tour. This is the second train of this kind organised. The object with which

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these trains are arranged is to give publicity to the activities of the various nation-building departments of the Government and as such the train is a matter of considerable public interest. Now, Sir, what do we find ? A province where industries are at a low ebb is doing such things and what is the condition in our own presidency ? Nothing whatsoever is done. In our budget speeches we have drawn pointed attention to this state of things, and I am afraid the Honourable Minister has not read those speeches. If he had read, then he would not have condenscended to allow the Finance Member to give only a lakh of rupees and come to this House with his proposal of appointing a Director of Industries hereafter.

Well, Sir, we have often learnt, and I should consider it with pride, that every time that industrial trouble has arisen in England His Majesty the King Emperor has always encouraged local industries. Not only that, but for the last two years we have been having exhibitions there, and above all, I read a letter dated the 5th January from the Prime Minister to his party, in which he says :

" In my view both our Liberal and Socialist opponents are apt to lose sight of the basic fact that we are before all things a trading nation. The Conservative Party recognises the vital fact that the first great essential to industrial success on which the country depends is peace in industry, etc., etc."

Well, Sir, this is what we find even in the case of our Government in England. And what are we doing ? I do feel, Sir, that our Ministers will seriously look into this department. If they don't want to do that, they must say : " We won't look into this department and will go on taxing people. " Say that plainly, " We won't try to help you. " But, Sir, so long as they make a show, and especially in a city like Bombay, of having an Industries Department with one lakh of rupees, while all other provinces even the United Provinces and the Central Provinces have five and six lakhs of rupees and a Director of Industries, I am ashamed of this, Sir, and I do hope that Government will realise that it is no use putting before the people a mere show, that they are having an Industries Department. They should realise that and should honestly and sincerely help, or say plainly that they intend doing away with it. Once more I say, Sir, that it is only this department that can help people to bear taxes, it is the only Department that can help people to look after themselves better and therefore look less to Government for more medical relief and more Educational help and that unless you help this department you will be creating more and more unemployment and more starvation. Lastly I hope the Honourable Members will feel that it is their primary duty to help the people and it is no use telling us " give us more money anyhow and then ask for more medical and educational relief." I say help people to be on their own legs and then you have done your duty or tell us plainly what you really wish to do.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I rise to support the motion made by the honourable member from Sukkur. In speaking on this motion I feel a certain disability due to the fact that,

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probably because the Industries Department has not those controversial aspects which the Development Department has, members probably on both sides of the House do not take an adequate interest in the department and its activities. I do not know whether it has been realised that the events of the last 20 years have tended to decrease the number of actual workers in this presidency and increase substantially the number of dependents on those workers. It may be that many other departments and activities of life have engaged the attention of Government and the people, and this fact may not have been noticed. It is said that the Government of Bombay acts on the policy of drift, and probably it is that consideration which has led to adequate attention not being paid to the development of industries. I find from the census figures of the last 20 years that, while in 1901 out of every 1,000 persons 527 were actual workers, 473 were dependents. These figures assumed a worse appearance in 1911. The number of actual workers diminished to 469, that is, below half, and the number of dependents on those actual workers increased to 531. Events took a still worse course in the subsequent ten years, and the number of actual workers dwindled to 439 and the number of dependents on those workers increased to 561. That is, in the course of 20 years the number of dependents have increased by almost 20 per cent. I have no reason to dispute the accuracy of these figures, and if the census figures are correct, I think this is a matter which deserves some consideration. If the state of our presidency is such that the number of actual workers is diminishing and the number of dependents is substantially increasing, then, I think it is our duty, the duty of both sides of the House, to give adequate attention to the question of development of cottage industries in the presidency.

Sir, it has been said that the Bombay Presidency is an industrial province and yet a contrast of the state of things in Bombay with the state of things which prevails in other provinces may probably be considered invidious. I will not venture to compare the state of things in the Bombay Presidency with that in some of the Indian States because the people of this presidency will have to hang down their heads in shame if I contrast what has been done by the Mysore Government with what has been done by our Government here. I do not want that we should import any heat into this discussion. I really want that both sides of the House should address themselves to a careful consideration of the situation.

When the Indian Industrial Commission reported in 1918, it made important recommendations for the development of industries in this presidency, and wanted that the Government of Bombay should spend as small an amount as only sixteen lakhs of rupees per year, which forms only one per cent. of the total expenditure of the presidency, and yet the Government of Bombay have this year earmarked the remarkable figure of Rs. 1,02,000. When we analyse this remarkable figure of Rs. 1,02,000 we shall realise that the figure is even more ridiculous than it appears. I find that this figure of Rs.1,02,000 includes Rs.44,000 to be spent on Direction, that is, the salary of the Director of Industries

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and his establishment and their allowances, and the only figures which are kept here for the purpose of development of industries of this presidency are the figure of Rs. 2,000 for experimental work and the large sum of Rs. 960 for a survey of the handloom weaving industry and the ridiculous figure of Rs. 560 for a survey of village tanning industry! Sir, I really want to know whether Government are serious—when I say "Government" I mean the entire Government, not a particular Member of Government—in trying to employ a high-salaried officer and giving him these petty sums for the work of survey and experiment. I do not know whether the Government of Bombay will be able to get the proper type of man for this post if he knows that this is the limit of opportunity for his abilities. A highly paid officer, who is to draw Rs. 2,000, is given a small figure of Rs. 1,520 for survey and experiment. I want to know what are the real intentions of the Government of Bombay. I want to know what is behind this budget for the next year and what is behind it for the year to follow. Do Government propose to earmark a substantial amount for experimental work, for the work of survey and for the development of industries? Is the total amount that is going to be earmarked for the Industries Department this year, the coming year and the year after, to be the small figure of a few thousands? If so, I would certainly say "let us not waste Rs. 2,000 a month or Rs. 25,000 a year in having a Director of Industries".

In 1921, I know, an earnest attempt was made to try to put the house in order and the Honourable the Minister of Agriculture, who to-day is our Finance Member, brought this question before the Board of Agriculture and certain experiments were made such as an experiment in reviving the weaving industry in or near Sholapur. The two difficulties that faced the co-operative department were (1) that those weavers were in the hands of sowcars and (2) that the village salesmen competed with their sales and therefore the co-operative agency which was at that time taken advantage of for reviving those industries failed in its efforts. These two difficulties faced not only the weaving industry in Sholapur but they faced the activities of the Co-operative Department in every detail, and if the Co-operative Department has been able to overcome the competition of sowcars and the village salesmen, I do not see why it should not be possible for the co-operative agency to succeed in this matter also, but, whether it is co-operative agency or any other agency, I think that the question of the revival of the cottage industries in this Presidency ought to be taken seriously in hand.

Sir, I will quote one or two illustrations of some other provincial Governments and show what has been done and what can be done in other provinces. The United Provinces Government had a worse financial situation to face than the Bombay Government, and the Auditor General had made probably worse remarks against the United Provinces Government's finances than ours, and yet the United Provinces Government spent 11½ lakhs of rupees last year in trying to revive the activities of the Industries Department.....

Mr. C. W. A. TURNER: May I ask what does that 11½ lakhs include? Does it include the amount spent on industrial and technical education? I think it includes about eight lakhs for industrial and technical education.

Mr. JAIRAMDAS DOULATRAM: According to the figures given by the honourable member, the General Secretary, we are at least 30 per cent. worse in donating only one lakh, but the United Provinces Government, whatever the amount it may have spent, has shown substantial progress in a single year. I find from the proceedings of its debates for the year before last, that the Member in charge of the Department says:—

"More than a year ago, the Department maintained only 12 large educational institutions and 21 small institutions which received a grant of a recurring nature."

In one year these 33 institutions grew to 90 institutions and the United Provinces Government was able to show 300 per cent. increase in one year so far as educational institutions were concerned. They were then trying to open new government industrial schools the following year and also schools teaching various handicrafts. He further states:—

"Owing to the remission of the provincial contribution by the Government of India we hope to ask at the beginning of the next month for funds to open three more industrial schools."

I would welcome a similar demand from the Honourable Minister in charge of this department, namely, that a substantial portion of the net surplus of this year should be earmarked for the development of industries. The U. P. Minister of Industries proceeds:—

"One of the aims that has been constantly kept in view is that facilities for industrial education should be provided in every district. Only a limited number of districts so far provide such facilities. According to the budget before the Council every district except seven will have a school of handicrafts and with regard to these seven also as soon as the local bodies concerned agree to bear half the expenditure, similar facilities will be provided in those districts too."

The Honourable Sir CHUNILAL MEHTA: Will the honourable member kindly say what was the U. P. Government's income, its expenditure and its provincial contribution?

Mr. JAIRAMDAS DOULATRAM: Whatever the provincial contribution of the U. P. Government was, the Bombay Government has to-day a surplus of about 2½ lakhs. Can't they increase the first year's allotment for the new Director from Rs. 1,520 to at least Rs. 2,00,000? I have just given a few extracts from the U. P. Government debates to show what attempts are being made there to have in every district a nucleus of industrial activities and I believe that unless our Government makes a similar attempt, we will not be able to make much headway. I am prepared to accept the invitation which was given by the Honourable the Minister of Agriculture in 1921 and try to help the department's activities by co-operation outside. Probably the worst district in this Presidency is Thar and Parkar. We have in this district four talukas which have to face conditions of scarcity and sometimes famine practically every year. At the same time there is a dying industry there which

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can be resuscitated. We have got plenty of sheep there and the agriculturists, when faced with bad times, use the wool for weaving warm woollen clothing. This industry has to face competition with foreign woollen clothes but has been able to meet that competition fairly successfully, but unless an attempt is made to assist these agriculturists to eke out a living during bad times and add to their resources, probably the industry will die from the effects of competition. I believe there are in every district some home industries, some cottage industries which can be helped, and I believe that, unless the Director of Industries is given sufficient funds to push forward at a greater pace the industrial regeneration of the presidency, the Industries Department will make no progress.

Mr. P. R. CHIKODI (Belgaum District): Sir, I support the cut that has been moved. I should like to say, what is the good of hurling criticism and harsh words at the Honourable Minister ? He is a poor helpless creature ; he is hopelessly helpless. If any one is to be blamed in this matter, it is the Government as a whole. We, the elected representatives of the people, have to hang down our heads in shame, if we look to what Government have done for the development of industries in this presidency. The Department of Industries is a transferred department. We were told that, under the Reforms, a measure of self-government was given to us ; we were told that we could remove the Minister, we could control the Minister and so forth ; and now, what is the result ? We can remove the Minister, no doubt, but are we able to increase the money that is allotted to him by a single pie for developing industries or extending industrial education ? No. Therefore, unless and until we are able to send home all the Members of the Government, we will not be able to do anything. The Honourable Minister himself is not the Government ; he is simply the victim of a very bad system of government ; I must say so. When proposals for fresh taxation are placed before the House, all sorts of arguments are advanced as to why we should pay extra taxes, but not a single word has been uttered in this House as to the means to be adopted to increase the capacity of the people to bear extra taxation. If the people have not got the capacity to bear taxation, how should they pay the taxes at all? Increase the capacity for bearing taxation, and we shall cheerfully bear all the taxes. We are told that in England a very high percentage of taxation is levied. Well and good. But what has the English Government been doing for its own people ? Will any honourable member on the opposite side be able to say ? Is this Government helping us in the same way as the English Government is helping their own people, or the Japanese Government helping the Japanese people, or the German Government helping the German people ? No. On the contrary, what do we find ? Since the introduction of the Reforms, every year, to our shame, to our disappointment, to our humiliation, we find the provision for the Industries Department being cut down, to such an extent that last year nothing was done ; and simply because very severe criticism was levelled against the present Minister, Rs. 1,01,000 have been budgetted, and out of this the major portion goes for the pay and the establishment of the Director. Out of Rs. 15

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crores of our expenditure, Rs. 1,00,000 have been budgetted for the Industries Department, of which only Rs. 43,000 have been provided for industrial development and industrial education. An amount of Rs. 57,000 goes to the establishment. While last year there was no Director, this year we find that a Director on a big salary is proposed, and, as if this is not sufficient, there is one Assistant Director given to him, who was not to be found last year or the year before. When the Government of India raised the complaint that the scale of salaries in this presidency was higher, what was the reply given by this Government ? I know the predecessor of the present Finance Member, Sir Henry Lawrence, stated that this was an industrial province, and that argument is used not because we have industrial development on a large scale, not because industrial education has been extended, but to increase the salaries of the Imperial Service officers and the members of the Provincial Services. We are moving in a vicious circle. When we ask for industrial education and industrial development, we are told that there is no money, and when we give the money everything is eaten up by the salaries of the officers. The Famine grant has been reduced, and last year, when I raised a debate by moving a vote of censure with regard to the Famine Insurance grant, we were told that the amount of Rs. 30 lakhs which was reduced would be utilised for the needs of what are called the nation-building departments. The Famine grant has been now practically reduced, the balances have been wiped away, and the amount realised by fresh taxation has also gone away either for the payment of interest, or in making up the losses sustained in the Development Department, or in giving increased salaries, and nothing is left. I warn Government that they are killing the goose that lays the golden eggs. Develop industries and you will increase the capacity of the people for taxation ; and unless you do that, rest assured we will be bankrupt ; the people will refuse in future to give you anything. If the trend of opinion in the country and in this presidency is against the present Government, or is showing signs of distrust, it is for these reasons. It is no use asking the Minister to go begging before Government for more money. He may or he may not ask for it. But I am sure, even if he asks for it, he will not get it. If the Police Department, the Department of Justice, the Revenue or General Departments ask for anything, it is readily given.

The Honourable Sir CHUNILAL MEHTA : Never.

Mr. P. R. CHIKODI : But the figures show that you give it. But funds to help the poor or to remove unemployment, if asked for, are not forthcoming. Only sums of Rs. 500, Rs. 400 and Rs. 900 have been budgetted for surveys and other kinds of industrial development. And all this simply to point out in broad relief our own helplessness and the miserable condition in which we are living. If Government are in earnest, if they want to help the people, if they want to have the revenues increased to enable future Governments to meet larger demands, then they must see to it that this department is liberally provided for, even

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to the extent of stopping other activities. With these words I support the cut.

Mr. J. B. PETIT (Bombay Millowners' Association): Sir, I was a member of the first Indigenous Industries Committee which was appointed for the purpose of making recommendations as to the lines on which indigenous industries may be established in this presidency. I also happened to be a member of the Industries Committee which was subsequently brought into existence after the Industrial Commission's report was out. I accordingly rise to speak on this subject with some internal knowledge of the working of both these committees.

Sir, my own impression is that this Committee and the Industries Department have been created by the Government, because they had to be. They both seem to have been created practically under compulsion; and they are certainly not being managed in the spirit in which, and the enthusiasm and earnestness with which they ought to be carried on and conducted. The members composing the committee from time to time, not only in their individual but also in their corporate capacity, repeatedly pointed out this fact, in more than one way, to the different officers who have presided over it and been in charge of it in succession; but all these efforts, I am sorry to say, have upto now proved absolutely futile and useless. The original indigenous industries committee, to which I have just alluded, after an exceedingly patient, thorough and exhaustive examination of the entire subject, submitted a very comprehensive and elaborate report, recommending among other things, the manner in which this presidency and the country at large could be industrialised, the manner in which facilities could be given to the public for establishing new industries, and the manner in which industries already in existence which for want of finance or technical advice or other reasons, could not prosper, could be supported and made efficient and self-supporting. That report, I am proud to say, carried very great weight with the Industries Commission and was highly appreciated by them. But, when it was placed before our own Industries Department, it was practically scrapped. No effect was given to any of the numerous valuable recommendations made therein, even though pointed reference was made and attention drawn to the matter both in and outside the committee, with the result that a report which was very carefully and elaborately prepared by a competent committee at very considerable cost and trouble, practically remains a sealed book to this day. So far as the industries committee is concerned, as far as my memory goes, I may say that it confined its activities mainly to the consideration of small and inconsequential applications for grants for supporting existing industries or tiny factories which happened to be there and which suffered for want of finance. The committee used to be repeatedly asked whether such grants, should be of Rs. 10,000 or Rs. 15,000 or Rs. 20,000, or some other sum. The committee was also now-and-again asked to suggest subjects for monographs. I may say at once, that so far as monographs are concerned, several good and useful essays on important industries were published by the Department. But even

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there, the field was very limited and I feel bound to add that in this respect also, much activity was not displayed. On the whole, the cooperation and assistance of the committee was hardly ever invited in any other direction. In a word, I have not the slightest hesitation in declaring that the manner in which the department was and has always been worked, is absolutely wooden and soulless. The real spirit, in which such a department should be managed and worked, was never kept before itself by this department. In fact, it was conspicuous by its absence. I admit that all the usual technical formalities were gone through with clock-like regularity. But the spirit which ought to be the guiding principle of a truly national Industries Department, was totally, and absolutely absent from the mind of those who were in charge of it. Meetings were called regularly every month ; minutes were kept and circulated ; our views were invited on inconsequential applications for small financial grants and the selection of subjects for monographs ; and other formalities of a trifling character were scrupulously gone through with great care and precision. But, so far as the larger questions of policy and principle were concerned, they were almost totally and wholly ignored, even though the attention of the Director in charge of the department, was repeatedly drawn to the desirability of the discussion of such subjects by the Committee and of inviting the opinions of the members thereon. If properly worked and managed in the right spirit, a department like this, in an industrial province of the importance and size of Bombay, should have been humming with work. The reverse is however the case ; and there is hardly any work of any importance or consequence ever done by the Director and his department : In brief, this department is absolutely ineffective, impotent and hopeless in the discharge of its legitimate functions. Under these circumstances, I honestly believe that it is no good continuing to support this department any longer in its present ineffective form. If this department is at all to be continued, it must be overhauled thoroughly and placed on a sure footing, properly equipped and financed, and presided over by an official who would know his work and the purpose of his department, *viz.*, the introduction of new industries in this presidency and the support of those that are already in existence. Until these conditions are fulfilled, this department cannot and will not show any result ; and the mere voting of grants, large or small, is a pure waste of money.

Let us now pause for a moment and consider what this department is capable of doing, what it should have done and what it has actually done. I should like to know from the gentleman who now presides over it, what facilities and technical advice were given, for instance, to the industries already existing in this presidency. It is well known that the staple industry of this presidency is the textile industry. We are also aware of the severe crisis through which this industry has been passing during the last few years. I should like to know what technical advice and facilities, or facilities of any other character, which might have been useful to this industry in its grave crisis, were offered or given.

The Honourable Dewan Bahadur HARILAL D. DESAI : May I know from the honourable member whether any advice or facilities were asked for by the Millowners' Association ?

Mr. J. B. PETIT : I do not know whether any application was made. I am arguing the present position of this department in the abstract. One of the principal functions of the Industries Department is to be always on the look out for opportunities of helping the industries that are in existance, of seeing that they are properly, efficiently and economically managed, and of suggesting ways and means of doing so, if they are found to be otherwise. Whenever existing industries are not able to work on the economic and paying basis owing to various reasons, it is up to the industries department to trace and examine the reasons why a particular industry is faced with such difficulties and to find out in the light of their facilities and experience, methods of management by which they can be put on a paying basis. Have they done that ? There is another question. (Interruption.) You know what articles are required for the textile industry : to speak of only a few, such as magnesia, sizing materials, pickers, leather belting, lubricating oils, and so forth. I would like to know if this department ever interested itself in any of these articles, if it ever cared to inquire if they could be produced or made in the country, if it ever considered the possibility of reducing their cost or of improving their quality ; and questions and problems of a cognate character. Similar questions relating to other industries should also have been tackled by the department, which should have issued press-notes on them from time to time. They should have been made available not only to those engaged in the industries but also to others, in order to induce them to go in for these industries. But not one of these courses was ever adopted, thought of, or ever dreamt of, by the Industries Department.

Let us now look at the other industries which are in existence in the country and also in our presidency, in one form or another. It must be remembered that there is no industry which is not in existence in this country in one form or another. To name only a few, we have the tanning and fruit-canning industries, the match and glass industries ; and many others. Were questions relating to these industries, in any form and in any shape, ever considered by the committee or by the department ? If so, were their conclusions ever put before the public ; and if yes, what steps did they take to see that the public took advantage of them ? These are all questions which would be generally handled by the Industries Department of any country ; but the Industries Department of our presidency, I submit, is wholly and blissfully ignorant of these questions. We have a plentiful supply of hide in this country even in this presidency. How many factories are there for making shoes and boots in this presidency ? If there are not, I would like to know if the desirability and possibility of opening such factories was ever studied or examined, and placed before the public ? There is no raw material which we cannot get in this country ; we have got climates which are suitable for all industries, with very few exceptions ; we have a plentiful

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supply of human labour; and given the requisite energy, technical knowledge, and financial backing, there is no industry in the world which cannot be established in India and very few industries which cannot be successfully established and managed in our presidency. I would also like to know what this department has done to popularise the introduction of new cottage industries in this presidency and what it has done to help industries which are already in existence. Personally, Sir, I know that it has done nothing. And to my mind the one reason why nothing has been done, is because the department is being carried on because it has to be carried on, as though under compulsion. The Director in charge, however clever he may be, never puts his heart into the business. I have said it in the past and I repeat it to-day, that if this department is to be made a success, and is to be managed in the spirit in which it should be managed, it should be manned wholly by Indians and it should be put under the direction of a competent Indian. I do not desire to cast any reflection on any one; but I do say this most emphatically and without fear of contradiction, that a department of this importance and magnitude which has for its object the introduction of new and the maintenance of existing industries in the presidency, will not and cannot succeed so long as it is presided over by an English gentleman who, consciously, or unconsciously, almost always takes a view and adopts an attitude on industrial questions, which are opposed to Indian interests. I will even go a step further and say that it has not seldom become apparent to many members of the committee, and to me particularly, that when important questions of the introduction of new industries were discussed in the committee, instead of finding out solutions to difficulties and of helping the committee in its efforts to find some way out of them, with a view to their ultimate establishment, all sorts of imaginary and technical difficulties were always created and placed in the way of the committee, in order that they might be dissuaded from pursuing the matter further. I say this in all earnestness and sincerity, because it has been so and because this has been my experience. And I shall never be tired of repeating that if the Industries Departments throughout the country are to succeed and fulfill the purpose for which they are created, they must be placed under Indians, because an Indian alone will realise the necessity of a well-managed and properly worked department of this kind and an Indian alone can and will feel and work for his country in the manner that he ought to.

For all these reasons, Mr. President, I think it is a mistake to continue to support this department in its present form, with its present scanty resources. If it is to be an effective department and if it is really to attain the purpose which we have all in view, it should be properly financed, it should be placed under an efficient Indian Director, and it should be worked in the spirit in which a department of its kind should be worked, on the lines I have already indicated. I accordingly support the cut not only for the purpose of raising a discussion, but also, at least so far as I am concerned, for the purpose of abolishing the department, because I honestly believe that the continuance of this department in

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its present form with its present mental attitude is next to useless and a pure waste of money.

Mr. G. L. WINTERBOTHAM (Bombay Chamber of Commerce): Mr. President, I should like, first of all, to apologise to the honourable House for not being present when this debate was initiated, because this is a subject in which I am interested as having been a member of the committee presided over by the honourable member Mr. Freke. But I have done my best to acquaint myself with the debate which has preceded, and I have had the opportunity of listening to the honourable member who represents the Millowners' Association. And I should like to say that I am in absolute and entire agreement with his conclusions. I would not say that I am in agreement with many of his other remarks, but with his general conclusions about the abolition of this department unless and until there are proper finances to put at its disposal to make its operations useful, I am absolutely and entirely in agreement. Honourable members will find that I minuted in my minute of dissent to that effect in the report of the Freke Committee. And during the discussions in the committee I more than once said that it was my opinion that the answer to the Government's reference and the whole report could be condensed into one sentence, that the department should be abolished. I was able to get no support at all for that view, but I understand that the honourable member who represents the Indian Merchants' Chamber has now come round to that view and has spoken in support of this cut and is in favour of the abolition of the department unless and until adequate funds are available to put at its disposal. Now, Sir, the most important recommendation of the Freke Committee, to my mind, was that an industrial survey should be carried out. It seems to me to be starting at the wrong end to appoint a Director of Industries and not to provide the necessary funds. I am perfectly prepared to admit that Government's financial position is not such that it can give the necessary funds at present. But I do not think that it is necessary to delay the industrial survey,—this is only a matter of personal opinion—until you get a newly appointed Director of Industries. I am of opinion that that industrial survey can be done by some other agency. But if honourable members will examine the total budget demand for the Department of Industries and if they again read the report of the Freke Committee, they will find that the one useful function that the Department of Industries carries out is the encouragement and direction of the handloom industry.

There is absolutely nothing which this department now does which cannot be done by the Co-operative Department. This has been clearly proved and there is evidence on record to show to this effect. I suggest that this House would be well-advised to support this cut, for there is no reason, in my opinion, for continuing the department without the necessary funds to run it successfully. It is doing useful work in one direction, but that work can be done by another department with equal efficiency, and that department is the co-operative department. There

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is nothing retrograde in refusing to appoint the Director of Industries till you get funds to make this department successful.

Mr. C. W. A. TURNER : Sir, I have heard the remarks of the honourable members on the Department of Industries. But I should like to bring to their notice one fact which they seem to have forgotten and it is this. It was this honourable House which in 1924, I think, refused to pass the vote for the establishment of the Director's Office. This was a shattering blow to the Department—which had to be wound up in the space of about three months, and then reorganised on a far smaller scale. Just about this time the financial position began to be difficult, and the transferred Departments were warned that they must restrict their activities. It was carried on for about a year and a half under Mr. Bharucha until his superannuation last year, when it was decided to hand over the office to the Collector of Bombay temporarily till funds could be found to reorganise it, and this is now being attempted.

Turning to the second point that this presidency is doing far less than other presidencies in respect of the development of industries, I think honourable members, who made those remarks, should more carefully look at the activities of the departments in those provinces. If they do so, they would find that their departments include under their control branches such as technical education which in this presidency are under the control of the Department of Education. An amount of about Rs. 12 to 15 lakhs is included under the head of "education" in this presidency for technical schools and colleges. In view of these facts, it is most surprising that honourable members should come forward and say that Government are doing nothing to improve the industries of this presidency.

My honourable friend Mr. Winterbotham has recommended that an industrial survey should be carried out. I submit, Sir, that unless there is some machinery at the disposal of Government for carrying out this survey, it would not be possible to do it. It is in order to supply this machinery that Government have proposed to make the new appointment of the Director of Industries.

Then, my honourable friend, Mr. Lalji Naranji, accused Government of crippling the hand-loom industry. I would ask the honourable member, who is unfortunately not present now, whether in England it was the Government that destroyed the hand-loom industry, or the power-loom ? Surely it was the latter and I maintain that it is due to the efforts of Government that the hand-loom industry in India has survived as it has done. He also referred to the match industry. I may inform this House that the competition with the Indian industry comes mainly from the Swedish countries, and it is absurd to say that Government favour them in preference to the Indian industry. Honourable members know that Government have gone into the questions connected with the match industry and the Government of India have appointed a Tariff Board to hold an enquiry. Is it, therefore, fair to say that Government are doing nothing in this direction ?

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My honourable friend, Mr. Hooseinbhoy Lalljee, I think it was, said, as far as I could make out, that Government were doing nothing, have done nothing, for the industries. Well, I would ask him: what is the greatest industry in this country? Is it not agriculture? Does not agriculture come before anything, and has the British Government not done anything for agriculture?

(An Honourable Member: Oh, oh,). I think it has done a very considerable amount.

My honourable friend Mr. Jairamdas also gave some interesting figures from the census reports. I would say that his figures are, as a matter of fact, not a correct basis to go upon. For instance, owing to strict legislation about juvenile employment, far fewer children are now being employed in industries than were employed in 1901, and I think all my honourable friends who have got anything to do with industries will bear me out in that. I would also say that owing to improvement in public health infant mortality is far lower than in 1901. I think that is quite a probable explanation of the figures quoted by him.

Then, my honourable friend Mr. Jairamdas also made a very invidious comparison between this Government and the Government of Mysore. So far as my knowledge goes, the Government of Mysore's industries are mainly concerned with the gold mining industry and water power. Well, now, the gold mining industry is a matter of luck. They have gold mines in Mysore, and they have to be controlled by the Government of Mysore. The Government of Bombay has no gold mine.

Rao Bahadur R. R. KALE: What about the silk industry?

Mr. C. W. A. TURNER: The main industries of Mysore, which are known to every one, I think, are gold mining and water power. Gold mining is, I think, purely a matter of luck. As regards water power in Mysore, I do not think Bombay Presidency need have any fear of comparison with Mysore.

Then, my honourable friend Mr. J. B. Petit urged that one of the main activities of the department of industries should be to have technical advisers specially for the textile industry, I gathered. Does he really seriously mean that the great textile industry in Bombay is in such a parlous condition that it requires Government to maintain an expensive body of experts at the cost of all other industries in order to provide technical or expert advice on the textile industry? If he means that no technical advice is given to small industries, I may mention that the Director of Industries, when he existed, did give very considerable amount of advice to all who applied for it; and, so far as I know, he dealt with many applications.....

Mr. J. B. PETIT: Had he any expert advisers?

Mr. C. W. A. TURNER: He had expert advisers.

An Honourable MEMBER: What were their names?

Mr. C. W. A. TURNER: I can't give you the names at the moment. I do not think, Sir, that I have any other points to make. But I would

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urge on this honourable House very seriously, that, if they deal another blow at this proposal by refusing their vote I can see no prospect of this department being revived.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): I rise to a point of personal explanation, Sir. My honourable friend the Secretary of the department said that I said something about foreign Government. I never said a word about foreign Government. I said our Government is not doing anything. Then, Sir, he said the Government had done something about the appointment of Tariff Board. It was not this Government, Sir, that did anything about it; but it was the Government of India. As regards the foreign match syndicate, to which also reference was made, I think Government *has* given them concessions.

Rao Bahadur R. R. KALE (Satara District): Sir, the object of the honourable mover of this cut is not, I think, that the appointment of the Director of Industries, which is sought to be merely revived by the Honourable Minister for industries, should go. It seems to me that he has moved it in order to raise a general discussion, so that it may be helpful to the Honourable Minister in the policy which he might lay down for following in the ensuing year. The Director of Industries was appointed, I think, first in 1919, and then, so far as I remember, he did make some kind of survey. It was the late Mr. Mead, I think, who was the first Director of Industries, and then came Mr. Bell. I was connected with this Director of Industries as a member of the advisory committee in the year 1919. So, if I remember aright, Mr. Mead had made a sort of survey of existing industries. His successor, Mr. Bell, I must say, did not do anything beyond collecting a good library for materials. The office had useful materials. But beyond that, I do not think that any further efforts were made, and it was on that account that this Council expressed dissatisfaction at the way in which this department was working, and the result was that the Director of Industries' post had to be abolished. Now, when an attempt is made to revive that post, I do not think any honourable member of this House will seriously resist such an attempt, and I do not think the honourable member, the mover of the cut, really intends that we should take this cut to the vote and try to deprive the Honourable Minister of the post a proposal to revive which he has brought forward. (An Honourable Member: He does intend it). If he does it, I entirely differ from him and I would ask honourable members of this House not to take the view which he has advanced. No doubt it is true that the finances put at the disposal of this Director of Industries are certainly far from being satisfactory. One lakh of rupees is an utterly inadequate provision, and I would agree with the honourable members who have levelled the criticism at the very meagre provision which has been made for this department. But, as has been pointed out by the honourable member, the Secretary of the department, this provision for industries is rather not quite clear. I mean, if you say more money is apportioned to this industrial education, under 'Education,' why include some portion under this head as under

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'industrial education' in the budget? If you look at the White Book, you find industrial education is also provided for. Only scholarships are shown, but technical and other portion of industrial education is not shown here, but is shown in the budget under education. However, I quite agree that, so far as we are aware, sufficient efforts have not been made in this presidency, and I am not relying upon the opinions expressed by the honourable members here, but if a reference is made to the Industries Commission's report or the report of the Sir Visveswaraya Committee of the year 1921, you will find in chapter I, - which contains a majority report and the same chapter, but of the minority report,—that there is considerable justification for the complaint that has been made by member after member, as to what has been done by the Bombay Government so far as industrial and technical education is concerned. The historical survey of the situation that is disclosed here shows that although policies were laid down even so far back as 1854 about the necessity of industrial and technical education, and again by the Education Commission of 1884, nothing practically had been done to give effect to those policies and Sir Visveswaraya Committee's report pointed out that the great difficulty in the way was the need of primary education because the artisan and other classes were utterly illiterate and uneducated, and also the fact that education had proceeded purely on literary lines and a literary bias was responsible for the way in which technical and industrial education was left behind. That is disclosed in these reports. Unless and until the great problem of compulsory primary education was solved, not much progress could be made. I could see that the technical and industrial questions could not be satisfactorily handled unless and until the question of primary education was satisfactorily solved. However, so far as this presidency is concerned, a beginning was made in that direction, but simultaneously and side by side with it an attempt should have been made to inaugurate a policy of vocational or technical training, and if it was not done ere this, I think it is now high time to do so. It is no use crying over spilt milk. Let us appeal to the Honourable the Minister for Education to take these questions in hand and let us help him and cooperate with him and even assist him to organise and solve this question of technical and industrial education, which really will provide the solution of the hundred and one problems, including the problem of unemployment of middle classes. No doubt at present there will be no immediate effect on the present extent of unemployment, but we must make a beginning and the seed must be sown which will fructify in time and will solve the various problems of unemployment and so on. It is for this reason, Sir, that while agreeing with the honourable members in their criticisms of the very meagre provision that has been made in this budget, I would certainly ask that this cut should not be carried to a vote but sufficient opportunity no doubt should be afforded to Honourable Minister to see what he can do. I would suggest by way of constructive suggestions that even in the course of this year (the ensuing year) if a supplementary demand is made for a grant after the Director of Industries has been appointed,

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this House will be in a position to sanction the demand if and when a case is made out. For instance, the first question that requires attention is the need of State aid to industries. When the Director of Industries is appointed, he will find sufficient material on record and he can then see for himself what are the existing industries in this presidency and which of them are really deserving. There are three or four matters which are required for the encouragement of existing industries. First of all, State aid in some form should be given. The new Director of Industries can examine the existing factories or industries that are here in this presidency, and if he finds that there are certain struggling industries which for want of financial aid or capital are dying, then it will be up to him to suggest and up to the Honourable Minister to come to this House with proposals to pass a State Aid to Industries Act just as an Act of this kind has been passed in Bihar and Orissa and for this purpose he should raise funds even by way of loan. Unless and until such kind of aid is afforded after due investigation, nothing much is possible. I know there are industries which may not be capable of being helped, but in this report several industries are mentioned such as fruit-canning industry and other industries which are local industries which can be helped. For instance, you find at page 141 of the Industrial Commission's Report provincial industries relating to the province of Bombay which are existing and which may be helped forward. They are, glass, oil-milling, matches, tanning, fruit-canning, brass work, lamp-making, pottery, wood distillation etc. etc. There are these industries which private and public companies have been making every effort to achieve success in, but there are the difficulties of capital and difficulties of another kind. I would ask the Bombay Government to exert itself to procure for private industries facilities in the way of railway freights. I know the matter does not lie with the Bombay Government, but if the Bombay Government were to exert itself, whenever an application is made to it, to support that application, to fight for it in the same way as if it were its own concern, then certainly something can be done in the way of low railway freights. I have known cases with which I have been connected in my district, in which attempts were made in that direction, but the Department of Industries merely referred us to the Government of India and in some cases when we insisted, they merely forwarded the petition to the Government of India or to the Railway Board and the reply received was sent on to us. That is not the way in which this Government ought to treat its own industries. They must really investigate the problem ; if they are satisfied with the reasonableness of the problem, they should attempt to secure the concession to that industry. I have quoted one instance of railway freight. The second instance is of the tariff rates. I know even these are not in the power of this Government but even there Government can, I submit, make out a very strong case and fight, whenever an application is received by them. For instance, I may cite the instance of iron crushers. Iron crushers, when they are imported from a foreign country, are exempted

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on the ground that they are agricultural implements. Iron crushers are prepared in this country and if exemption is claimed on the ground that they are also agricultural implements, the reply is given that they are not subject to exemption. That is the simple reply that is received. I am placing before this House concrete instances in order to show what kind of step-motherly treatment is accorded to indigenous industries. For this reason this question must be looked into from the Indian point of view.

Again, take the case of store purchases. No doubt there are rules made from time to time and resolutions are passed saying that the purchases should be made in India, but, whenever an attempt is made, it does not succeed. No doubt, when there is no foreign article available, then the country-made article may be and is purchased, but every effort should be made to use country-made articles even if they be a little dearer. I mean it is the duty of the Bombay Government to encourage indigenous industries especially in cases where the article is of course as good as any foreign article, even at the cost of a little sacrifice to the revenue. If encouragement is given in the beginning of these industries, you will find that in course of time they will be in a position to stand on their own legs.

I do not wish to take more time of the House but would suggest to the Honourable Minister that the Director whom he may appoint hereafter, as well as his assistant, should be Indians, who would look into all these matters from the Indian standpoint, and that is the reason why, I submit, honourable members after honourable members have urged that the appointment should be made of an Indian only. Consciously or unconsciously, in the case of a foreigner, there is bound to be a conflict of interests. Sometimes the angle of vision is naturally different and this difference in the angle of vision is due to circumstances that prevail in this country. Therefore, only an Indian can take the proper angle of vision because he knows the needs of the people far better than a foreigner. I will cite an instance of a match factory at Karad. I was then on the advisory committee of the Industries Department. It was lying in a helpless condition. I approached the Director of Industries with a proposal that he might investigate this problem and see whether wood fit for making matches was available in the Patan and Karad talukas. The Director of Industries gave an offhand reply stating that the match industry is not likely to prosper at all in this country. If the honourable member (Mr. Bell) were here, I would have asked him to explain this because he was the Director of Industries when I asked him for the information and it was he who gave me this discouraging reply that the wood in this country will never be suitable for match-making industry. I mean to say I am only quoting an instance in order to show the way in which discouragement, rather than encouragement, is given by Government officers who take charge as the Directors and Controllers of this department of industries. I therefore submit that the House will be well advised in really not carrying this motion to a division. They have expressed their opinion, and I would ask the

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Honourable Minister to declare his policy, and give us an assurance that this officer is not going to be appointed merely for the sake of having an officer with a few clerks to do merely writing work. If he were to ask for a Director of Industries for that purpose, then I think the House would be justified in saying 'no'.

Then, Sir, one word about the remarks of the honourable member the Secretary of the General Department about my suggestion to combine the Labour Office with the Industries Department. He suggested that there is a conflict of interest between Capital and Labour. There may be such a conflict, but why should the Director of Industries identify himself with Capital? I am not in a position to say. The Director of Industries will look to the interests of the capitalists as well as to the interests of the labourers. So far as he can control industries, before helping any industrial concern, he can exact a condition that the industry would treat its employees in a particular way, that it will admit them to apprenticeship, and so on, and that it will give them training. I think it will be in his power to so arrange matters that the interests of Labour and Capital will not disagree: he will provide the check. At present the Labour Department is really a Department of Labour Intelligence, as it is called, only giving us some news about Labour. What I suggest, therefore, is that, in order to safeguard the interests of Labour, to make suggestions and to carry out improvements in their condition, the Labour Department should be really speaking associated with the Department of Industries; and this business of Labour Information may be left, if at all it is necessary, to some small officer who can do work, or else it can be dispensed with. That was the idea with which I suggested that, instead of maintaining an officer on Rs. 2,200 for Labour Intelligence and Information, the Assistant Director of Industries or some other assistant to the Director could do the work, and the whole department may be so organised that it will look to the interests of Industry as well as Labour. If that is done, I think there will be nothing inconsistent in the attitude of the Director of Industries which the honourable members representing Labour may be apprehensive of. With these words, I do not support the cut in the sense that I ask this House to cut away the grant, but I do expect the Honourable Minister to make a statement and give an assurance, and then the honourable mover will be well advised in withdrawing his motion.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I rise to support this cut, and not in the manner in which my honourable friend Rao Bahadur Kale desires it, *viz.*, for debate. Sir, two honourable members who have spoken before me have impressed me very deeply. Both of them have been the members of the committee appointed by Government for Industries, I mean the honourable member for the Bombay Millowners' Association and the honourable member for the Chamber of Commerce. If there are two persons whose opinion in this matter is worth having, these are the two persons, and from what has fallen from the lips of the honourable member for the Indian Merchants Chamber also, I think the same conclusion logically follows it. What the Honourable the

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Leader of the House has to explain is whether the honourable member Mr. Lalji Naranji is right in saying that these industries suffer because of a foreign government. Are there any restrictions deliberately placed by the Government of India upon our industries and is it a fact that owing to these restrictions, industries cannot flourish in this country ? I do not want to take the view that the department should be allowed to keep its pot boiling. What is the use of having an officer on such high salary merely for the sake of finding out whether there are industries which require protection ? We know from the report that there are so many industries which require protection, which require encouragement, which require patronage. We can do nothing for them because there is no money. I do not understand why we should have such an officer, whether Indian or European. Why should we be burdened with an officer of this kind, unless we are given sufficient funds for the development of industries. I do not think the House would be justified in voting for this demand. There are industries which require to be encouraged, we all know. We had an European officer, but this House abolished him, because he was a white elephant. I do not entertain any racial prejudice in this matter. If the Honourable Minister is not capable of controlling and utilising an officer, whether European or Indian, he is not fit for his work and providing this money is useless. Whether he is an Indian or whether he is a European, the Honourable Minister in charge should be able to control him. I do not believe that because an Indian officer is appointed he will do all that is necessary. The Honourable Minister is not an expert, an expert can therefore be supplied to him. But the Minister must be a man of business, a man of common-sense, a man of capacity.....

Mr. K. F. NARIMAN : And a patriot.

MOULVI RAFIUDDIN AHMAD : Yes, and a patriot. I do not doubt his patriotism, and I believe that the Leader of the Congress Party will give credit to the Honourable Ministers that they are patriots also in their own way. Sir, I do not doubt the Honourable Minister's patriotism ; I only doubt his wisdom.

Sir, this is a very important matter. We have two Indian Members on the Reserved side. Both of them, I am happy to say, are experts in this respect, that is, industrial matters. I do not care whether this department is reserved or transferred, as long as there are able Indian Ministers and Indian Members who can take care of the department. I am sure if there is any man who is thoroughly a master of this subject and who can do much good in regard to it, it is the Honourable the Leader of the House. As the honourable member Mr. Lalji Naranji said, he has to return back to this side, and to industrialism again. About his independence, patriotism, ability and capacity there cannot be two opinions. Therefore, I want him to plainly explain why this department should be maintained in its present shape. I do not belong to those who say that because the Honourable Minister in charge proposes this item therefore it should be sanctioned by the House or else it would be a censure against him. To whatever party the Honourable Minister

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may belong, he is responsible to the House, and if a cut is proposed, it should be discussed only on its merits, without any consideration of the fact that if the motion is carried it would be a vote of censure against him or his party. I do not believe in it. I therefore request that this demand should be justified, and there is no better person to throw light upon the subject than the Honourable the Leader of the House, and unless he satisfies me, I shall certainly vote for the motion.

The Honourable Sir CHUNILAL MEHTA: Sir, I did not wish at all to take part in this debate, certainly not at the fag end of the debate, but it has been, I am afraid, my misfortune to be dragged into a controversy on the Industries Department on various occasions. In the first place, I must correct the impression that was attempted to be given by the honourable member from Sukkur, when he said that I was in charge of the Industries Department in 1921. Only one very small portion of the Industries Department was then handed over, and is, I believe, still in the hands of the Minister of Agriculture and Forests, and that is Fisheries.

I dealt with that portion only and with none other. But I have had the good fortune, shall I say, of having tabled a resolution recommending the creation of the department of industries in the pre-Reform Council. It will therefore be recognised that I can speak with some knowledge and certainly with some regard for the creation and preservation of this department. Then again, when the honourable member for the Indian Merchants' Chamber moved in 1924 a cut in this House omitting the whole provision for this department, I could not agree with him. I think that it was due to my persuasion that the honourable member consented to amend the motion from a total abolition to a mere reduction of Rs. 23,000. I mention this fact in order only to show that in the year 1924 the sum placed at the disposal of this department was Rs. 2,11,000. As a result of the speeches that have been made and the reduction that has been carried out, we find that the Industries Department is getting now a provision of Rs. 1,02,000, while three years ago it got Rs. 2,11,000. I ask this honourable House to consider what will be the fate of this department if it is to crumble in this manner. I am entirely at one with honourable members that the Industries Department, to do its work satisfactorily, must be a department worked on a big scale indeed. That was what I wanted when I tabled the resolution in the pre-Reform Council. At that time I had great hopes that the financial condition of the presidency, such as it was, would enable Government to place at the disposal of the Industries Department large sums of money. These hopes have not been realised. (Honourable Members: Why?) Because presumably members like my honourable friend Rao Saheb Desai are wanting in season and out of season to carry out retrenchment whether it is good for the country or not. When the honourable member for Hyderabad was addressing this House about the United Provinces Government's grants to the Industries Department and when he talked so glibly about the generosity of that Government,—he was reading from the budget speech—I asked him to let me know the

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revenue and expenditure of that province in the year he was referring to, and the remission of provincial contribution that province was expecting. I got no answer. If those figures had been given, it would have been perfectly clear that that province is in a particularly happy position and that no province in the financial condition in which we are placed can afford to spend large recurring amounts even on so important a department as the Industries Department on a big scale. That is our misfortune. I want to ask honourable members opposite whether they really want the destruction of the Industries Department. The honourable member for the Millowners' Association, for whom I have the greatest respect, I could see, spoke with the greatest sincerity. He suggested that this department has done nothing for the major industry—the textile industry—in this presidency. I do not know whether he is aware of the latest reports of the department which have been supplied to this House. He will find in the report for 1925-26, the amount of attention that has been given by the Industries Department, weak and attenuated as it is, to the various matters that he mentioned. He talked of magnesium chloride, and other stores. Magnesium chloride was attempted to be encouraged in the North Gujarat. The manufacture of pickers also was encouraged by this department. To my knowledge I can say that about a year and a half ago, the Forest Engineer approached me to put him in communication with the leading manufacturers in this city for the trial, experiment and consumption of picking sticks which can be made out of the timber in our forests. Then a great deal is stated in this book about sizing, warping and weaving machine. There are various other articles contained in this administration report to which I need not refer. I think that the honourable member is perfectly right that there ought to be attached to the Department of Industries an advisory committee composed of men like himself, who are sincerely desirous of pushing on the industrial progress of this presidency. My hope is that after a capable Director of Industries has been selected by the Honourable Minister a capable advisory committee will be attached to him so that it may be able to give him practical assistance and general guidance where necessary. But so long as our financial position continues weak the department will I am afraid remain on that small scale in which it is at present; and it will scarcely be the function of the Industries Department to deal with an organised and long standing industry like the textile industry of this presidency. I have before me the report of the Industries Committee of 1926-27. I find there recommendations made by such members as Sir N. N. Wadia, who resigned early, Mr. Lalji Naranji, Mr. Hooseinbhoy Lalljee, Sir Manmohandas Ramji, Mr. Addyman and Mr. G. L. Winterbotham. Those recommendations were unanimously made.

"In the first place we have to consider the classes of industries to which the Director of Industries should devote his main attention. Following the lines of the Indian Industrial Commission in Chapter XIV of its report we may sub-divide industries under three main heads—

(*a*) Cottage industries,

(*b*) Small organised industries which may be local or provincial in scope, such as sugar factories, tanneries, breweries, etc., and

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(c) Large organised industries which may be national or international in scope, such as steel works or cotton mills.

The Committee are unanimously of the opinion that the Department of Industries should devote most of its attention to class (a) and that class (c) should not ordinarily be included within the scope of its enquiries."

Sir, this is the advice that has been given by very responsible members of this House and distinguished industrialists. And I hope that with the small sums, which only unfortunately we shall be able to place at the disposal of the Industries Department, the Director of Industries will make it his first duty to look after what are known as cottage industries but what I would rather regard as rural industries which will affect the agricultural and the depressed classes population mostly. (Mr. K. F. Nariman: Who will be the Director?). I do not know who the final selection will be, but I will tell the honourable member that I have myself interviewed two very capable Indians who have already had considerable amount of experience in industrial work. I gave them an idea of the condition of our finances; I gave them all the reports of the past four or five years; so that they may be aware of the situation. I hope it will be possible for the Honourable Minister to select a capable Indian to be in charge of the Industries Department. Sir, I was saying that I hoped that it would be the function of the Director of Industries to deal with such rural industries as affect the rural population and especially the depressed classes. It was at my instance, if I may say so without any presumption, that not only the encouragement and teaching of weaving have been taken in hand, but also the investigation has been begun into the tanning industry in which the depressed classes are particularly interested on the countryside. An officer is at present working to examine the conditions of tanning as it is carried on now. Honourable members are well aware that the methods used are crude; the officer will examine them and see if Government by any assistance they can give, either technical or otherwise, improve the lot of these unfortunate workers in this somewhat noisome trade. I was surprised when the honourable member for the Indian Merchants' Chamber—who is not here now—told us that the weaving industry did not require any teaching or attention or any advice from Government. I may tell him with great respect that he is mistaken. Great as is my respect for his knowledge of industries and industrial development both in the city of Bombay and in the presidency, I am in a position to tell him that the action that Government have taken during the last five or six years has been of the utmost benefit to the agriculturists and to that large class of hand-loom weavers who are strewn almost all over the presidency. Everywhere I went I received demands from the people for the benefit of the weaving schools. I was in Khandesh, when the Mahomedans besieged me with requests for opening a school at Dhulia, where the Mahomedan population of weavers is large. To say, Sir, that because we were able to weave very fine cloth some centuries ago, we should not now take any advantage of improvements in looms, seems to me to be the negation of industrial development. It is because of the introduction of the fly-shuttle loom that the wages and the production of the handloom weavers have so largely increased, and it is because of this

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that the handloom industry is now able to hold its own against even the power loom, in spite of the drawbacks under which any other industry of less vitality would have easily succumbed. Sir, is it within the knowledge of this House that about one-fourth of the total consumption of cloth in India is made on handlooms in India, in spite of the very heavy handicaps under which that industry is labouring? I may briefly refer to those handicaps. I will ask my honourable friend Mr. Jairamdas to help us, as he, I think, has promised to do, to get rid of those handicaps. The first and foremost handicap is that the handloom weaver disregards the very first elements of good trade. He buys in the dearest market and sells in the cheapest. There is no organisation through which he can buy his raw material at the cheapest possible rate.

Mr. F. J. GINWALLA (made some interruption which was inaudible).

The Honourable Sir CHUNILAL MEHTA: I have only two or three minutes; the honourable member has got the whole of Monday. The honourable member will find all that information written out and more fully explained to him in the reports of the Co-operative Department for the years 1922-23 and 1923-24, I believe.

Mr. G. L. WINTERBOTHAM: Why not hand it over to the Co-operative Department?

The Honourable Sir CHUNILAL MEHTA: Now, I will answer my honourable friend Mr. Winterbotham. I am not one of those who agree with him that the Director of Industries should be abolished. I want the Director to continue, and I want the Department to continue in order that it may grow into a much bigger department later on. I am not going to kill that department now by destroying the Director of Industries, because only a small amount of money can be placed at his disposal now. Destroy that department now, and you will not be able to revive it again for many years to come.

Well, Sir, I was saying that the handloom weaver buys his raw material through the sowcar and he sells his finished product to the sowcar. From him he buys the yarn and to him he sells the cloth. One thing more: The handloom weaver works in very unhealthy conditions; he works in dark houses in a pit; and he is also given to drink. Has it occurred to honourable members of this House that in that community, the Salis and Koshtis (handloom weavers) the incidence of drink is specially large? Why is it? They do the hardest possible work under the most difficult conditions and they want something to cheer them up. Sir, in spite of these heavy handicaps, the handloom industry survives to-day and I am sure it recognizes the assistance we are giving. I am sure that the offer that the honourable member from Hyderabad made with regard to non-official help will be received gratefully by the Honourable Ministers in charge of Industries and Agriculture. I may tell him that there is a proposal before Government now—if I am not mistaken, I think it has reached a stage when money can be spent on it—a proposal for the improvement of the breed of sheep and for better wool. The honourable member spoke of spinning and weaving of wool.

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I think there is great scope for both spinning and weaving of wool and any assistance that can be given to that industry ought to be given by Government.

Sir, I hope the House will see that it is not due to any lack of desire on the part of Government that more money has not been made available. I do not see the prospect of very much more being made available in the near future, but I trust that the House will give the Honourable Minister the grant that he asks for, so that a capable Indian Director of Industries may be appointed and he may put before Government and before the House a programme within the means of the amount that Government will be able to provide.

The Honourable the PRESIDENT : Order, order. Before we adjourn, I have to bring to the notice of this House a request placed in my hand by the honourable member, Mr. Hooseinbhoy Lalljee, and signed by about ten other honourable members. It is stated :

" That Wednesday, the 14th instant, being the 21st day of Ramzan, is a Moslem holiday being the anniversary of the death of Hazrat Ali. We shall therefore, be obliged if you will arrange not to hold the Council on that day. "

It is signed by a section of the Muhammadan members of this House. I do not know whether the other honourable members, I mean Moslem members, agree to it or not. But even if they do, it is my duty to take the sense of the House whether the 14th should be taken as a holiday for the House.

Khan Bahadur S. N. BHUTTO (Larkana District) : Sir, so far as other Moslem members of this House are concerned, I may say that we have no objection to the 14th being given as a holiday. We have to come from such a long distance and it will not be possible for us to extend our stay here much longer.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I think that this request has been made for the purpose of religious function and I am of opinion that the religion should be observed at home and not in the Council.

The Honourable Sir CHUNILAL MEHTA : Sir, in the first place I may submit that the request is not unanimous from the Muhammadan members, but even if it were, I do not think that I can take a different attitude from the one I took in the case of Holi holiday. There are good many sectional holidays amongst Hindus and Muhammadans and if we adopted the principle of not sitting on each sectional holiday, I am afraid our work will be greatly hampered.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I wish to clear one point. I may be permitted to inform the House that this request has been supported by all of us, namely, the Muhammadan members, and this request is a unanimous one. It does not come from one section of the Mussalman members of the House. It may be taken from the Muhammadan section of this House as a whole, and it cannot rightly be said that it is not a unanimous one, so far as we Mussalman members are concerned.

The Honourable the PRESIDENT: Well, I understand that even the other Muhammadan members whose signatures do not appear on the request, favour this proposal. But I find that the general sense of the House is against this proposal. I, therefore, do not think that the House should observe the 14th as a holiday.

The House is adjourned till 1 p.m. on Monday, the 11th March 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Monday, the 12th March 1928

The Council re-assembled at the Town Hall, Bombay, on Monday the 12th March 1928, at 1 p.m., the Honourable the PRESIDENT, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR, Mr.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur

JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
METHA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Rahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSEINALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SYMTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
TURNER, Mr. C. W. A.
WASIF, Mr. G. A. D.

WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

SUKKUR BARRAGE LANDS: SALE OF WASTE AREA

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) the total area of the lands under the Sukkur Barrage for sale;

(*b*) how much of it was sold in the current and previous years;

(*c*) the price per acre at which it is sold;

(*d*) if the sales have not begun yet, when they will begin;

(*e*) whether it is a fact that according to the original estimates the sale of the waste area under the Barrage was to commence from the year 1925-26;

(*f*) if the reply to (*e*) above be in the negative, from which year the sales were to commence;

(*g*) whether it is a fact that the sales of lands under the Barrage have not been begun;

(*h*) if so, the reasons for delaying the sales;

(*i*) the loss in interest on account of this delay and the consequent rise in the cost of the Barrage Project?

The Honourable Mr. J. L. RIEU: (*a*) Approximately 15,00,000 acres.

(*b*) and (*g*) Practically no sales have taken place. A few adjustments have been made in cases where occupied land has been acquired for the purposes of the Barrage.

(*c*) Does not arise.

(*d*) The Revenue Officer is prepared to restore fallow forfeited lands at once where no objection on the score of water supply is raised by the irrigational authorities. For other lands the Revenue Officer is prepared to consider offers.

(*e*) Yes, but the so called estimates were merely an indication of the financial possibilities of the project and did not purport to fix a regular programme of land sales.

(*f*) Does not arise.

(*h*) The principal reasons are—

(1) It is not advisable to sell land a considerable time in advance of water being ready, as good prices could not be expected.

(2) Much of the land has first to be rectangulated.

(*i*) This does not arise, as the losses that would accrue from attempts to sell large areas of land several years in advance of water being available for their cultivation would probably be much greater than any saving of interest charges through premature sales.

SUKKUR BARRAGE: ASSISTANT STORES OFFICER

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether it is a fact that a man who was employed as a salesman in a shoemaker's shop was employed as an Assistant Engineer in

charge of stores as Assistant Stores Officer in the Stores Division of the Sukkur Barrage ;

(*b*) if the reply to the above be in the negative, what his previous qualifications were which entitled him for employment in the Sukkur Barrage ?

The Honourable Sir COWASJI JEHANGIR : (*a*) No.

(*b*) The following were the qualifications of the Assistant Stores Officer :—

Educated at Richard Street L. C. C. School, Islington, London. Passed 7th standard in 1908.

Enlisted in the Army in 1912 to 1914, Queen Victoria Rifles, 1914-18 Royal Air Force (Sergeant Observer), 1918-24, 1st and 2nd Battalion, Oxford and Bucks Light Infantry (Sergeant).

Held 2nd and 3rd class certificates from the Army.

When in the Air Force he had charge of a lot of stores especially receipt and issue of very numerous small parts of great variety and appeared, on personal interview, to be a level-headed and straightforward man for the job.

Rao Saheb D. P. DESAI : Is this the qualification for a civil engineer ?

The Honourable Sir COWASJI JEHANGIR : We do not want a civil engineer as a storekeeper.

Rao Saheb D. P. DESAI : But he is an assistant engineer in charge of stores, just as a deputy collector or a Huzur Deputy Collector is in charge of treasury office ?

The Honourable Sir COWASJI JEHANGIR : That is his grade.

SUKKUR BARRAGE : ASSISTANT STORES OFFICER

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(*a*) whether it is a fact that the Assistant Engineer, Stores Division, who has succeeded Mr. Moulden, was a travelling ticket-collector before he was employed in the Sukkur Barrage in place of Mr. Moulden ;

(*b*) if the reply to the above be in the negative, what his qualifications were for which he was employed as Assistant Engineer ?

The Honourable Sir COWASJI JEHANGIR : (*a*) No.

(*b*) The following are the educational qualifications and previous experience of the present Assistant Stores Officer, who succeeded Mr. Moulden :—

Educational qualifications.—Educated in LaMartiniere College, Lucknow.

Previous experience.—Served in Indo-European Telegraphs Department, Karachi, as a Cable Hand, 1915-20 ; Storekeeper in the North-Western Railway General Stores, 1920-21 ; Assistant Manager in Messrs. Normal Neilson and Company, General Hardware Merchants, Lahore, 1922-24. Served in Messrs. Barcley and Barcley and Company, General Merchants and Agents, 1925-26.

SUKKUR BARRAGE : LANDS—SALE OF

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether they intend to give preference to the people of this Presidency when giving out on sale the lands under the Barrage ;

(*b*) if so, the concessions on which the lands under the Barrage will be given to the inhabitants of the Presidency ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) Such lands as are to be disposed of on concessionary terms will be granted only to residents of Sind who alone have any preferential claim to them. Where land is being sold in the open market, it will be open to the inhabitants of the entire Presidency, including Sind, and of other Provinces of India to apply for it.

Rao Saheb D. P. DESAI : As regards (*b*), it is stated " Such lands as are to be disposed of on concessionary terms will be granted only to residents of Sind who alone have any preferential claim to them. Are not the presidency people entitled to these concessionary terms ?

The Honourable Mr. J. L. RIEU : No.

Rao Saheb D. P. DESAI : Are the people resident in the presidency proper not giving the same taxation just like people resident in Sind, and are they, therefore, not entitled also to these concessionary terms.

The Honourable Mr. J. L. RIEU : It does not follow that they are so entitled.

LAND SALES : BARRAGE SCHEME

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether land sales under the Barrage Schemes have begun :

(*b*) if the reply be in the negative, the amount of loss in interest due to the delay in land sales ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) The Honourable Member is referred to the replies given to clauses (*g*) and (*i*) of his first question asked this day.

CIVIL WORKS EXPENDITURE IN KAIRA DISTRICT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state the expenditure incurred on original works in the Kaira district during the last seven years ?

The Honourable Sir GHULAM HUSSAIN : The total expenditure incurred on original Provincial Civil Works in the Kaira District

during the last seven years—1920-1921 to 1926-1927—has been Rs. 10,97,043 as shown below :—

	Rs.
1920-1921	94,575
1921-1922	1,05,413
1922-1923	1,16,985
1923-1924	1,30,642
1924-1925	2,17,337
1925-1926	3,85,851
1926-1927	46,240
Total ..	10,97,043

No expenditure was incurred on original works under Civil Works—Central, during the period in question.

BRIDGES OVER SABARMATHI, VATRAK AND MAHI

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state when the rivers Mahi, Sabarmathi and Vatrak will be bridged by the Public Works Department ?

The Honourable Sir GHULAM HUSSAIN: The question of constructing bridges over the rivers mentioned is under the consideration of Government. Owing to financial stringency, however, it is feared that it will not be possible to finance these expensive schemes for some time to come.

WAKF ACT: DAWOODI BOHRAS

Mr. S. K. BOLE on behalf of Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR (Southern Division): Will Government be pleased to state—

(*a*) for how many years the Dawoodi Bohra community has been exempted from the operation of the Mussalman Wakf Act, 1923 ;

(*b*) whether the exemption will be continued in future to the Bohra community in spite of the opposition of a large portion of the Dawoodi Bohra community ;

(*c*) the grounds on which the Dawoodi Bohra community has been granted exemption from the operation of the Act ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Three years from 19th August 1926.

(*b*) The question will be considered at the proper time.

(*c*) A copy of Press Note No. P-86 dated 15th May 1925 giving the information required is placed on the Council Table.

With the compliments of the
Director of Information, Bombay.

P-86
15th May 1925.

MUSSALMAN WAKF ACT, 1923

DAWOODI BOHRAS TO BE EXCLUDED

In August 1923 there came into force an Act passed by the Central Legislature to make provision for the better management of Wakf properties and to ensure the keeping

and publication of proper accounts in respect of such properties. This measure is known as the Mussalman Wakf Act of 1923. Under the Act it is the duty of the Mutavallis (Trustees) to render certain statements to a Court showing the gross income of the Wakf, the amount required to pay for the remuneration of the trustees, how much will be required for charitable purposes, or religious purposes, etc. It was left to the Local Governments to extend all or any of the provisions of the Act to the whole Province or any part of it and to exempt from the operation of the Act, or any specified provision in it, any Wakf or Wakfs created or administered for the benefit of any specified section of the Mussalman community.

Government have accordingly decided to apply the Act to this Presidency including Sind. There remains the question whether or not exemption should be allowed to any community, as provided in the Act. Mussalman opinion generally appears to be entirely favourable to the provisions contained in the Act, but among the Dawoodi Borah Community opinion is strongly divided. Many petitions have been received by Government for and against the exclusion of the Dawoodi Borah Community. The Minister of Education has received deputations from both sides. After long and careful consideration of the question, Government has decided that the Dawoodi Borah Community should be excluded for a period of three years or pending further orders, and a notification to that effect is published in the *Bombay Government Gazette*.

In arriving at this decision Government have borne in mind the fact that, as a result of a ruling of the High Court, it has been laid down that the Mulaji Saheb is a trustee in law of the Wakf properties vested in and managed by him, and is accountable like any other trustees or Muttawallis, and is subject to the Shia Mahomedan Law. They are advised that the exclusion of the Dawoodi Borah Community from the provisions of the Mussalman Wakf Act of 1923, does not affect the liability of the Mulaji Saheb in this respect. The existing rights of the members of the Community are not therefore affected, and Government consider that the solution of this difficult question lies in the maintenance of the *status quo* which entails the exclusion of the Dawoodi Borahs from the Act. Government, however, desire it to be understood that this decision is subject to re-consideration at the end of three years, or at an earlier date if the community unanimously so desires.

The Act will be applied with effect from 1st of June 1925.*

* This date has since been altered to 19th August 1926 by Government Notification No. 214/24 dated 13th August 1926.

LAND REVENUE ASSESSMENT COMMITTEE : SUPPLEMENTARY REPORT

Mr. L. M. DESHPANDE on behalf of Mr. V. N. JOG (Dharwar District) : Will Government be pleased—

(*a*) to state whether a supplementary report has been made by the Land Revenue Assessment Committee appointed in June 1924 as suggested in paragraph 36 of the report of that Committee as regards non-agricultural assessments ;

(*b*) if so, to place the report on the Council Table ?

The Honourable Mr. J. L. RIEU : (*a*) The Honourable Member's attention is invited to paragraph 17 of Government Resolution No. 1790-24, dated 13th May 1927, a copy of which is placed on the Council Table.

(*b*) Does not arise.

Land Revenue Assessment Committee.
Report of the —, Bombay.

GOVERNMENT OF BOMBAY

REVENUE DEPARTMENT

Resolution No. 1790/24

Bombay Castle, 13th May 1927

Letter from the Secretary, Land Revenue Assessment Committee, Bombay, No. 1790-B/24 dated 6th October 1926—Submitting the report of the Committee.

RESOLUTION.—The thanks of Government are due to the members of the Committee for their report, and in particular to Sir Lalubhai Samaldas, C.I.E., who at great personal inconvenience officiated as Chairman for some time and gave both his time and his energies unsparingly to the work.

2. The report is not unanimous. Of the twenty-two members only seven have signed it without qualification. The seven official members have appended a joint minute of dissent, and the Commissioner of Settlements, Mr. Anderson, a separate one. Six non-official members have appended joint or separate minutes of dissent, whilst two non-officials, Mr. R. G. Soman and Rao Saheb D. P. Desai, have expressed their inability to sign the report, although they have explained their views at great length in separate notes. The report proper is divided into six chapters, the first five of which are either preliminary or historical, and do not invite comment. The various recommendations of the Committee follow in Chapter 6, and the decisions of Government thereon are contained in the following paragraphs.

3. *Basis of assessment: Paragraph 33 of the Report.*—In the opinion of the official members of the Committee the amendment of section 107 of the Land Revenue Code, as proposed in the main body of the report, will not make the principles of assessment any clearer or more definite than they are at present. They hold that the only way to obtain a satisfactory definition of these principles is to affirm that rental value must be adopted as the basis for fixing the assessment. The bulk of the non-official witnesses and several members of the Committee are of the opinion that the assessment ought to be based on the net profits of cultivation. The members of the Committee were very evenly divided on the subject of how to calculate these profits, and various suggestions were made. It was agreed by a majority of one that it was not possible to define net profits, and that the terms "value of the land" and "profits of agriculture" used in section 107 of the Land Revenue Code were vague. In spite, however, of the decision that net profits could not be defined, it was then resolved that section 107 be amended as follows:—

> "In revising the assessments of land revenue regard shall be had to the profits of cultivation. The Settlement Officer shall take into account the following factors:—
>
> (*i*) the state of communications during the previous settlements,
> (*ii*) the proximity of markets,
> (*iii*) the trend of prices,
> (*iv*) the general economic conditions and history of the tract,
> (*v*) the results of crop experiments, and
> (*vi*) rental value.
>
> In order to ascertain the rental value, the real rents paid in open competition by tenants to landlords during five years immediately preceding the revision settlement, excluding years of abnormal prices, shall be taken into consideration."

Government are constrained to remark that this proposal is in fact hardly less vague than the existing section of the Code which it is sought to improve, and that therefore it does little to remove the defect pointed out by the Joint Parliamentary Committee.

After the fullest deliberation Government accept the view of the official members of the Committee, which has since received the weighty support of the Indian Taxation Enquiry Committee's report, that rental value, where it can be ascertained, must be adopted as the sole basis for fixing the assessment, all other considerations being regarded as merely subordinate factors, useful only as explanatory or confirmatory of, or supplementary to, the foregoing factor. Government wish to emphasize that this decision will merely give legal effect to the existing principle upon which Bombay settlements are already based. They accordingly approve the amendment of section 107 of the Code, as proposed by the official members, subject to the modifications that for the words "the rental statistics" in the second sentence of the amended section the words "the data relating to rents" should be substituted, that the words "measured by" in the third sentence should be omitted, and that, in the proviso, for the words "the portion of the rental value due to the said improvement shall be excluded from the assessable rental value" the words "the increase in the rental value of such land due to the said improvement shall not be taken into account in fixing the revised assessment thereof" should be substituted.

4. *Cultivating and non-cultivating landlords: Paragraph 37 of the Report.*—Government agree with the view of the Committee that no distinction should be made between cultivating and non-cultivating landlords in fixing the assessment, in order to prevent land passing out of the hands of *bona fide* agriculturists.

5. *Paragraphs 38 and 39 of the Report.*—The Committee were unable to make any recommendation on the question of fixing a maximum percentage of the rental value as the assessment which the State is entitled to take, opinions on the subject varying from

10 to 75 per cent. It was recognized that settlement officers had usually regarded 50 per cent. as the maximum, but that in practice they had rarely, if ever, worked up to it. The Committee however decided by a majority that the assessment should not exceed 25 per cent. of the profits of cultivation, *i.e.*, the gross profits less all the expenses incurred in deriving those profits. Government consider that the views of the Committee on this question are inconsistent with one another. In the case of rental value, which is, generally speaking, a factor which can be determined with a high degree of certainty and accuracy, the report makes no recommendation as to the proportion to be reserved to the State, while in the case of the profits of cultivation, on the other hand, which, as is indicated in the report of the Indian Taxation Enquiry Committee and as is indeed evident, is a factor the determination of which is a difficult, if not impossible, task, the report recommends that the State demand should be limited to a maximum of 25 per cent. The Indian Taxation Enquiry Committee in their discussion on the subject of the rate of assessment, *i.e.*, the percentage of the annual value to be reserved by the State, made no definite recommendation. They appear to have been of opinion, however, that what they refer to as the "standard rate" should approximate in the first instance to the existing percentage. For the ascertainment of the latter, however, they had no sufficient information. But such information as they had pointed to a standard rate of 25 per cent. In so far, however, as their observations can be interpreted as a recommendation in favour of the adoption of this percentage, it should be recollected, first, that the rate which they were discussing was not apparently an absolute maximum, such as is proposed (as applied to "profits of cultivation") in the present Committee's majority report, but a standard, *i.e.*, an average rate, and secondly, that their general attitude of predisposition towards a lowering of the standard rate appears to have been largely influenced by the assumption that in future a considerably larger share of the annual value than is at present the case would be taken in the shape of rates for expenditure on local objects. Finally, there is the general consideration that the object of the legislation now proposed, as was indicated by the Joint Parliamentary Committee, is to give legislative sanction to the *existing* principles and practice of land revenue assessment, and there was no suggestion on the part of that body that the passing of such legislation should be made the occasion for any radical departure from such principles and practice. For these reasons the Governor in Council considers that he may appropriately adhere to the present practice of regarding 50 per cent. of the rental value as the maximum limit of the proportion which the State is entitled to take, and that this as a principle should be embodied in the law on the subject. Section 100 of the Land Revenue Code should be amended accordingly.

6. *Paragraph 40 of the Report.*—Government agree with the view of the Committee that Mr. Shivdasani's scheme for fixing a permanent assessment in kind, but recoverable in cash, is unworkable.

7. *Limits of enhancement of assessment: Paragraph 41 of the Report.*—Government note with approval and endorse the views of the Committee contained in this paragraph on the right of the State—

(1) to an increased revenue from the land to meet the growing demands of the country and to maintain the administration on an efficient scale, and

(2) to take its share in the unearned increment derived from land. They recommend that the limit of enhancement should be reduced from the present limits of 33 per cent. for a taluka or a group of villages, 66 per cent. for a single village and 100 per cent. for an individual holding to a general limit of 25 per cent. in the case of all talukas that have already undergone a second revision. The Governor in Council accepts this recommendation, and section 107 of the Code should be amended accordingly.

8. *Periods of settlement: Paragraph 42 of the Report.*—The Committee propose to leave the existing orders unchanged. Government concur in their opinion as regards the Presidency proper. In view, however, of the economic and other changes that the Lloyd Barrage may bring about in Sind, Government desire to retain a free hand in the matter so far as that Province is concerned.

9. *Exemption of improvements: Paragraph 43 of the Report.*—The report is emphatically of the opinion that the law on this subject should remain as it is. The Governor in Council accepts the Committee's recommendation.

10. *Standing Advisory Committee: Paragraphs 44 and 45 of the Report.*—The non-official members of the Committee strongly recommend that a standing Advisory Committee of the Legislative Council be set up to examine all revision settlement proposals and that, if the recommendations of the Committee on any such proposals are not accepted by Government, the proposals shall not be put into force, unless and until the sanction of the Legislative Council is obtained. The arguments of the official members against this recommendation have been fully set forth in the report, and they have the approval of Government. The Governor in Council regrets that he is unable to recommend to the Government of India the insertion of a clause in the Land Revenue Code to give effect to this suggestion.

11. *Subsoil water rate : Paragraph 47 of the Report.*—The non-official members of the Committee are of opinion that subsoil water shall not be made the subject of assessment and recommend that the practice be discontinued, and that the rates hitherto charged on such water shall be remitted. Government do not consider that the arguments of the official members opposing the abolition of this rate have been successfully met, and they are unable to accept the recommendation.

12. *Himayat assessment : Paragraph 48 of the Report.*—This proposal is entirely outside the Committee's terms of reference, and Government see no valid ground for making any such general enquiry as is proposed.

13. *Paragraph 49 of the report.*—The point referred to in this paragraph has engaged the attention of the Fallow Rules Committee.

14. *Paragraph 50 of the Report.*—Government accept the Committee's proposal that section 214 of the Land Revenue Code be amended so as to include suspensions and remissions of land revenue and the process of valuation of crops in order to determine suspensions and remissions as matters the regulations of which may be made by the Governor in Council. The section should be amended accordingly.

15. *Paragraph 51 of the Report.*—In this paragraph the non-official members of the Committee propose that the Settlement Officer shall have the assistance of two representatives of the cultivators elected by the Taluka Local Board in preparing his settlement. Government agree with the arguments of the official members against this proposal, and regret that they cannot see their way to accept it.

16. *Settlement of villages in Sind : Paragraph 52 of the Report.*—Government recently caused a special enquiry to be made with a view to ascertaining the practicability of this proposal. The result of the enquiry was to show that it would be unworkable. Government are not prepared to re-open the question now.

17. In paragraph 36 of the report it is stated that non-agricultural assessments were not referred to in the questionnaire, but that the Committee propose to deal with this question in a supplementary report. Although the Committee were furnished with certain information regarding the law and existing practice in respect to non-agricultural assessments, Government, as at present advised, do not consider that the subject of such assessments can appropriately be dealt with by that body. It is indeed questionable whether, when it made its recommendation in favour of the statutory regulation of land revenue assessments, the Joint Parliamentary Committee had in view assessments other than those on lands held for agricultural purposes. The contrary view would be inconsistent with the reference to the due representation of rural interests, those of the tenantry as well as of the landlords, which appears in that part of the Committee's report in which this recommendation is advanced. In the course of the debate, which preceded the passing of Mr. R. G. Pradhan's resolution, practically no allusions were made to the question of non-agricultural assessments, and it is apparent that the ordinary land revenue settlements of agricultural land were then contemplated as the subject of the proposed enquiry. The question of the principles by which non-agricultural assessments should be governed has recently been the subject of close study at the hands of a number of officers who are specially competent to deal with this technical matter, and Government now have before them ample materials on which to arrive at a decision as to the changes which it is desirable to introduce into the existing law and practice regulating these assessments. In these circumstances Government do not propose to ask the Committee to reassemble for the purpose of dealing with this subject.

18. The Remembrancer of Legal Affairs should be requested to draft the requisite amendments to sections 100, 107 and 214 of the Land Revenue Code in accordance with the orders conveyed in paragraphs 3, 5, 7 and 14 of this Resolution. If the sanction of the Government of India is given to them, it is the intention of Government to introduce a bill in the Legislative Council to give effect to them at as early a date as possible.

By order of the Governor in Council,

J. W. SMYTH,
Secretary to Government.

G. R. No. 1790-24, R. D., dated the 13th May 1927.

To

The Commissioner in Sind,
The Commissioners of Divisions,
All Collectors including the Deputy Commissioner, Upper Sind Frontier,

The Commissioner of Settlements,
All Superintending Engineers in the Presidency proper, including the Superintending Engineer for Deccan Irrigation Circle,
The Chief Engineer in Sind,
The Director of Agriculture,
The Legal Department,
The Remembrancer of Legal Affairs,
The Finance Department,
The Public Works Department,
The Secretary to Government, Finance Department,
The Joint Secretary to Government, Public Works Department,
Sir Lalubhai Samaldas, C.I.E.,
Mr. G. A. Thomas, C.I.E., I.C.S.,
Khan Bahadur Shah Nawaz Khan Ghulam Murtaza Bhutto, C.I.E., O.B.E., M.L.C.,
Mr. Mahomed Ayub Shah Mahomad Khuhro, M.L.C.,
Syed Muhammad Kamil Shah, M.L.C.,
Rao Saheb D. P. Desai, M.L.C.,
Mr. H. B. Shivdasani, M.L.C.,
Mr. R. G. Pradhan, M.L.C.,
Mr. Lalji Naranji, M.L.C.,
Moulvi Rafiuddin Ahmed, M.L.C.,
Sardar G. N. Mujumdar, M.L.C.,
Mr. D. R. Patil, M.L.C.,
Mr. R. D. Shinde,
Mr. B. K. Dalvi,
Khan Bahadur Ismail Saheb Madar Saheb Bedrekar,
Mr. R G. Soman.

BHIMA RIVER BRIDGE : CONSTRUCTION COST AND PONTAGE

Mr. S. C. JOSHI : Will Government be pleased to state—

(*a*) the amount spent by the Barsi Light Railway Company for the construction of the Bhima river bridge ;

(*b*) the amount recovered year by year by the Railway Company by way of pontage ?

The Honourable Mr. J. L. RIEU : (*a*) The amount spent by the Barsi Light Railway Company for the construction of the bridge in question was Rs. 5,78,553 ;

(*b*) The amounts recovered by the Railway Company year by year by way of pontage which was abolished from 1st October 1923 are given below :—

Year	Amount Rs.
1915-1916	33,728
1916-1917	63,436
1917-1918	59,337
1918-1919	80,208
1919-1920	1,90,867
1920-1921	1,96,366
1921-1922	1,69,730
1922-1923	1,61,375
1923-1924	54,899

GOVERNMENT COLLEGE : PERSONAL ASSISTANTS TO PRINCIPALS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they issued a resolution enabling the principals of Government colleges to select a personal assistant from the members of the staff ;

(*b*) if so, the date on which the resolution was issued;

(*c*) whether the principal of the Gujarat College selected a personal assistant before the issue of the resolution referred to in (*a*);

(*d*) if the answer to (*c*) is in the affirmative whether Government propose to take any steps in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Government have issued a Resolution allowing Principals of Government Colleges to delegate certain of their duties of an impersonal nature to members of their staff;

(*b*) 5th August 1927.

(*c*) The Principal, Gujarat College, selected a member of his staff for the purpose indicated in the reply to clause (*a*) of the question, before the issue of the Government Resolution referred to in that clause.

(*d*) The answer is in the negative.

GOVERNMENT COLLEGES: PERSONAL ASSISTANTS TO PRINCIPALS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) in which of the Government Colleges the principals have selected personal assistants to assist them in administrative work;

(*b*) the number of hours per week the personal assistant does teaching work in those Colleges in which he has been selected?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) In the Gujarat College the Principal has selected one member of his staff to whom certain work of an impersonal nature has been delegated. The Principal of the Sydenham College of Commerce and Economics, Bombay, has entrusted certain administrative work to three professors of the College.

(*b*) The member of the staff selected by the Principal, Gujarat College, for the purpose indicated in the reply to clause (*a*) of the question above, does six hours lecturing with $3\frac{3}{4}$ hours tutorials. The number of hours (55 minutes) per week of the teaching work done by the three Professors at the Sydenham College to whom certain administrative work has been entrusted is 13, 11 and 10 respectively.

GUJARAT COLLEGE: DOMUS FUND

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether there is a domus fund attached to the hostel of the Gujarat College of Ahmedabad;

(*b*) if so, when that fund was started;

(*c*) the amount of money charged from each hostel student for that fund;

(*d*) the purposes for which that fund was intended to be used;

(*e*) the rules for administering that fund;

(*f*) whether it has come to the knowledge of Government that the domus fund of the Gujarat College Hostel is being used by the Principal for purposes other than those for which the fund was created;

(*g*) if the reply to (*f*) is in the affirmative what steps Government have taken or intend to take in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) February 1922.

(*c*) Rs. 5 per term.

(*d*) Wages of the hamals for the hostel, charges for lighting the compound at night, the cost of blankets and coats for servants, etc.

(*e*) No definite rules have been laid down for the administration of the Fund.

(*f*) and (*g*) Up to now any balance available from the Domus Fund was applied to general college purposes. Instructions have, however, since been issued to the officers concerned that they should confine expenditure from this fund to purposes which are directly for the benefit of the hostel students. The question of framing suitable rules for the administration of the Fund is also under the consideration of Government.

GUJARAT COLLEGE : DUTY ALLOWANCE TO PRINCIPAL

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether a duty allowance is paid to the Principal of the Gujarat College, Ahmedabad, for the administrative duties which he has to perform as Principal ;

(*b*) the amount of the duty allowance paid to him ;

(*c*) whether it is a fact that some of the administrative duties of the principal are performed by his personal assistant ;

(*d*) if the answer to (*c*) is in the affirmative whether some portion of the duty allowance is paid to the personal assistant ;

(*e*) if the reply to (*d*) is in the negative, the reasons why the personal assistant is not allowed to share the duty allowance attached to the office of the Principal, though he is made to perform some of the administrative duties of the Principal ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) Rs. 150 per mensem.

(*c*) Administrative work of an "impersonal nature" only such as signing (1) certificates for passing First Year Arts Examination, (2) age certificate and (3) checking college fee accounts, etc., is done by the member of the staff to whom this work is delegated.

(*d*) The answer is in the negative.

(*e*) It is the duty of every member of the staff of a college to perform without claiming any remuneration such administrative or other work as the Principal of a College may entrust to him.

MEHLOL ESTATE : GOVERNMENT MANAGEMENT

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) when the talukdari estate of Mehlol in Godhra Taluka of the Panch Mahals District was placed under the management of the court of wards ;

(*b*) the circumstances under which Government management was brought into being ;

(*c*) whether it is true that the present incumbent on the gadi of Mehlol Estate attained majority during the period of Government management ;

(*d*) the reasons why the administration was not handed over to the present incumbent at the time when he attained majority ;

(*e*) whether the present incumbent was regarded as unfit to administer his estate ;

(*f*) if the answer to (*e*) is in the affirmative, which authority of Government declared him unfit and what were the reasons which induced that authority to do so ;

(*g*) if the answer to (*e*) is in the negative, why the said Thakor has not yet been entrusted with the administration of his estate though it is very long since he has attained majority ?

The Honourable Mr. J. L. RIEU : (*a*) In the year 1915.

(*b*) The District Court of Ahmedabad declared the Thakor of Mehlol, Raisinhji Naharsinhji, to be incapable of managing his affairs.

(*c*) He attained his majority before the estate was taken under management.

(*d*) For the reasons mentioned in (*b*).

(*e*) Yes.

(*f*) The District Court of Ahmedabad. The reasons for declaring the Thakor incapable of managing his own affairs are contained in the District Court's Order dated 17th August 1914 a copy of which is placed on the Council Table.

(*g*) Does not arise.

EXHIBIT 18

IN THE COURT OF THE DISTRICT JUDGE AT AHMEDABAD

Mis. Application No. 252 of 1913

Collector of Panch Mahals.....Petitioners ;

Pleader—Mr. Dadiba C. Mehta, Government Pleader, Panch Mahals;

against

Thakor Raisingji Naharsingji.....Opponent.

Pleader—Mr. Velchand Umedchand Mehta.

Counsel—Mr. Valavbhai J. Patel.

This is an application under section 5 (1) C of the Court of Wards Act I of 1905 asking that the Thakor Raisingji of Mehlol should be declared incapable of managing his own affairs.

It appears from the evidence recorded in the case that all officers brought in contract with this man have formed a very unfavourable estimate of his capacity. Owing to the unfortunate circumstances in which he succeeded to the Thakorate he was much neglected and left to his undesirable acquaintance in his youth. He also contracted the idea that his rival was favoured by the executive officers.

The estate is a large and rather complicated one and the Thakor is the representative of a very high family. He has made no friends of his own rank and is utterly unacquainted with the estate or its management. He is no doubt a man of very weak will who is liable to be guided by the person who from time may have access to him. At present he seems under good guidance but no one can say that this will last.

He made an attempt to destroy the reputation of his own wife and to bastardise his sons. He says here that he did so at the request of his rival. He has brought other

accusations against his other wife. His various marriages and their uniformly unsuccessful results seem to show a sad lack of dignity which might make one think he is not quite sane. Whether or no the lease to Kashibhai was profitable to the estate or the grant of the wanta to Dalpatsing was proper the opponent has displayed great vicillation about the affair.

I think then that I ought to make the declaration payed for with costs.

It is no doubt not necessary to point to the applicants that while there are circumstances on which the opponent relies to show that there has been much favour shown to Dalpatsing in the past but in the future particular care should be taken that the estate is managed in the interests of the estate and that no undue favour is shown to Dalpatsing either in the litigation now pending or in other ways.

It would seem perhaps if the condition of the estate permits it that more liberal treatment might be conceded to the Thakor and less tutelage exercised.

District Court, Ahmedabad. (Signed) B. C. KENNCOY,
17th August 1914. District Judge.

GAMBLING AT KAPADVANJ

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether they are aware that there exists in Kapadvanj a gang of gamblers who keep on hovering round public motor cars and motor lorries plying for hire between Kapadvanj and Modasa, between Kapadvanj and Dakor and between Kapadvanj and Nadiad and entice the passengers into gambling and rob them;

(*b*) if so, what steps Government have taken to bring the said gang of gamblers to book?

The Honourable Mr. J. E. B. HOTSON: (*a*) Government are not aware of the existence of the gang of gamblers mentioned by the Honourable Member. Steps will, however, be taken if a specific complaint is made to the District Magistrate or Superintendent of Police concerned.

(*b*) Does not arise.

JUDICIAL DEPARTMENT, SATARA DISTRICT: CLERKS

Mr. B. V. JADHAV on behelf of Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) the sanctioned strength of clerks in the Judicial Department, Satara District;

(*b*) how many of them are advanced and how many backward as per Government Resolution, Finance Department, No. 2610, dated 5th February 1925;

(*c*) how many clerks from advanced classes are (1) Brahmins, (2) Prabhus, (3) Parsis, (4) Marwadees, (5) Banias and (6) Christians;

(*d*) whether Government are aware that the percentage of Brahmins alone in the above Department is over 50 per cent.;

(*e*) if so, whether they propose to stop the further recruitment of Brahmins in order to have fair representation of Prabhus, Parsis, Marwadees, Banias and Christians as well as the backward communities?

The Honourable Mr. J. E. B. HOTSON: (*a*) 118.

(*b*) 91 advanced. 27 backward.

(*c*) (1) 89.
(2) 2.
(3) }
(4) } *Nil.*
(5) }
(6) }

(*d*) Yes.

(*e*) Government are satisfied that due effect is being given, as vacancies arise, to the orders contained in Government Resolution, Finance Department, No. 2610, dated 5th February 1925, and therefore do not propose to issue any further orders restricting the employment of any class of the community at present.

Question again proposed :

That item No. 62 on page 276 of the Blue Book,—"Appointment of Director of Industries and extra staff in the Department "—be omitted.

Mr. S. C. JOSHI : Sir, while opposing this motion, I would express my agreement with the general criticism that has been offered by honourable members on the policy of Government in regard to this department. While discussing the question of unemployment the other day, I suggested several ways of solving the problem and at that time I stated that the over-hauling of the present system of education, as also the introduction of industrial and technical education, and the granting of substantial help to small and cottage industries, were directions in which Government could help to relieve the distress caused by the present state of unemployment. Government have so far neglected the Industries Department also.

The necessity of helping the industries of the country was felt by Government so long ago as the year 1921. The Government in that year appointed a Technical and Industrial Education Committee. Not only that, but we find that Government were very keen then and had asked the committee to submit an *ad interim* report before the final report could become ready and the said committee submitted an *ad interim* report in October 1921. They suggested several recommendations therein but we find that none of those recommendations have been given effect to up to now.

The other day the Honourable the Leader of the House, while speaking on this discussion, stated that he agreed with the criticism made and the views expressed about this question, but, he said that the difficulty in the way of Government was the financial stringency. We have been hearing of this financial stringency of Government for so many days and we find that our position is becoming more and more acute. Last year we thought that this year we would be in a better position. Last year when we discussed and passed the budget, we did not expect that there would be any remission in the provincial contribution. It is most surprising that we find our balances have been further reduced to a great extent this year also in spite of the remission of the provincial contribution and still we find that in the matters of technical and industrial education and the help to be given to smaller industries, no progress has been made.

[Mr. S. C. Joshi]

We say that it is the duty of Government to remove this distress. We accuse Government as a whole, not individual members of Government. The other day the Honourable the General Member said in replying to the debate on the Miscellaneous Departments, that he was not at all liable, and that there were other modes of relieving the distress. We say that Government as a whole should do everything possible to relieve this distress. If necessary, Government should find out ways and means whereby they need not have to brush aside the most important and vital question on the ground of financial improvement. I am afraid, Sir, we have no hopes that the finances of this presidency will recover in the near future. Perhaps during the next sixty years we may have to continue in the same state. It is, therefore, necessary that Government should consider the matter very seriously.....

The Honourable Sir COWASJI JEHANGIR: What matter?

Mr. S. C. JOSHI: The matter of helping our industries and of introducing technical and industrial education, as also the matter of changing the present system of education, and all the other things which are necessary to relieve the distress of the masses.

It has been suggested by some of the honourable members that this department should be abolished and should be amalgamated with the Labour Office. I submit that it is necessary to widen the Labour Office itself and if this department were to be amalgamated with the Labour Office, then the difficulty will be that the Labour Office will not be able to do as much work as it has been doing now. These two departments should always be separate departments and larger funds should be provided for both these departments.

We have been told by the Honourable the General Member that the Labour Commissioner in Madras.....

The Honourable Sir COWASJI JEHANGIR: On a point of order, Sir. Can the honourable member reply to a debate which took place on another demand?

The Honourable the PRESIDENT: I do not know whether the honourable member is attempting to reply to a debate on another demand which has been granted and concluded?

Mr. S. C. JOSHI: I am not attempting to give any such reply but I am merely suggesting that this department also has been equally neglected. If more funds had been assigned for this department, then I would have accepted the reply given by the Honourable the General Member, but I find that this department and the other departments of public utility also have been shelved aside. I think the time is now come to help these two departments of Labour and Industries which are departments of public utility. With these remarks, I oppose the motion before the House.

Mr. K. F. NARIMAN (Bombay City, South): Mr. President, the Honourable the General Member is very anxious to preserve his privileged right of reply and does not want an honourable member on the non-official side to make any attempt to give a reply to his last debate. I

[Mr. K. F. Nariman]

might state at the outset that the debate on this question of industries is very closely allied to the other questions which the honourable House discussed on the last occasion which incidentally brought in a debate on the question of unemployment. As one honourable member in the course of that debate remarked, these are the two departments, two problems, which I do not think can be or will be solved till the larger problem of self-determination is solved. One of the honourable members remarked that the question of unemployment would be solved if we got national government. I say, with greater emphasis, in regard to this question of industries which I do consider to be a very very important subject, that if it is properly tackled, it will be the subject which will solve all the difficulties of the presidency including the financial difficulty, the economic difficulty, the difficulties of Government as well as of the people, but the point is whether this question will be ever tackled in the spirit in which it ought to be tackled by the present Government. The honourable member representing the Millowners' Association put it very guardedly when he stated that this department is not conducted in the spirit in which it ought to be conducted. I say I was rather surprised that the honourable member representing the Millowners' Association, with his commercial acumen and knowing what human nature is, should have passed that remark and should have expressed any surprise at the spirit in which this department is being worked which is just what we expected and expect in a foreign domination of this country. This is a department in which the interests of the two countries and the two communities are likely to clash. It is only because they cannot go further than they are doing because of public opinion and because of public agitation that this little show here and there is bound to be made to show that some attention is paid to the Industries Department or to other amenities of the country. I confess, Sir, that this department of industries will not be developed because it will not be allowed to be developed in the manner in which we would like it to be developed till this foreign domination is removed, and I am going to assert with all my responsibility, because I have devoted some considerable time to this question, and assert—not only insinuate but assert—that efforts are being made not to develop indigenous industries in the proper manner but efforts are being made to kill them. I will point out instances after instances in this very presidency, if not beyond this presidency, as to how the natural hidden mineral wealth that God has given to this country remains undeveloped and unattended to, which if developed may be converted into so much wealth for the benefit of the people. I can show how the hidden natural wealth has been neglected, sometimes left to die, sometimes left to remain undeveloped because of the fear that such discoveries may be detrimental to the interests of their own country. And when such discoveries are made, there is the other side of the question to look to as to how the discovery is going to affect British or foreign trade and British imports and British exports. It is from that standpoint that this department is looked at, and I do maintain that that is so, and I have instances in my possession to prove it.

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One remedy that the House thought would meet the situation—and they insisted that Government should carry it out—was that this department ought to be in the hands of an Indian Director. By that they meant nothing less than stating what I am now stating that, unless there is an Indian Director—a patriotic Indian Director who, for the sake of his country, will not even mind having a little clash with his associates and friends on the other side—unless we have a man of that description no good would come out of this department, and with that object I know that this House passed a resolution at the instance of my honourable friend Mr. Lalji Naranji. But did we succeed in our object? I say, no. Why did we not succeed? Simply because, so far as we can see, even after the resolution was passed, even after the Indian Director was appointed, all sorts of obstacles were sought to be put in his way, so that the industries may not be developed in the manner in which they ought to be developed. Sir, in considering this question, we must first of all go back, as the honourable member before me stated, to the Industrial Commission's Report of 1918 or 1919. After great labour and trouble, after two or three years' sitting, they came to certain conclusions and they made certain suggestions. What were the suggestions? The suggestions were—those who have studied the report will see—as to the functions of the Industries Department, and those functions were very well defined in the report. It was intended that the Industries Department should be started with the functions assigned to it in the Industrial Commission's report, and that the department should start functioning with those activities which are assigned to it. What were the activities that were supposed to be connected with the Industries Department? I will mention a few. Mines and Minerals, Administration of the Electricity Act, and most important of all, Industrial research, the grant of loans to cottage industries, technical advice and assistance to all industries, purchasing of stores for Government, organisation of markets for local products, and industrial survey of the presidency, opening of commercial and industrial intelligence. Out of these recommendations of the Industrial Commission, I will only touch two very important ones, which go to the root of the whole question—industrial research and industrial survey of the presidency. If only these two were sincerely and honestly put through, I am sure the situation might have been different. But has there been an industrial survey? What has been the difficulty in the way of an industrial survey? Has there been any industrial research? I will point out how some research has taken place and its result. I will point out instances which go to show that when any research is made and some products are discovered, or commodities are discovered which are likely, from a commercial or other point of view, to affect the industries of other countries, efforts are being made to see that that product is not developed in the proper manner, and that research is not carried to its legitimate conclusion. I say, and I say with confidence and with responsibility that the position would have been the same with any other foreign government. It is human nature. Self-aggrandisement, self-preservation and

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self-interest is human nature. Probably any other foreign government German, French or Japanese, might have done the same thing. I am simply pointing out that when Government pretend that for the present they are not able to do much for want of funds, or for this reason or that reason, the real difficulty is want of will, and not want of funds. I will point out from the book itself, that, so far as the Industries Department is concerned, that is also worked on commercial lines. Government have provided a lakh of rupees for this department, and they are not spending even as much as they get from the department. If you refer to the budget, you will find that every year the receipts are much more than the expenditure. Even for next year when, owing to financial difficulty Government say they cannot give more than a lakh of rupees, you will find that the receipts are Rs. 2 lakhs.

An Honourable MEMBER : No, no. It is Rs. 2,000.

Mr. K. F. NARIMAN : Anyhow, that ought to be made clear. What I say is that Rs. 1,02,000 are provided and out of that Rs. 44,000 are to be spent on the department. How are the industries of this presidency, which is one of the most important industrial provinces in the country, going to develop and prosper on a pittance of a few thousand rupees ? To be spent on how many subjects ? Industrial research, industrial development, purchasing of stores, giving of grants, industrial survey and all sorts of other activities which have been recommended by the Industrial Commission. So long as this department was in the hands of a Civilian it was considered to be a monopoly of the Civilians- all these activities were allowed to remain in the department, but since the department is placed under the charge of an Indian Director, according to the recommendation of this House, all these activities are curtailed. Not only that, but you will find that the grants were also curtailed more than 20 per cent. and not only that but the staff was curtailed. Formerly, there used to be a Director, an Assistant Director and a Deputy Director, but as soon as an Indian Director was appointed, all that was done away with, and the Indian Director was asked to work with only one or two clerks. In every way his progress was sought to be hampered in every direction, so that the Indian Director may not be able to develop the industries of the presidency in a proper manner. But we are glad that, in spite of all these difficulties, the first Indian Director proved equal to the task, and I would only ask honourable members to read the report of the department for the year 1925-26 and compare it with the reports for previous years when the department was in the hands of a white Civilian. The report will show what labour he has bestowed upon it, and I will point out a few instances to show the difficulties under which he was labouring. On page 8 of the report he points out what was the amount spent on the department before he took over charge and what was the amount spent after he took over charge. In 1922-23 the amount was Rs. 2,29,000 ; in 1923-24 Rs. 1,37,000 ; in 1924-25 Rs. 65,000 and in 1925-26 Rs. 65,000. It will be seen that, first of all the sinews of war are cut off from him, so that he cannot progress. In another place he complains that his establishment was reduced to one clerk and one

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typist; there was no Assistant Director, no Deputy Director, and it was only when he made an application that his establishment was increased to three clerks.

But, as I stated, the most important point is this. Has this department, since the Report of the Industrial Commission, really developed the industries that are indigenous in this presidency? I will point out some instances of discoveries made by their own officers, and I would ask Government what they have done with regard to those discoveries. I do not know whether the Honourable Minister who took over charge very recently can give the information, but I will point out a few instances in which remarkable discoveries were made, which were likely to contribute to financial prosperity, which might have gone to the relief of the population of the country, and which might have gone to solve the problem of unemployment in the presidency. I would like to ask Government what happened to those researches and discoveries which were made. I will ask the Honourable Minister to let the House know as to what happened with the discovery about the groundnut oil pulp? I will remind him that some time back, one of their own Chemical Advisors Dr. Mackenzie Wallace discovered, in the course of his tour, in one of the oil mills that this groundnut pulp was a very useful commodity out of which many useful things could be made; he discovered that it could be used, for instance, in making biscuits and bread, instead of being thrown away. Government saw through it and they admitted the importance of the discovery in so far as they actually issued a press note in which they dealt with this important commodity of groundnut, its oil and the bye-products of the groundnut oil industry. What is the result of that? The result is, considering the importance of the product, considering that it is useful both for oil and as pulp, they view with satisfaction the increase in the export of this commodity to their own country. They viewed it, in the press note, with satisfaction that the export had increased from so many lakhs of pounds to so many lakhs of pounds. Supposing we had a national Government, would we have allowed a thing like that to proceed? As soon as we discovered a product like this —which I consider to be a divine blessing for the poor inhabitants of this presidency—we would at once have stopped all export of groundnut. But as soon as this Government discovered that, they at once arranged for its export to other countries so that those countries might get the benefit of it at the price they give. I have given this instance of groundnut oil and its bye-products. I could understand if it were such a complicated matter that we could not manage it in this country and that therefore it should go to other countries and be brought back to this presidency in the proper form. But it is not. If that industry is developed in this presidency and its usefulness made available to this country, what is to become of their other countries abroad, either England, France, etc., that need groundnut very badly. They remark that since the loss of portions of East Africa, which grew groundnut, the importance of the growth of groundnut in India has increased—important not from our point of view, but from their point of view.....

Mr. C. W. A. TURNER: Sir, I rise to a point of information.

Mr. K. F. NARIMAN: Sir, the Honourable Minister has the last word on the subject. I do not wish to be interrupted. Government have always the last word: it is an arrangement which is very unfair so far as the rules of debate are concerned. (Mr. C. W. A. Turner interrupted.)

The Honourable the PRESIDENT: The honourable member does not yield.

Mr. K. F. NARIMAN: I am not going to yield.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the honourable member has referred to a press note: I want to know what that press note is.

Mr. K. F. NARIMAN: Then, Sir, I refer to cashewnut oil. My honourable friend sitting by my side will deal with the importance of this oil. Even German missionaries have advised their Government that it is one of the most useful commodities that could be found on the face of the earth. Other countries have not had this commodity; they have been trying every means to grow trees in their countries, but they cannot. But here Nature is helping us to grow it, but others are interfering to deprive us of the benefits which Nature has given us. This Government will not develop it, although all along the Western coast we have ample facilities to grow this nut. Most of this nut is now going to waste; only people in the villages try to make use of it for the preparation of some oils. Now, look at the way they deal with it in Goa which is not luckily under British administration. Look at the development of cashewnut industry in Goa. It is treated as one of the most important commodities. They will not allow it to be carried here; they will not allow us to import it. I ask in all earnestness why such a useful commodity with which Nature provides us be allowed to go to waste, without being used for the benefit of human beings as intended by God. The only answer is that they will do nothing that will clash with their mercantile interests. Self-interest first and foremost, whatever happens to others. "Our" imports, "our" exports, "our" revenues must be preserved above all other things, no matter what happens. Similarly with regard to the sugar industry. The sugar industry is not prospering because they will not allow the sugar companies to manufacture its alcoholic by-products. They have given in other parts of the country monopoly to two European firms, one of which is in Cawnpore, to manufacture these products, and they manufacture rum. Sharanpur Rum is known all over the country and even in other countries. They have given that monopoly because they are European firms. When other persons here in India apply for permission to manufacture alcoholic by-products of sugar, they are not given permission because it interferes with their excise revenue! Is that the way the country is going to grow? Is there any wonder that we are labouring under great economic depression, want of employment and lack of industries? Everything is sure to improve if only one thing is removed.

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Then, I come to the match industry. The honourable member the Secretary even ridiculed the suggestion that the British Government was trying to help a foreign industry. He said it was ridiculous to suggest that Government was helping the Swedish Trust. He tried to make out that it was not true. It is not only a foreign trust, if the honourable member the Secretary does not know he can make an enquiry and he will find that a large amount of British capital also is sunk in that trust. It is a trust which was started with a view to cripple the match industry of the whole world, not only of this country but of the whole world. Crores of rupees have been sunk in that trust and a large amount of British capital is also sunk in it. I do maintain again that the British Government of this country has shown favouritism to the match factories which have been started by that trust with the object of killing the indigenous factories of this presidency, which have been started since 1922 when the import duty was raised. This industry has prospered in India as a cottage industry. As soon as the import duties are raised, this trust turns its attention to India, comes here and starts its factories all over the country, not, as I said, to make a profit but to kill the indigenous factories that have been started even by selling their own products at a loss. They made every effort in Japan with a similar object in view, but they were removed from there unceremoniously in order to help the home industry. I repeat that this trust was shown some favouritism, and it was put down only on account of the agitation in the presidency. First and foremost they were given match-wood from our forests without tenders at the low rate of one rupee per cart. Public agitation was aroused and questions were put in this Council. Even the Indian Merchants' Chamber sent in a letter of protest, dated September 1923. So, there was a great agitation over this question. After this agitation they had to call for tenders and the result of the tenders was that the original rate of Re. 1 was raised to Rs 2 or sometimes Rs. 2-8-0. So, you will find that there was at times a difference of 150 per cent. As admitted before the Tariff Board, railway facilities were given to them and therefore they were able to develop their industry. They gave more facilities in Ambernath, and that was because Government wanted that land to be occupied by any person, no matter who they may be. Here are the instances, Sir, that a foreign industry or foreign Trust comes into this land after the import duty has been levied ; it comes into this land with the deliberate object of killing the indigenous industry. There are instances that these people are selling their goods at a loss. They are not selling this at a loss in a foreign place where foreign matches are available. They are selling at a place where there is an indigenous industry. So, it is quite obvious that their object is to kill the Indian industry. But what do the Government do in this respect ? They have treated us in a step-fatherly and step-motherly way and have tried to give special monopoly to the foreign Trust to kill the indigenous industry. That is the way in which Government are doing these things. I would ask honourable members : "Do you expect our industries, whether indigenous or otherwise, to prosper when this country is given less

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opportunities?" Are we not entitled to ask Government plainly and frankly what they intend doing about the development of industries? If they feel inclined to act in a manner which is detrimental to this country, I appeal to them to let us know the position. Instead of keeping the department of industry as a show and spending thousands of rupees over that department, why should not Government tell us openly and frankly their decision in this respect? In the same report we also find that State aid was asked by some six persons, but that aid was not given to them. I would, therefore, say: "How is it that the development of our industries would prosper?"

I know my honourable friend, Mr. Winterbotham—he is not present here today—is anxious that this department should be abolished. This side of the House is for abolition of this department, but from a different standpoint. I agree with the Honourable the Leader of the House when he said that he does not want to see this department abolished. The honourable member, Mr. Winterbotham, demands the abolition of this department from a different point of view. But those honourable members who have asked Government to abolish this department, have done so as a matter of protest against Government and not according to the point of view of Mr. Winterbotham. The honourable member, the Secretary, reminded this House that Government were refused the full grant which was intended for the development of industries. I may submit, Sir, that this House refused the grant as a matter of protest against the expenditure incurred by that department over the item of Fishing trawler. We did so in order that Government should take a lesson and not spend the amount after some such items which are not necessary. We wanted that Government should improve, but we find that it is not possible for this Government to improve, unless this department is made absolutely independent of the executive government and unless our Ministers are actuated with wisdom and patriotism, this department will not get a success. I want our Ministers to realise this fact. They should speak to themselves: "Well, my country wants this thing to be done and that thing to be done; and I must try to meet their wishes." If he keeps that principle before him, he is sure to exert in that direction. It is not a question of wisdom or patriotism as some honourable members suggested but it is a question of back-bone, ability to assert their right and position. If the Minister finds some obstacles in his way, he should at once tender his resignation. We expect our Ministers to do this much and now that they should be there—I won't call them figure-heads—the Ministers are there merely to inspire confidence on the side of the House. The real power is with the Secretaries. They belong to a class that is untouchable; even the Minister cannot touch them because they belong to a divine service. So long as this change does not take place, we should not expect Government to run this department successfully.

As regards the publication of the report to which I just referred, honourable members will find that it was not published till after six months and although it was published after this long delay, we cannot

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get more copies of that report. I understand that only 30 to 40 copies were ordered to be printed, so that this report should not be available for public use at large and the recommendations contained in this report widely spread. The honourable member representing the Millowners' Association says that this is the department which can only develop industry. I would, therefore, ask the Honourable Minister to take this side of the House into his confidence. He should come forward and say openly whether he wants to develop our industries or not. Let us know whether we cannot expect the development of our industries till God grants us liberty and freedom. The Honourable Minister should not make show about this department. But if they really want to develop our industries, I, for one, should be the first man to help Ministers in their efforts.

I do not want to support the cut moved by my honourable friend, Mr. Pahalajani, if the Honourable Minister gets up and makes a statement that every effort will be made to develop the industries. We want such a department for making an industrial survey. Industrial survey is primarily necessary and after the survey is held, Government should start the research of the industrial development. Unless the Honourable Minister is prepared to give such an assurance, I do not think this House will be justified in sanctioning the grant. I may assure the Honourable Minister that if he makes honest efforts for the development of our industries, and if he finds any difficulties and comes to this House, this House will be ever ready to give him all assistance. Unless he is prepared to make this statement, that he is going to make honest efforts in that direction, I, for one, really do not see the continuance or justification of this department. But, in order that the Honourable Minister may have a chance to make that statement and assurance in this House, I do not wish to support this motion at this stage, and the attitude of the House will certainly depend upon the reply the Honourable Minister is going to make.

The Honourable Mr. G. B. PRADHAN: Sir, I wish to make a few observations as regards the remarks which were made by the last speaker about the match industry. I may tell this honourable House that on enquiries being made, I did not notice that any special concessions were shown to any Swedish factory. But I may tell the honourable member Mr. Nariman that I actually postponed the sale of wood which was fit for match industry, and all the mango trees and savar trees are now given to a syndicate of the Indian match industry to which reference was made. (Mr. K. F. Nariman: This year). Yes, this year. They sent me telegrams asking me to put off the auction of these trees, and also telling me that some of the conditions were too harsh. So, I removed all those conditions, and I issued orders whereby all the mango trees and savar trees are given to Messrs. Hooseinbhoy Lalljee & Co., who represent this match manufacturing industry. Then, I may tell this honourable House that I asked the Chief Conservator of Forests to find out a suitable plot of land between Andheri and Borivli, because there

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are many match factories in the Bombay Suburban District, for planting mango and savar trees, because these factories have come to stay here, and if they have to stay here, they must have suitable wood at their door. Therefore, the Chief Conservator of Forests has been asked to have a plantation of mango and savar trees between Andheri and Borivli.

Then, as regards *kaju* nut, I think the honourable member meant *kaju* fruit juice. Now, *kaju* fruit juice is a base for preparing *kaju* liquor. Now, *kaju* liquor is not allowed to be imported into British India. So, the only use which we can make of *kaju* fruit juice is to convert it into vinegar. So, our expert is asked to make a report whether *kaju* juice can be converted into vinegar with profit.

Then, as regards the sugar industry, as a matter of fact, Government are making an enquiry as regards this industry. They find that too much money is spent on sugarcane growing, and that is why it probably does not pay to have a sugar factory. Prices of *gul* are at rock bottom now, and according to the prices which have to be paid for sugarcane, it does not pay to have a sugar factory. But I may tell the honourable members that molasses which are available are being purchased by the Nasik distillery. But then, we do not even get sufficient molasses for our own purposes. We are not able to secure sufficient mhowra flowers for use in the Nasik factory. The Belapur factory is not able to give us sufficient molasses, so we have to purchase molasses from Java. So, if there is any factory able to supply molasses, I may state there is a purchaser, we are ready to purchase it. At present we are oblige to purchase it from Java. These are the only three points about which he made a reference for the department with which I am concerned.

Mr. K. F. NARIMAN: On a point of information. I am informed that in the Nasik distillery they successfully prepare methylated spirit out of mhowra flowers. Was it developed subsequently at any time?

The Honourable Mr. G. B. PRADHAN: As a matter of fact, we made experiments as regards denatured spirit, methylated spirit, etc. But, though there is a heavy duty upon spirit which is imported from foreign countries, yet we are not able to compete with the prices of spirit which comes from abroad. But we are preparing rectified spirit there in Nasik, and as regards that, we are getting some profit. The Nasik distillery is also ordered to prepare Indian made foreign liquor because that was a suggestion made by one honourable member, I think it was Mr. Swaminarayan. (An Honourable Member: Did he make such a suggestion?),—Yes, sometimes he does make such suggestions,—that foreign liquor should be prepared in Nasik. So, these experiments are also being tried.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I also wish to say a few words on this motion in connection with the department of industries. The provision of one lakh of rupees, which is proposed to be made for this department is not, I must say, even two annas in the rupee. Several honourable members

[Mr. Haji Mir Mahomed Baloch]

have given facts and figures to show what provision is made for industries both here as well as in other provinces. But, Sir, I have to point out that the Government of Bombay is not India's Government but England's Government. That being the case, how can you expect that the English Government would be prepared or would desire to see our industries here thrive and let their own people, their own children, in England starve as a consequence ? It is natural that they should desire to help their own industries in England in every way and not care what happens to our industries here. It is useless shedding tears before the blind.

To-day we have the Honourable Mr. Pradhan as a Minister in charge of this department. There have been other Ministers before, and two years hence another Minister will come after him. It is the practice to have new Ministers every three years, and every new Minister who comes will be telling us, " This has been done, that has been done, that is proposed to be done, I am not responsible for this, my predecessors are responsible for this, and so on, and so on. " What satisfaction is it to us, unless our industries actually prosper ? In the old days, India had attained such a high position in commerce that practically every article was supplied by her to all the countries in the world ; India was the world's supplier. Now, ever since this country has come under British rule, the downfall of India in her industrial position has commenced and she is going down and down in the matter of her trade and commerce. Why ? Because if the industries of India were encouraged and allowed to prosper, then the people of Manchester and other places in England would be starving. So long as England continues her present self-seeking, selfish commercial policy in this country, they will not care for India's industries and we cannot expect that our industrial condition will improve. Now, look at Japan and America. What a vast and wonderful progress they have made in their commerce in such a short space of time ! They have attained a very high position in the world's commerce. And what is all that due to ? That is because in Japan and America they have a national Government, not a foreign Government. Here we have a foreign Government. And how can you expect a foreign Government to do what only a national Government, one's own Government, can do ?

The honourable member, the Secretary of the department, tells us that since power looms have come into existence naturally hand-looms have gone, hand-looms have been replaced by power looms. May I ask him where was the power loom in England 150 years ago ? And did not England's commerce prosper even when there was no power loom ? Why cannot India do what England could do in the way of commercial prosperity before the advent of the power loom ? Look at Bengal to-day. What is her state ? There was a time when the Dacca muslins, the superfine Dacca muslins, had attained a worldwide fame and had become the object of admiration all over the world. And with a view to put down this fine muslin trade of Dacca, the fingers of those weavers of muslins were actually cut off by this foreign Government.....

The Honourable Mr. J. E. B. HOTSON : That is an absolute lie, Sir. It has been contradicted times without number. This is the second time that it has been repeated in this debate, and it is absolutely false.

The Honourable the PRESIDENT : Has the honourable member any historical data to make an assertion like that or any reliable authority to depend upon for it ? The Honourable the Home Member takes objection to the honourable member's assertion and points out that there is no authority to make that allegation, *viz.*, that the fingers of indigenous weavers were cut off by the British in order to kill the weaving industry.

Mr. HAJI MIR MAHOMED BALOCH : I can point out to the Honourable the Home Member my historical authority or other evidence for that assertion if only he will give me an opportunity of doing so.

Why have not local industries been developed during these 150 years of British rule ? The Honourable the Finance Member says that Government do not wish to kill the industries, that Government have every sympathy and that they want to give more money for their advancement and development but that for some reason or other they cannot find the necessary funds. The Honourable the Leader of the House complained that the honourable member Rao Saheb Dadubhai Desai and others like him look to nothing but cutting down grants. We can cut down grants only in small items. By the Reforms we cannot touch the bigger items they being non-votable, in the present constitution of the Council. We can cut demands which are for nation-building departments which I don't wish. How long will Government go on saying " Oh, my son, you grow up and then I will get you married." Such seems to be the Government's attitude towards the industries of this country. The honourable member Rao Bahadur Kale advised the Government to spend more money on industries. We are now quite tired of begging with folded hands. I do not think that this is the time for doing so. If our claim is a rightful one and there is no doubt that it is a perfectly rightful claim, we should not go to Government with folded hands for more money to be spent on our industries. We shall wait and when our time comes, we shall see what we can do.

In other countries Governments help their industries to the best of their power, as has been already pointed out by my honourable friends Messrs. Petit and Nariman. Finally, I shall remind this Government of the saying " विनाश काले विपरीत बुद्धी " meaning thereby that when the time of destruction comes, reason becomes fouled.....

Mr. S. K. BOLE : I move the closure, Sir.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : I move the closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am very thankful to both sides of the House, except to the honourable member the General Secretary, for having enlightened us in a considerable degree on the

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subject of the Industries Department. I decline to thank the honourable member the General Secretary because he has charged the House with a conduct which the House has not adopted, namely, the reduction in the grant of the Industries Department in 1924. So far as this House is concerned, there seems to be an anxiety on the part of every elected member including the Europeans, that the Industries Department is one that ought to be very considerably encouraged and enlarged. Even the Honourable the Leader of the House is of opinion and is as strongly and as enthusiastically of opinion, as ourselves that this department ought to be greatly encouraged and enhanced. This is a department which was started in 1918. In 1924, when the honourable member from Satara, Mr. Jadhav, was in charge of this department, and when this department came up for discussion before this House, my honourable friend Mr. Lalji Naranji moved for a cut of the whole amount of Rs. 2,11,000, mainly resting his case upon the very small and meagre amount that had been provided in the budget for it. That the department was an important department was admitted at that time both by Government and non-official members in this House. Now, Sir, discussion went on with every elected member asserting that the department had been shabbily treated and advancing exactly the same arguments as have been advanced here to-day and the day before yesterday, that it was unnecessary to keep a department with such small funds. It is not that this House thinks that a Director is not wanted. This House was and even now is in that ironic mood which refuses to have a Director with a provision of Rs. 1,02,000 only or in other words with a provision of Rs. 58,000 only for running his department apart from the cost of his establishment. This House is at present in an absolutely sullen and peevish mood, sullen and peevish with the Honourable the Finance Member for not allowing the Honourable the Minister more money and for not looking after the finances required for the development of this department. This House is not in a mood to-day to do away with the department. This House is not in a mood to-day to do away with the Director of Industries. This House at present is in a mood to express that this department shall be one of those departments that the Honourable the Finance Member shall encourage in the highest possible degree. The whole of this discussion, including the statement of my honourable friend Mr. Winterbotham, was directed only to one point, *i.e.*, the conduct of Government in starving, the conduct of Government in allotting the meagre sum of Rs. 58,000 for the department. It was a protest against the conduct of Government in giving only Rs. 58,000 to this department. With that, Sir, was coupled another desire that the Director should be an Indian. The reason why I declined to thank the General Secretary was that it was not the House, but the Government itself—the honourable member Mr. Jadhav, was then the Minister and therefore the Government—that removed the Director of Labour. He said :

"The question of the efficiency or otherwise of the Department of Industries has been discussed here, and I am very much obliged to my honourable friends for reading some portions of my speeches on this very question during the years 1922-23. I say for myself

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that the criticisms that were pertinent in those days continue to be so. I myself am not satisfied with the working of this department. I understand from the discussion here that the chief objection that lurks in the minds of honourable members is that a Director drawing Rs. 35,000 a year is not necessary. *We too think the same.* But at his salary is a non-votable item, we cannot withdraw that item without the sanction of His Excellency. We are willing to represent this to His Excellency and we are sure that His Excellency will think it proper to give his consent to the abolition of that post."

Again, he said :

"The majority of the speakers have agreed that the greatest need of the country is to develop the industries, and we have to try our best to develop them, and without such a department we cannot hope to develop any of the industries."

He said further :

"I think the maintenance of this department is necessary for the advance of industries in this presidency, and when the expensive head of that department is taken away, the department may be expected to work satisfactorily during the next few years for the sum that will be expended by it. Of course I need not remind the House that they will have an opportunity of passing its judgment on the working of this department twelve months hence."

Now, Sir, on this statement of the Honourable Minister in 1924, this House agreed to the proposal of the Government itself, not that the House did away with the item. It agreed to the proposal of the Government itself to do away with the post of the Director, *who was not an expert.* The *distinct* position then taken up by my honourable friend Mr. Lalji Naranji and by the whole House at the time was chiefly that the Director shall be an expert. We did not want a non-expert man, and we did not want the department to be run on the lines on which it was being run at the time, when the Honourable Minister actually gave up Rs. 35,000, and saved unnecessary expenditure. Now three years have passed, and yet the promise of the Government made through its accredited agent, the Minister, that in the following year Government will give a larger grant for the department, has not been fulfilled. In 1925-26 and 1926-27 Government had at its command huge balances, namely, Rs. 459 lakhs and Rs. 492 lakhs. The Honourable the Finance Member is not correct in saying that Government has not been able to afford any encouragement, because it had no money. A huge balance of over Rs. 4 crores and a half was available, excluding the Famine Fund.

The Honourable Sir CHUNILAL MEHTA : Recurring ?

Mr. B. G. PAHALAJANI : They were recurring ; for three years they recurred. The balance was Rs. 459 lakhs and Rs. 492 lakhs in 1925-26 and 1927 respectively, and there were savings of Rs. 53 lakhs in one year and Rs. 99 lakhs in the next year. With all this, nothing was done for the Industries Department, and we find to-day the Honourable Minister coming forward to ask this House to grant him Rs. 44,000 for the establishment and Rs. 58,000 for the encouragement of the Industries Department. That is exactly what has produced the felling on this side of the House. What is intended by the House is this : the Director is an absolute necessity ; the Director must be there ; the Director must be an Indian. But the position of the Honourable Minister must be strengthened by this side of the House by insisting that he shall demand

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more money from the Government—if he does not make that demand he will not be doing his duty by this side of the House—and that the Government shall give him more money for this department, if it has any respect for public opinion. That is the position, and that is the undertaking the Honourable Minister must give, before this demand can be passed.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, from the beginning I was under the impression, when my honourable friend moved his motion, that he did so in order to raise a general debate and not for the purpose of having the department abolished. I have noticed also that several other honourable members who took part in the debate also shared the same desire.

A year ago, when I took charge of this department, I found that a committee was appointed by Government in 1926 to enquire into the working of the department, and to give advice on its future working: that committee was sitting and considering the matter, and I also found that the Director in charge of the department was a gentleman who was on the superannuation list. Under these circumstances, I waited for the report. The report came up in July last, and soon after Government took steps to obtain the necessary sanction for the purpose of creating the post, and advertised inviting applications to the post. The applications have been received, and they have been put up only two or three days ago to me, and the matter will be duly considered. I may, however, assure the House that Government are solicitous, a suitable candidate forthcoming, to appoint an Indian Director, and I trust that the assurance that the Honourable the Leader of the House gave will also go to assure the House that every effort will be made to select a suitable Indian Director to be in charge of this department.

Mr F. J. GINWALLA (Made an observation which was inaudible).

The Honourable Dewan Bahadur HARILAL D. DESAI: My honourable friend murmurs and asks why an extension was not given to the Director who was on the superannuation list.

The Honourable Sir CHUNILAL MEHTA: He says, why not reappoint him.

The Honourable Dewan Bahadur HARILAL D. DESAI: If he is one of the applicants and if his age allows it, that also will be a matter which will be considered.

The committee consisted of 8 members, about 5 of whom were Indian gentlemen, and 6 members of the committee were Members of this Council. They have threshed out the subject, and, looking to the present condition of things, they have made recommendations in paragraph 16 of their report, and, as soon as the Director is appointed, the activities as recommended by the committee will be undertaken. The recommendation is that the department should concern itself at present with answering enquiries as well as giving advice, to have an industrial survey, and also to encourage cottage industries and supplementary industries. I may inform the House that during

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the current year we have received a report of the survey of arts and crafts from the officer (Mr. Fernandes) who was appointed to make a report thereon; it has been lately received, and is being considered. Secondly, a gentleman by name Mr. Telang has been appointed to report on the question of handloom weaving industry. Again, as the Honourable the Leader of the House stated, Mr. Gaitonde has been appointed to report on the tanning industry in the villages and towns. A reference having come up from a certain gentleman with reference to the encouragement of the industry of manufacture of chemicals, putting forth the difficulties of that industry on account of freights and tariffs, this Government has approached the Government of India on the subject, for having that matter considered and solved. So that, Sir, during the current year this much has been done, and as soon as the Director is appointed the first thing that he will be doing will be to tour round the presidency to examine the conditions, and also to undertake an industrial survey. By that time he will also have the reports from the gentlemen appointed to report on the handloom weaving industry and the tanning industry.

I have every hope that for the budget of 1929-30 I will be in a position to demand more money, and I have no doubt that with the help of the insistence which honourable members of this House have shown to have more and more funds, I will have no difficulty in getting adequate funds for the purpose required.

Mr. B. G. PAHALAJANI: From whom will the funds be got?

The Honourable Dewan Bahadur HARILAL D. DESAI: From the Government.

It has been stated that this Government have been spending very little on this department as compared with Bengal and the United Provinces. I had a visit from an officer serving in the Industries Department of one of the Indian Provinces, and I took occasion to ask him what were the activities of the department in that province. He stated that the expenses on technical and professional schools maintained by that province were included in the budget for Industries. If we look to that question here, we are spending at present on technical and special schools and professional schools about 12 lakhs of rupees a year, and if that were taken into account I may urge on the attention of the honourable House that this Government are not spending less. However, there is need for spending more for the encouragement of cottage and supplementary industries, and I have every hope that there will be no difficulty in getting the money required on the proper occasion.

Sir, there was a reference to the match industry. I know that that industry supports a large number of people in various ways in this presidency. We have every sympathy for the match industry in this presidency, and I may inform the House that my honourable colleague has made arrangements to supply as much match wood as is available in the forests.

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As regards State aid, the question is very difficult. During my tenure, I had an application for State aid to the extent of two lakhs of rupees from a rice factory in Sind which has been existing there for the last ten years. On an examination of the situation I found that when they could not find any accommodation in Banks and in spite of its ten years' existence it was not able to make headway, it was not a proper proposition which could be entertained. The question of State aid will be a question depending mainly upon the financial circumstances of Government. But that apart, the activities of the department, I hope, will not be allowed to suffer on account of want of funds when they are required. I therefore hope that with the assurance that I have given, the honourable member for Sukkur will withdraw his motion.

Mr. S. A. SARDESAI: May I know how many applications have been received for the post of Director ?

The Honourable Dewan Bahadur HARILAL D. DESAI: About 55 applications.

Mr. S. A. SARDESAI: How many Indians and how many non-Indians ?

The Honourable Dewan Bahadur HARILAL D. DESAI: About 50 Indians and 3 or 4 non-Indians. I have given this information off hand.

Mr. B. G. PAHALAJANI (Western Sind): Sir, in view of the undertaking given by the Honourable Minister to ask for more money from Government and to give more money to this department, I beg permission to withdraw my motion.

Question put and leave granted.

Question that the demand for Rs. 1,02,000, for 35, Industries (Transferred) be granted, put and carried.

The Honourable Mr. G. B. PRADHAN: Sir, I ask for a demand of Rs. 26,38,000 for 34, Agriculture.

Question proposed.

Mr. M. S. KHUHRO (Larkana District): Sir, I beg to move :

Omit item No. 60 (Creation of an appointment of Deputy Registrar and an additional appointment of Assistant Registrar of Co-operative Societies and their establishments involving the recurring expenditure of Rs. 14,382.

Sir, in the note placed before us at page 273 of the Blue Book, it is stated :—

"The Co-operative movement in the Bombay Presidency has always claimed that it has been and should be as unofficial in character as possible and that in this respect it compares favourably with other provinces."

But asking for this amount for creating more posts appears to be quite contrary to the policy mentioned in the above note. It is again stated that :

"This deputy can tour in about six or seven districts in a year, excercising the Registrar's powers, and the Registrar can tour in the same districts in the following year.....The appointment of a Deputy Registrar is also necessary for the exercise of proper supervision and control over the increasing number of ordinary societies."

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Sir, at one and the same time we are told that the co-operative movement should be as unofficial in character as possible and that the appointment of a deputy registrar is necessary for proper supervision and control of societies. Sir, Sind is a division that has figured most prominently in the matter of the co-operative movement: co-operation has been very successful in the Province of Sind. That has been admitted in the report presented by the Registrar of Co-operative Societies for the year ending 31st March 1927. I will here quote a few paragraphs from it to illustrate and support all what I wish to say about the prominence of Sind in this matter:

"The Societies in Sind are without doubt excellent institutions, and have conferred much increased prosperity on their members. The Sindhi cultivators are simple in character, and when once convinced of the advantages of co-operation and co-operative finance, they have eagerly accepted the help and advice which the Department has to offer. There is more genuine belief in co-operation and more gratitude for the benefits obtained than is found anywhere in the Presidency."

Then it goes on to say:—

"It is a common thing in a society of five years' standing for a small zamindar to hold Rs. 150 to Rs. 300 and for a hari to hold Rs. 100 to Rs. 150 in shares. There is thus a volume of real savings, and it is easy to see that members of societies will be in a position to purchase a substantial amount of Barrage land when the opportunity arises."

Then at the end of this passage he says:

"The Assistant Registrar and his deputy are more closely in touch with the people of that province and the societies, hence the percentage of arrears has been kept very low. This is unheard of in the Presidency."

If you see the figures for this item as compared with the other divisions, except the District of West Khandesh, you will find that Sind stands at the lowest figure in the whole of the presidency in the matter of arrears. The number of agriculturists' co-operative credit societies in Sind in the year 1927 was quite a large number, that is 773. In quite a short period of eight to ten years since the movement has been started to reach that number is indeed meritorious. There are 23,444 members of these societies which have advanced no less than Rs. 36 lakhs for the purchase of bullocks and other agricultural implements, and seed and other necessities, thus bettering the prospects of the agriculturists. This movement has done wonderful work in Sind, and it is, therefore, just and proper that Sind should get her adequate or at least proportionate share in a matter like this.

Sir, Sind is a division which is far more distant than any other division, from the headquarters of the Registrar, which is at Poona, and the correspondences take a very long time for disposal, resulting in matters of urgent nature even being detained for months together. That is the main reason why this movement has not progressed much more than it has done so far. If every chance is given to Sind in this respect, I am sure this movement will be more successful in Sind than anywhere else.

In Sind there are many important problems which require immediate and urgent consideration. I may submit that after the completion of the Barrage and Canals construction, the lands will be sold in Sind.

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There is very great apprehension in the minds of the people in our province and more particularly in the minds of the small landholders, that they will not be in a position to purchase the land, thus not possessing adequate funds for the purpose. Therefore, it was suggested that co-operative agriculturists' societies should be organised who should join them together in groups to purchase the lands and these Societies be financed by the land mortgage Banks wherever necessary. If no such endeavour is made, I have every reason to be pessimistic about it that the agriculturists of Sind will miserably lag behind in getting their share in Barrage lands. I would, therefore, request Government to help this movement so that the agriculturist cultivators and the small landholders may get the opportunity of taking their legitimate share of the land. At the same time it is necessary that Land Mortgage Banks should be started in Sind. It is high time that such banks should be created in all the districts. There are at present two Zamindary Co-operative Banks in Sind which are doing wonderful progress in financing the people possessing large holdings. They are the only right sort of institutions for the big zamindars, to save them against the moneylenders. Such Banks should as a matter of fact be created in all the Districts of Sind, for the benefit of the landed aristocracy of that province.

There are moreover six District Co-operative Banks that have been financing all the societies in Sind, and the report shows that they are doing very useful work. There are urban banks, housing societies and many such other institutions. I would here make a mention of the Co-operative Grain Sale Societies and the taluka agricultural development associations. In view of the Barrage scheme these two kinds of institutions must be fully encouraged. There will be far more land coming under cultivation after this new irrigational system, and hence there will naturally be more produce which should be marketed through these co-operative societies for the benefit of "haris". At present middlemen that purchase from haris and zamindars simply swindle them and get rich at their cost. The businesslike habits should be inculcated in them, in order to improve their economic position.

As regards Taluka Agricultural Associations, there are at present eleven such institutions organised through the indefatiguable efforts of the same Assistant Registrar. It is very necessary that such associations should be formed in every Taluka in Sind, to do the propaganda and to make a "Sindhi hari" know what is the scientific knowledge of agriculture and thus make him learn all such benefits of western methods of agriculture and such results that have been achieved after considerable research of different crops. They should know which kind of crops will be more useful and more paying for them to grow in different kinds of soil in Sind. These are the points that require careful consideration. They require to be handled by an extraordinarily genuine and capable man like the present Assistant Registrar in Sind. I therefore submit that there is very great and genuine need of creating this post for Sind alone. The present Assistant Registrar for Sind, belongs to the Bombay

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Provincial Service, Revenue department, and he therefore draws his personal pay *plus* some allowance. So in raising him to the status of the Deputy Registrar no extra expenditure will be involved. I would therefore suggest that he may be made the Deputy Registrar for Sind and be given extra powers namely all the powers of credit, etc., that are intended for the Deputy Registrar for the presidency and any others that are found necessary to be transferred to him to handle the problems that I have already enumerated and which need his immediate attention. He may as far as possible be given free hand in working out his schemes and proposals. This will also save much time that is at present lost in his corresponding with the Registrar over every small thing. With regard to the ability of this gentleman (K. B. Azimkhan) the ex-registrar Mr. Collins who knew his department very well, has made some remarks in his report that has been supplied to us, which I wish to quote here :—

"It has been previously brought to the notice that the success of co-operation in Sind is due chiefly to the efforts and personality of the Assistant Registrar, Khan Bahadur Azimkhan. His good work cannot be exaggerated."

From this it will obviously be seen that he well deserves this designation along with the powers mentioned by me. I wanted to impress all this upon the mind of the Honourable Minister, hence I have brought this motion and I do hope that he will see his way to accept my suggestions.

Question proposed.

Rao Bahadur R. R. KALE (Satara District) : Sir, I see that the reason for the increase in the establishment is that the Registrar should be relieved of a portion of the work that has been put on his shoulders. It is, no doubt, a fact that with the increase in the number of societies, there will be a volume of work. But I submit, Sir, that the policy of not popularising the movement is certainly contrary to the original intentions of the framers of the Co-operative Act. When that Act was passed, it was stated in the Government Resolution :

"Gradually as the experience is gained and the societies are able to stand alone, the fostering care of the Registrar will be less required until his duties will become purely official."

My submission, therefore, is that the reason given for the work of the Registrar is sound. I admit that with the increase of societies there is a great necessity for efficient audit. I know that is the work which requires close scrutiny and official control. I remember that in the Finance Committee, when this proposition was under discussion, it was proposed that more money should be spent on audit, if the number of societies is increased. I therefore think that it is really advisable for the Honourable Minister to utilise some money that he may have on increasing the staff of auditors instead of having one more deputy registrar and one assistant registrar.

There are already 6 assistant registrars and also one additional assistant registrar, and I think it will not be necessary to have this appointment of deputy registrar jointly. I think Mr. Collins, who was the Registrar lately, in his evidence before the Agricultural Commission said he did not want to enlarge the department, but he wanted more field

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workers and auditors. It seems the experiment of having a deputy registrar was tried in the Central Provinces but it has failed. For all these reasons, without taking more time on the subject, it seems to me that if the Honourable Minister gives an undertaking that he will not create a new post of a deputy registrar but will utilise the money placed at his disposal for the purpose of increasing the audit, I think the honourable mover of this motion would be well advised to withdraw it.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, while supporting the motion of my honourable friend for this cut, I must express my surprise that there should be such a proposal of creating a post of deputy registrar brought before this Council. There has been for some time past a tendency of the heads of departments to have duplicate officials and deputies to relieve themselves of their duties and afford them an easy time. Sir, I do not think there is any necessity of a deputy registrar at all. If at all there is any necessity, it should be in a province of Sind, which is situated so far away from the seat of Government and where the head of co-operation, K. B. Azimkhan has proved himself most deserving to earn this promotion. With these remarks, Sir, I support the cut.

Mr. NOOR MAHOMED (Hyderabad District): Sir, on a subject like this I speak with a little hesitation, because, I fear, the discussion of the subject and the speech of the honourable member for Larkana are likely to involve some other persons in a misunderstanding. But I do assure the official benches, if at all an assurance is necessary, that this is a matter which has been discussed by all the responsible co-operators in Sind. We had recently in Hyderabad Sind, under the chairmanship of the Honourable Minister of Co-operative Societies, a Co-operative Conference; and Mr. Jamshed N. R. Mehta, who is a leading and a foremost co-operator in Sind, very strongly asked that Sind should have now a supervising officer for co-operative societies of the grade of the deputy registrar. This question of deputy registrarship has not arisen simply on account of the fact that a post of that nature is being created in the Bombay Presidency (Presidency proper). Long before such a provision was made in the budget or was in contemplation, leading co-operators have been thinking of asking for a deputy registrarship in view of the tremendous co-operation work in Sind and the possibilities of its extension, owing to the opening of the Barrage areas. I entirely agree with my honourable friend Rao Bahadur Kale that a deputy registrarship is not at all necessary for the presidency proper. If at all anything is needed for the presidency proper, and if the remarks of Mr. Collins, the late Registrar are correct, I feel Government would be well advised to appoint more auditors and sub-auditors. Mr. Collins was, as "co-operators" well know, one of the most brilliant Registrars of the co-operative societies in this presidency. He had a clear insight into the subject: and had very clear judgment, which enabled him to put his finger on the weakest points of any Co-operative Society or Bank that he inspected. I can bear that out from my own

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personal experience. In his last annual report, he does not say anything very pleasant about the co-operative movement in the presidency proper. He is certainly displeased with the co-operative work carried on in the presidency proper. If what Mr. Collins has said is correct, we require very efficient auditors and greater number of them to improve the existing societies, in the presidency proper, where things appear to be pretty bad. The remedy suggested by the honourable member Rao Bahadur Kale is certainly right and correct, that we should not have the deputy registrar proposed by Government or more auditors and sub-auditors. But, Sir, what do the Government want? The personal assistant to the Registrar is to be made a deputy registrar. and somebody else, who is a senior auditor, is being made an assistant registrar, and so on. This affair has, to say the least, an unpleasant appearance. Conditions in Sind are very different. The material for moulding there is quite different; and Sind requires and needs quite a different treatment from other divisions. If any one were to ask me "What is the secret of success of co-operation in Sind?" I would say that Sind was given a free hand to mould itself on its own lines and therefore the success. I do not know which Minister was responsible for taking this decision, but whoever he was,—my honourable friend on my right informs me that the Honourable the Leader of the House was responsible for this decision,—if he be the author of that decision I think he had a clear idea of our requirements and therefore gave the assistant registrar for Sind a perfectly free hand in Sind; and was given all the powers of the registrar except the registration, and disaffiliation of Societies. Now, Sir, having that power of taking the initiative, the Sind assistant registrar has certainly moulded the societies on the right lines, and to-day the progress of co-operation in the province of Sind is praised in all quarters. Now, Sir, permit me to inform you that the subject of the appointment of a deputy registrar has been discussed very carefully in Sind. If an appointment of that nature is created, it should, in all fairness go to Sind, which is so far away from Sind and needs the supervision of an officer, possessing most of the powers of the registrar. So popular has the movement become in Sind that almost every work in Sind is started with the aid of the co-operative societies in Sind. Recently the honourable member, Mr. Dow, the Revenue Commissioner for the Lloyd Barrage, thought of starting the rectangulation of the present revenue survey number; and with a foresight, which is a peculiar quality in him, he started the rectangulation work through the co-operative movement and the assistant registrar. Personally I do not like the rectangulation of the survey numbers in Sind, as that would ultimately end in what is known, in this House, as the "consolidation of small holdings." This consolidation, I am afraid, is coming on Sind; but I mention this fact merely to show that the honourable member, Mr. Dow, has been enabled to begin such a controversial work in Sind solely because of the co-operative movement in Sind; and we see to-day that it has begun without criticism or comment, and with the consent of the people concerned.

[Mr. Noor Mahomed]

That speaks volumes for the popularity of the co-operative movement in Sind.

Sir, with the increased number of credi' societies, banks and zamindari banks, time has come when Sind should have an officer of the grade of deputy registrar. The Co-operative Institute of Sind has already written to Government through the Registrar, that the movement in Sind has already reached such proportions, that a deputy registrar for Sind is a great necessity. That necessity is bound to be still greater when one thinks of the co-operative work that is almost at once to be created owing to the construction of the Sukkur Barrage. I have already said that the co-operative movement in Sind has succeeded in such a remarkable degree, because it is controlled and guided by an assistant registrar stationed in Sind itself. If the province is given a deputy registrar, I am sure it will do much better than ever before. As regards the Presidency proper, I agree with all that Rao Bahadur Kale has urged. Presidency needs more auditors and not a deputy registrar. The demand of a deputy registrar for Sind is so universal that I hope the Honourable Minister will be pleased to accede to what we have urged.

The Honourable Mr. G. B. PRADHAN: Mr. President, I understand that this cut is moved only for a statement from me whether Government was prepared to abolish the post, for the present at any rate, of the deputy registrar and to have auditors and sub-auditors in the place of that post, and whether they are prepared to style the assistant registrar in Sind as a deputy registrar. I do admit that in the Finance Committee at the first meeting I stated to the members of the committee that though this amount has been put down for a deputy registrar and his establishment and other posts,the first thing which I would do would be to appoint auditors and sub-auditors. I do not for a moment admit that there is no necessity for the post of a deputy registrar. From the comprehensive note given in the Blue Book the House will see that the number of societies has increased 150 per cent. from the year 1919, but I do accede to the wishes of my honourable friends on every side that there shall not be a deputy registrar for the present. I shall however meet the wishes of the House to appoint auditors and sub-auditors. This will, I suppose, satisfy my honourable friend.

As regards the suggestion thrown out by honourable members from Sind, I am very glad to hear that Khan Bahadur Azimkhan is doing excellent work there. My honourable friend Mr. Noor Mahomed also gave very great compliment to the honourable member Mr. Dow. I may tell the honourable members from Sind that Khan Bahadur Azimkhan will shortly be converted into a deputy registrar. Of course, for the present he is exercising almost all the powers of the registrar as admitted by the honourable members from Sind. There are only three powers reserved to the registrar, namely, the power to register societies, the power to disaffiliate societies and the power to amend or alter rules and bye-laws.

An Honourable MEMBER: Will it raise his status ?

The Honourable Mr. G. B. PRADHAN: It will certainly raise his status, and Government will be very glad to appoint Khan Bahadur Azimkhan to be the deputy registrar for Sind.

The Honourable the PRESIDENT: I should like to understand from the Honourable Minister one thing. I have before me item (60) which is specifically for the creation of a deputy registrar and his establishment, and the Honourable Minister states that he would not appoint the deputy registrar, but that he would utilise the money for the appointment of auditors and sub-auditors. How would that be consistent with the demand made, which if sanctioned cannot possibly be a sanction for some other purpose?

The Honourable Mr. G. B. PRADHAN: I submit, Sir, that there is a cut in the name of the honourable member Rao Bahadur Kalé, in which he specifically wishes that the sum of Rs. 7,700 should be deleted. So, in order that that cut need not be discussed, I said that I would accept this cut of Rs. 7,700 and that amount would be utilised for the purpose of appointing auditors and sub-auditors.....

The Honourable the PRESIDENT: Where is the cut of Rs. 7,700 proposed?

The Honourable Mr. G. B. PRADHAN: No. 83. So I give an assurance to this House, which assurance I also gave in the Finance Committee and I repeat it here in this House, that if this amount is sanctioned, the amount of Rs. 7,700 will not be spent for the post of deputy registrar but that amount will be utilised for appointing auditors and sub-auditors.

Mr. M. S. KHUHRO: I wish to withdraw my motion.

The Honourable the PRESIDENT: I do not know whether that will be technically right. The Honourable the Finance Member may enlighten us on that.....

Rao Bahadur R. R. KALE: The honourable member Mr. Khuhro is asking for leave to withdraw his motion. The leave may be allowed and then I shall formally move my motion and, in view of the assurance that has been given by the Honourable Minister, I shall withdraw it.

The Honourable the PRESIDENT: I do not know whether I should put the question to withdraw to the House until the effect of it is made perfectly and technically clear to this House. If he withdraws, the result would defeat his real object. I should like the Honourable the Finance Member to explain the situation.

Rao Bahadur R. R. KALE: Before the Honourable the Finance Member gets up, I should like to say a few words. As I understand the Honourable Minister and his second explanation, the amount of Rs. 7,700 no doubt is the amount specifically laid down for the post of deputy registrar. What I suggest is that if he is in need of money, really speaking it will be necessary for auditors and sub-auditors, etc. This amount may not be used for the deputy registrar. The House may give him the amount for the auditors and sub-auditors and not for the deputy

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registrar on the assurance given by him that he will not appoint a deputy registrar and that he will not spend this amount over such a post. I shall then be in a position to consider whether I should withdraw my motion.

The Honourable the PRESIDENT : I would not confuse the House with so many hypotheses. I wonder if the Honourable Minister is agreeable to accept the motion of the honourable member from Larkana if his motion was understood by the Honourable Minister to be a motion for the omission of the post of Deputy Registrar. Is the Honourable Minister willing to accept the motion in that sense ?

The Honourable Mr. G. B. PRADHAN : The honourable member Mr. Khuhro withdraws it and the honourable member Rao Bahadur Kale moves his motion to omit that special item of Rs. 7,700.

Mr. B. G. PAHALAJANI : The honourable member Mr. Khuhro proposes a cut of Rs. 14,382. The honourable member Rao Bahadur Kale proposes a cut of Rs. 7,700. His motion comes after the honourable member Mr. Khuhro's motion.....

The Honourable Mr. G. B. PRADHAN : May I submit, Sir, that the whole item Rs. 14,382 consists of a deputy registrar and an assistant registrar and their staff, etc. Out of this whole sum, the sum of Rs. 7,700 is the pay of the deputy registrar. The House objects to the appointment of a deputy registrar but they give us a free hand, even out of Rs. 7,700, to appoint auditors and sub-auditors, etc. We may be able to find out funds for auditors and sub-auditors separately. So they merely want an assurance from me that even if the whole grant is made (that is how I understand it), Rs. 7,700 will not be spent on the salary of deputy registrar only. The balance of Rs. 14,000 is already shown as to be utilised for assistant registrar and additional clerks, etc. Rs. 7,700 is the specific pay of the deputy registrar. The House wants that this amount of Rs. 7,700 should not be spent for that salary of Deputy Registrar but that it should be utilised for appointing auditors and sub-auditors and to that wish I accede. The whole item therefore will have to be sanctioned by the House and I shall give an assurance that I shall utilise Rs. 7,700 not for the salary of deputy registrar but for auditors, etc. There is no cut that they want. They want to sanction the whole sum but they want that Rs. 7,700 should be utilised for auditors and sub-auditors and not for the salary of the deputy registrar. That is the only thing which they want.

Mr. B. V. JADHAV (Satara District) : I think, Sir, that although the intentions of the Honourable Minister of appointing auditors and sub-auditors out of Rs. 7,700 that will be saved are very good intentions, still I am afraid those intentions cannot be taken advantage of because these posts of auditors and sub-auditors will be new appointments and this House must sanction them. I do not think that special appointments can be made by the Honourable Minister.

The Honourable Sir CHUNILAL MEHTA : Sir, the point of order that you have raised yourself is very correct. The position now is that

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the honourable member Mr. Khuhro has moved a specific cut with regard to a particular item. That particular item consists of a deputy registrar and other establishment, etc., the whole costing about Rs. 14,000. The rest of the establishment is required and is desired by the House. What they want is that the deputy registrar should not be appointed, to which course the Honourable Minister is agreeable.

Further, it has been suggested that the sum that will be saved by the non-appointment of the deputy registrar may be used for appointing certain auditors. That I think is not quite in order, as you, Sir, pointed out and the Honourable Minister, if later on he wants that sum for the appointment of auditors, as no doubt he will, will come before the Council with a supplementary demand. Your procedure would be perfectly in order if the honourable member Mr. Khuhro withdraws his proposition, namely, that the total sum be reduced by so much money; and when the honourable member Rao Bahadur Kale's motion comes on—it is No. 83, relating only to the Deputy Registrar and asks for a reduction of Rs. 7,700—the Honourable Minister will accept it, so that there will be a reduction in the total demand of Rs. 7,700, but on the understanding—which of course is only an understanding—on the understanding just now that the Honourable Minister will get a supplementary grant later on for the additional auditors. That, Sir, I think will be a procedure that will be perfectly in order, and that will, I think, carry out what you desire. You are perfectly justified in saying that Government is not entitled to use for other purposes an amount of money which may be sanctioned for a particular purpose.

The Honourable the PRESIDENT: I hope the whole situation is clear to honourable members.

Mr. M. S. KHUHRO: Sir, I am thankful to the Honourable Minister for acceding to my request, and in view of that I withdraw my motion.

Question put and leave granted.

Rao Bahadur R. R. KALE (Satara District): Sir, I move.

"That the total demand should be reduced by Rs. 7,700, being the provision made for the Deputy Registrar."

I need not make any speech, because the matter has already been discussed.

Question proposed.

The Honourable Mr. G. B. PRADHAN: Sir, I accept this motion. Of course as the Honourable the Leader of the House told the House, I shall have to come to the House for a supplementary grant for the pay of the auditors later on.

Question put and caried.

The Honourable Mr. G. B. PRADHAN: Sir, I make a demand for Rs. 26,30,300, under 34, Agriculture.

Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I make a demand for a grant of Rs. 27,70,000 under 33-Public Health (Transferred).

Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I make a demand for a grant of Rs. 49,05,000 under 32-Medical .

Quetion proposed.

Mr. S. T. KAMBLI (Dharwar Ditrict) : Sir, I beg to move :

" Omit item No. 42 (page 266 of the Blue Book)—Improvements in the B. J. Medical School, Poona, in order to obtain better results in the L. C. P. S. examinations."

In moving this motion, I have in mind the question of the proposed appointment of a part-time lecturer in Midwifery and Gynæcology on a salary of Rs. 400 per mensem at the B. J. Medical School, Poona. In this connection I desire to bring to the notice of the House the state of things that prevails in the other sister institutions in this presidency. The other sister institutions in this presidency spend far less money in teaching these subjects than is proposed to be spent in the Poona Medical School. I am told that in the Ahmedabad Medical School an honorarium of Rs. 50 a month is paid to an Assistant Surgeon for teaching this subject, that an honorarium of Rs. 250 a month is paid at the Hyderabad Medical school and at the Grant Medical College an Associate Professor is paid Rs. 300 a month for a similar purpose. I do not see why Rs. 400 a month should be paid to the lecturer who is going to be appointed at the medical school, Poona. I am emphatically of opinion that the present staff at Poona can well be trusted to do this work without any further expenditure.

I have no objection to the non-recurring grant, but I object to the recurring grant which shall have to be incurred in case a new professor or lecturer is to be appointed to teach these subjects. With these words, I beg to move my motion.

Question proposed.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, in this item No. 42, on page 266 of the Blue Book, there are two sub-items. One is for hygienic equipment, Rs. 2,390, and the other refers to the salary of the lecturer in midwifery and gynæcology required at the B. J. Medical School, Poona. It was suggested that the post has to be created at the B. J. Medical School, Poona, because there was great want of a lecturer in that subject. Subsequently, the Civil Surgeon of Poona, who is the Superintendent of the school, has agreed to lecture in midwifery and gynæcology, and consequently the amount of Rs. 4,400 I am prepared to omit. But as regards the other amount. the non-recurring charge of Rs. 2,390 which is required for hygienic equipment at the various medical schools in the presidency, it cannot be accepted, and I trust that the honourable member will modify his motion to that extent. I am prepared to accept a reduction to the extent of Rs. 4,400, so that only the non-recurring amount of Rs. 2,390 will be left.

Rao Bahadur S. T. KAMBLI : Sir, I am willing to modify the motion as suggested by the Honourable Minister of Education. I wish to amend it thus :

"Reduce item No. 42 by Rs. 4,400."

And I beg leave to so amend my motion.

Question put and leave granted.

The Honourable the PRESIDENT : The motion now amended reads : "Reduce item No. 42 by Rs. 4,400."

Question put and carried.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I beg to move :

Omit item No. 56 (compensation to medical officers for losses entailed by the new hospital fee rules).

Sir, this is a matter in which the Honourable Minister must accept the cut. Three years ago I brought in a motion that fees should not be charged to patients treated in hospitals. A committee was appointed, and according to the recommendations of that committee the fees were considerably reduced and modified. This is a special item to give compensation to those doctors who have been affected by the new rules. I cannot understand why compensation should be given to them ; they draw pay from Government, and when they go out of the hospital they are paid their fees, and there is no reason why Government should compensate them as if there is any hardship caused by the new rules. I hope the Honourable Minister will see his way to accept this.

Question proposed.

The Honourable DEWAN BAHADUR HARILAL D. DESAI : Sir, after this item was put into the budget, the question came up before Government, and they have decided not to give compensation on that basis. Consequently, I am prepared to accept the omission of this item on that ground.

Question put and carried.

Dr. M. D. GILDER (Bombay City, North) : Sir, I beg to move :

That the total demand of Rs. 53,92,000 be reduced by a sum of Rs. 10,000.

Sir, at this time of the year when budgets are discussed in all the legislatures in India, the Medical side of the budget was being discussed in the Assembly the other day, and one of the members of the Assembly, Col. Gidney, who is himself a retired member of the Indian Medical Services, is reported to have thus criticised this department where he said :

"Colour prejudice prevailed. Money was wasted by employing high British officers whereas trained Indians and Anglo-Indians with higher medical efficiency could be found at smaller remuneration.....Untrained British officers were given better salaries and pensions and enjoyed liberal leave rules. I. M. D. officers were regarded as inferior by those who on account of mere colour qualification commanded better salaries."

Sir, this is the statement of Col. Gidney in the Assembly. The policy of the Indian Medical Service, which is the service to which posts

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of experts and officers who control the Department are attached, has been altogether to exclude Indians from having anything to do with the higher posts in the department. When the Islington Commission was in India, the Medical officers of the Indian Medical Service belonging to the city of Bombay put in a statement before that Commission, in the course of which they stated :

"We submit that in deciding what appointments should be allocated to members of the indigenous profession care should be exercised that they should in no way be those which might ultimately be regarded as stepping stones to higher appointments. If this precaution be not taken, it will be found in a few years that when senior officers are going on leave or retiring, the (Bombay Medical) Union will bring forward the claims of its protègès for these appointments."

There you have, Sir, the policy of the service clearly stated—that the indigenous medical profession consisting of Indians, sons of the soil, should be given not only no higher appointments but no appointments which would ultimately lead to higher appointments. The indigenous profession was to be hewers of wood and drawers of water : beyond that they need not look for anything. And this is the policy which still prevails in this department. The results of this policy have ultimately come on the heads of the Indian Medical Service itself. Sir, failing to get even appointments which would lead to higher appointments, our young men began to go to Europe to get their medical degrees and their medical training in the country from which the members of the I.M.S. come and came back with higher qualifications, with the result to-day that Bombay City has become very unpopular with the I.M.S. It is difficult to find officers of the I.M.S. who are willing to serve in Bombay City, for the simple reason that the lucrative private practice which they looked upon as their preserve and which was really the reason why they wanted to exclude the indigenous medical profession from higher appointments, has been completely lost to them. Then came the Lee Commission, and when they found that they could not resist the claims of the indigenous profession they brought in the question of attendance on European servants of Government. And the Lee Commission introduced the very bad principle of dichotomy, distinction between European and Indian members of the service. Sir, we had two days' discussion on this matter in this honourable House in the year 1926 when the honourable member for Bombay, South, Mr. Nariman, moved a token cut on this demand on the subject. What has been the result of that discussion ? A question was asked of the Honourable Minister in the Poona session of the Council, and all that he was able to state was that the Government of India was informed that a token cut of one rupee was proposed in this House in order to draw attention to this anomaly. He was not able to state whether the Government of India ever replied to him and no further action has been taken by the Bombay Government in the matter. We were told that the consideration of this distinction between the European and Indian members of the service is in the hands of the Secretary of State, but at that time we were not told whether the Honourable Minister agrees with the views which had been then expressed

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by the Government of Bombay. Now, Sir, we shall see how this distinction between the Europeans and Indians works out. A year ago the post of Professor for Midwifery in the Grant Medical College fell temporarily vacant, and let us see how that post was filled up. I put a question to the Honourable Minister about the qualifications of the man selected, in the Poona session of the Council, and I was given the reply that that gentleman holds the diplomas of M.R.C.S. and L.R.C.P. These are the lowest diplomas granted by the Royal Colleges in England. I also asked as to what special study he has made on the subject, and I was told that the man seems to have made no special study of the subject. That is the way in which things go on. This is all due to the distinction between the European and Indian members of the service.

This is not the first time that similar charges have been brought against the Medical Department. The first Chirurgeon General—not of the British Government but of the East India Company was appointed in 1612.

In the year 1615 this was written about him :

"Mr. Woodall's great abuses in the chirurgeon's chest, putting diverse boxes of one sample, whereas we writeth in their superscription to be diverse; drugs wrotten, unguents made of kitchen stuff. Boys that have no skill, thrust into the place of chirurgeons. He is to be accounted guilty of the death of so many men as perished through his fault."

Sir, this was written in 1615 and now we are in 1928. To-day also we find we have boys without experience thrust into the place of responsible surgeons in the same way as was done in 1615 ; and may we not hold the Surgeon General and the Honourable Minister's Department responsible for the suffering and death of the men !

Mr. B. V. JADHAV : Women.

Dr. M. D. GILDER : Yes, Sir, in this case women.

Again at the same hospital on another occasion another European I.M.S. Officer was appointed in the Midwifery Department and what were his qualifications ? The Honourable Minister says that he was an M.B.B.S. (Lond.) and had taken a post-graduate course in Gynoccology somewhere in Europe. The Honourable Minister was not able to say definitely, where and how long. In what way is he superior to the student who has taken a post-graduate course in the Motlibai Hospital ?

Mr. C. W. A. TURNER : May I know the names of officers to whom the honourable member is referring ?

Dr. M. D. GILDER : The M.R.C.S. L.R.C.P. gentleman is Major Plumptre and the other is Major Spackman.

Another thing which the I.M.S. Officers did when they were forced to leave some of the posts was to appoint in their place their own nominee without calling for applications—nominees who are Indians of course and whom they recommended for high rates of pay and who still carry out their original policy. What, Sir, have we gained by such a policy ? Nothing but a substitution of a brown for a white bureaucracy.

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The other services in this Department are, Sir, the Civil Assistant Surgeon, Military Assistant Surgeon and Sub-Assistant Surgeon. The Civil Assistant Surgeons are University graduates and the Military Assistant Surgeons and Sub-Assistant Surgeons have a lower qualification. These are educated at Government expense for four years and are taken in Government. The Military Assistant Surgeon and the Sub-Assistant Surgeon have been made to appear recently for the L.C.P.S. Examination of the College of Physicians and Surgeons, and I will just tell the House what the difference between the Civil and Military Assistant Surgeons is in the words of Sir Pardy Lukis. He says :

"With regard to the qualification of the Civil and Military Assistant Surgeon, they were not comparable. The Civil Assistant Surgeon was a University student, examined by the University and he obtained a University degree of the L.M. & S., both of which were registrable qualifications. The Military Assistant Surgeon under the present arrangement which he hope would be altered, was trained by Government for certain specific purposes. He had a shorter course, was examined by the Teacher who trained him and was given a college certificate, which was not a registrable qualification. No certificate given by a teaching body would be recognised in England. He did not agree that the examinations of the Civil and Military Assistant Surgeons differed only in name or that it was correct to say that the same teacher examined in both cases.....There was a difference in the course.....both took up the same subjects but the Military Assistant Surgeon dealt with them in a much more elementary way in a shorter course, which was one year less than the full five years' curriculum. There was no insistence on the Military Assistant Surgeon having a certificate of general education which would allow him to be registered in England as a Medical Student, whereas the Civil Assistant Surgeon had to have such a certificate."

So much has been said about the training of these persons. Now coming to the question of prospects, what do we find ? To-day you will find in the civil list there is a cadre of 63 Civil Assistant Surgeons, 9 such officers are in temporary posts and there are 3 women assistant surgeons, making a total of 75. Out of these 75, only 17 men are drawing more than Rs. 500 per month. In the Military Assistant Surgeons' cadre there are 26 posts, out of which as many as 23 men are drawing a pay of more than Rs. 500. These are the prospects. If Colonel Gidney complains that there is a difference between Europeans and Anglo-Indians kept in the department, how much greater, more bitter, and more heartrending must be the complaint of the Indians ?

Coming to the appointments of nurses in hospital, the same state of affairs prevails. I asked a question in this Council to the Honourable the Minister enquiring how many Indian nurses are in the administrative grade, and he gave us statistics. Those statistics work out at this. In the presidency hospitals, excluding the Cama and the Allbless hospitals, there are 46 nurses in this grade, out of which 42 are European and Anglo-Indian nurses and only 4 are Indians. Sir, we pay a lot of money to the Nursing Associations in various hospitals, and still we find this difference in service.

Then, Sir, see what this department does from the point of view of the orders that it places. I have not got the statistics of the recent date. The most recent report of the medical department that I could get was of 1923-25 triennial report. In that, Sir, it is stated that Rs. 6,90,000 worth of medicines are bought in Europe and only Rs. 16,000 worth of medicines are bought in India. There are plenty of Indian firms that

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are now manufacturing medicines in India of the necessary strength and in accordance with the requirements of the British pharmacœpal standard, and yet so many orders go to Europe, in addition to the orders for instruments and other things. Then, Sir, there are orders for cots for mental patients and cots for maternity hospitals. May I ask the Honourable Minister,—he has, I believe the experience of a maternity hospital in Ahmedabad,—where he got the cots for that hospital from, and if he got them from this country itself, why is he getting the cots, for Government hospitals from foreign countries costing Rs. 50 each *plus* freight, etc.? I hope I shall not be considered to be too personal if I ask how many honourable members of this Council on this side of the House are sleeping on cots worth Rs. 50 and more ? (An Honourable Member : Cots for mental hospitals.) And mental hospitals do not require cots with good finish and delicate springs. They require strong and sturdy cots, and strong and sturdy cots are made in India. At the King Edward Memorial Hospital we have not thought fit to order more than 6 cots from other places.

Now, Sir, I am touching another difference that is being kept in this department, namely, the difference in the treatment of patients of different nationalities. I trust, Sir, that I shall not be misunderstood. I have not the least objection, I cannot be a party to object, to the amount that is being spent for the saving of life and for the relief of suffering in whatever community it may be. When I draw attention to this subject, I would only repeat the words of the honourable member for Thar Parkar which he made during the discussion on roads, namely "*sub bhai kom ek ankhse dekho.*".....(that is, look upon all brothers with the same eye ; don't look differently in the case of different people ; treat all equally). Sir, at the St. George's Hospital you will find the total expenses come to Rs. 7,19,000 for the year for which this report gives the statistics, that is, 1925. Out of that, Rs. 70,000 was for repairs. We deduct that. Out of the amount, Rs. 1,25,000 are collected by contributions, most probably they are the fees from the nursing home part of the hospital. That leaves a balance of Rs. 5,24,000. At the G. T. Hospital in the same year the amount spent was Rs. 4,41,000. Out of this, Rs. 2,39,000 was for building operations. That gives you a remainder of Rs. 2,02,000. Now, look at the number of patients treated. The total number of patients treated for the Rs. 5,24,000 at the St. George's Hospital was 5,443. The total number of patients treated at the G. T. Hospital for Rs. 2,02,000 was 17,708. So, for 17,000 patients you spend a sum of Rs. 2 lakhs, while for 5,000 patients you spend a sum of Rs. 5,24,000, in addition to the Rs. 1,25,000 which comes from their own contributions. I have given you the total number of patients. It may be said that I am not fair to the institutions, because the great majority of patients treated at the G. T. Hospital were out-patients. That is perfectly true. But the daily average of inpatients in the two hospitals for the year I am talking of was 147·7 in both. The number of inpatients were the same in the two hospitals. Then, compare the total number of deaths in the two hospitals. I am

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only putting this before you to show where the worst cases were. There were 155 deaths in the St. George's Hospital, and there were 634 deaths at the G.T. Hospital, thus showing that the cases treated in the G.T. Hospital were much more serious. Both the number of patients treated and the seriousness of their complaints were far larger in the case of the G.T. Hospital, and yet the G.T. Hospital gets only Rs. 2,02,000 and the St. George's Hospital spent Rs. 6,49,000! Once again I wish to emphasize that I am not saying this with a view to diminishing the comforts or the expenses on any sick people. I am only putting this forward with a view to advancing the claims of Indian patients to be treated in a similar manner.

Then, Sir, I would like to have information as to how admissions are regulated in the St. George's Hospital. We find there not only Europeans; we find there Anglo-Indians; we find there Indian Christians; we find there Arabs; we find there Iraquis; we find there Japanese; and we find there Chinese. And if so much money is spent on these people, I do not see why the Honourable Minister should not spend a similar amount of money on our own helpless people.

Then, Sir, look at the staffs that the two hospitals have. There is a resident surgeon—an I.M.S. officer—in the St. George's Hospital and five officers of the Indian Medical Department. At the Goculdas Tejpal Hospital there is one officer of the I.M.D. and four to six sub-assistant surgeons. Then, Sir, the state of the hospitals from the point of view of medical education is congested. The G.T. has been thrown open for teaching purposes. When may we expect St George's Hospital to be thrown open for medical education? Is there any reason why the St. George's Hospital should not be thrown open for the purpose?

Leaving hospitals in the presidency, let us come to the Poona hospital. One thing has been revealed in that cut which the honourable member Rao Bahadur Kambli moved. That was brought to my notice as a member of the Council of the College of Physicians and Surgeons when the inspecting committee reported that the superintendent of that school (Poona Medical School) does no teaching work at all, that he is not in contact with the students at all. I am very glad to say that that has now been remedied. Sir, another thing that I would put here is that it has come to my notice that both in Poona and Ahmedabad hospitals there are certain wards which are closed to medical students. I will not specify them any further. But these are teaching institutions, and I do not see any reason why these wards should be closed to students.

MOULVI RAFIUDDIN AHMAD: May I ask if there is any racial ward?

Dr. M. D. GILDER: There are some wards reserved for certain communities. Once again coming back to some of the hospitals in the presidency town, let us look at their resident staff. Sir, if any honourable member of this House has the misfortune to meet with a motor accident and be run over, he would be taken to one of these hospitals. And who, do you think, would give him first aid? Either a military assistant surgeon or a sub-assistant surgeon. May I ask if we are in Bombay city

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or in a rural area ? We all know how much depends upon the aid that is given immediately after the accident, that the wounds may get septic, various troubles may ultimately follow and may cause danger to life and limb. And in Bombay city it is the military assistant surgeon or the sub-assistant surgeon who first attends to the casualty ; and these sub-assistant surgeons are paid amounts which I have got out from the Honourable Minister in one of the questions I put in this Council, namely, amounts from 100 to 210 at the Goculdas and from 140 to 180 at the Cowasji Jehangir Ophthalmic Hospital. Accidents will be first attended to by sub-assistant surgeons in the city of Bombay ! Just imagine that. And these sub-assistant surgeons are paid the amounts I have just stated. May I suggest to the Honourable Minister that he should make such arrangements as are made in any of the hospitals in Europe where fully qualified medical men are available on comparatively low salaries provided they are not taken into permanent Government service at the moment, just because these men want to have the experience that these posts give ? When I was a House Surgeon and House Physician in a London hospital, I attended on these casualties myself ; and yet when I first qualified in this country, I was not thought fit to attend on them.

Now, let us come to the mental hospital. I won't touch the subject of cots. But just look at the staff of the mental hospitals. There are 300 patients at Nowpada mental hospital on an average and 600 at Yeravda. What is the staff at Nowpada ? The Superintendent and a sub-assistant surgeon to look after 300 patients. At Yeravda, there are a superintendent, an assistant surgeon and two sub-assistant surgeons to look after 600 patients. Now, look at what are called minor mental hospitals at Ratnagiri and other places. There the number of patients is about 150 to 200, and the Civil Surgeon gets an allowance, I think, of Rs. 150 for just looking in for a little while and the permanent men in charge are two sub-assistant surgeons who have to look after 200 mental patients. Can we say that our mental patients are properly looked after ? Then look at what happens. When we wanted a superintendent for Nowpada, we had to go to the Isle of Man to fetch him ! We have got the patients, we have got the material, we have got the men who would like to have experience of treating mental diseases and for that experience they would accept very little remuneration, and yet nothing is being done. Neither are our patients well looked after nor are our medical men given any chance to study mental diseases. Is not this a further instance of the same policy to which I drew attention at the beginning of my speech when I referred to the statement by the Indian Medical Service officers in Bombay put before the Islington Commission?

Now, let me turn to another aspect of the difference kept in the medical department. It is a difference of sex. We have got medical students, both men and women. They both want the experience that is to be gained by post-graduate work in the medical colleges in the posts of house physicians and house surgeons. When I asked the Honourable Minister a question in this session of the Council whether it is fair

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that lady students should not be allowed to have residential posts even in the midwifery hospital, the answer was that there is no accommodation. Just imagine the Honourable Minister, with all the powers and prestige of the Government of Bombay behind him, cannot find one or two rooms anywhere near the hospital for accommodating these lady students and giving them the training that they so sorely need!

Sir, we are passing through a transitional stage. We shall soon have a good many new hospitals opened under the Sir Leslie Wilson Hospital Fund and our hospital expenditure will go up enormously. It therefore behoves the Honourable Minister to be careful when he creates new posts. Surgeon-General Hooton stated before the Lee Commission that the post of superintendent of the Goculdas Tejpal Hospital, after the retirement of the then incumbent, would be thrown open to the indigenous medical profession. That post now is vacant, and I trust that the Honourable Minister will see his way to advertise and get the best man possible at the lowest salary possible because this will be a post similar to those which we shall have to create in connection with our other hospitals. I have been on the staff of that hospital and I can say from experience that apart from new building operations the work of the surgeon superintendent does not require more than an hour or an hour and a half. I trust therefore that the Honourable Minister will be careful in regulating the matter on that basis. With these words, I propose the cut of Rs. 10,000 and trust the House will accept it.

Question proposed.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to support this cut for raising a general discussion, as my honourable friend Dr. Gilder has dealt with the need of medical help of urban area. As a part of the mutual arrangement between Dr. Gilder and myself, I have to bring to the notice of the House the grievances, not of big cities like Bombay but, of rural areas in so far as medical arrangements are concerned.

Now, Sir, if we give only a little thought to the medical examinations held in India, what do we find? We do not find any material changes. Perhaps Government are merely interested in changing the names of the various degrees. For instance, the degree examination now called the M.B.B.S. was formerly called the L.M. & S. examination.

This House once protested against the reservation of many Indian Medical Service posts for Europeans. It is quite true that the Lee Commission has done a great injustice in this matter. Of course, that is not within the province of the Bombay Government and therefore I leave it aside.

As regards district medical officers, everything from top to bottom is not in proper order Although the district civil surgeons are highly paid men when sent to the district places are not at all competent and are not influential enough in those areas, simply because their methods are not quite up to date and they themselves are not successful either in surgery or in administering medicine and their other methods also are not quite satisfactory. For instance, I only quote one case. In a civil dispensary like that at Bijapur, poor persons are not charged any

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fee but only the rich are charged a nominal fee. What do we get from these rich persons as a monthly fee? About Rs. 4. Government incur this odium simply for the sake of Rs. 4 only. On my suggestion to the Civil Surgeon as to why the rich and the poor should not be treated free, he admitted that the present arrangement of charging fees to the rich is in existence and when the rules are changed that is possible.

As the civil surgeons posted to district places are high-salaried men, Government should be careful in future to see that only proper persons are sent to district places. Those who may be influential in a city like Bombay may not perhaps be influential in a small place like Bijapur, Dharwar or Belgaum. From this an inference should not be drawn that I am speaking against the Civil Surgeon of my district. On the contrary, the Civil Surgeon of my district Major Williams is a very good man, very influential, and he can act up to any suggestions that I make, provided they are reasonable.

In the dispensaries in taluka and other places what happens is this. Nothing is knownabout the opening and closing hours of the dispensary. When one visits the dispensary, one does not find any board to show that the opening hours are so and so and the closing hours are so and so. According to medical rules, these doctors are allowed to visit their private patients, and in this way when they are found absent and when anybody questions them as to why they were not present in the hospital, they simply say that they are allowed by the medical rules to visit their private patients, and that is all. In taluka places there are a good many disorders, and the sub-assistant surgeons appointed in some of the places are highly unpopular. They never care for the requirements of the patients visiting the hospital, and if I can give the House some instances, I think it would not be out of place. For instance, in Bijapur district there is a dispensary at Ilkal. It is a town of considerable importance on account of its handloom weaving industry; it is famous for its *saris*. Although the doctor there, Mr. Kanvekar, is a qualified sub-assistant surgeon, still the number of patients in the dispensary is not as high as the number of patients treated by private doctors. These doctors are not popular with the people; they do not care for the patients, and for this reason only they are not popular. I think even the superior officers do not care to give them private instructions to become popular with the people.

As regards nurses and midwives, there is not an adequate number of nurses and midwives. Only there are some nurses in big towns like Bijapur and Bagalkot. In other hospitals there are no nurses and midwives. Nurses and midwives are very necessary, as all honourable members will admit. Nurses and midwives must be posted to even small hospitals; they should be appointed not only in taluka places, but wherever there are hospitals in villages.

While medical aid is given to such a large extent in cities like Bombay and Poona, the district and taluka places are totally neglected. In many of the villages the people have to come at a distance of 20 to 30 miles to find a doctor. In emergent cases, their fate is doomed, simply

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because they cannot find immediate medical aid. To remedy this, the Bombay Government have sanctioned a scheme for village aid posts, and there are village aid posts so injudiciously distributed in Bijapur district that even a child will laugh at the distribution. In that district, all the 7 or 8 village aid posts are posted near Bijapur. I think there is no necessity for posting them there, except in the case of Honvad and some other places, which are at a distance of 20 to 25 miles. All these village aid posts are posted in Bijapur district in this way, notwithstanding the fact that a protest was raised by the chairman of the school board. I myself had a talk with the Civil Surgeon about it. Of course, the Civil Surgeon agreed with me privately, but officially he may not agree. A requisition was sent to the Surgeon General recommending several places in the district where these village aid posts can be judiciously distributed. But the Surgeon General—perhaps he wanted to maintain the prestige and dignity of his office—sent a refusal. He totally refused to distribute the village aid posts in the district as suggested by us. Sir, I proposed one village aid post for every taluka, and I gave assurances to the Civil Surgeon that even the cost of taking the furniture (the cupboard, etc., for placing the medicines, etc.) will be borne by the villagers, and yet the Surgeon General lent a deaf ear to this proposal.

As regards the manufacture of medicines and surgical instruments, this is a very important matter. The manufacture of medicines can be undertaken by Indians themselves. There are some firms like Gajjar's, N. Powell & Co., and other firms, and there are persons of European and American qualifications who can manufacture medicines and other surgical instruments, but these people are not able to do anything for want of State aid and also for want of funds. Government will do well to finance these people, or place some practical proposals, or point out some solution. Far from financing and encouraging such people, Government are discouraging surgical instruments manufactured by N. Powell & Co. and some others.

MOULVI RAFIUDDIN AHMAD: What about Ayurvedic medicine ?

Mr. S. A. SARDESAI: I am coming to that.

The Honourable the PRESIDENT: Is the honourable member likely to take much longer time than five minutes ?

Mr. S. A. SARDESAI: Yes, about ten minutes.

The Honourable the PRESIDENT: I would then ask him to resume his remarks after tea.

In the meanwhile, before adjourning the House for tea, I would like to bring to the notice of the House that there are two committees to be elected by this House after the guillotine is applied; which as honourable members know, comes on to-morrow. I do not know what the order of Government business is going to be on the 14th or the 15th. I hope the Honourable the Leader of the House would make a statement to that effect. As to nominations for election of members to the two committees, the Finance Committee and the Railway Advisory

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Committee honourable members may submit them by 5 o'clock to-morrow to the Secretary.

The Honourable Sir CHUNILAL MEHTA : May I say a word in connection with the order in which Government propose to take their business ? On the 14th there is an unfinished supplementary demand which will have to be taken up. These supplementary demands and certain other urgent Government business such as you mention and a resolution by my honourable colleague Mr. Rieu have to be got through in this session, and Government propose that, if the business of Government is not finished on the 14th, they will go on with it on the 15th, and the duration of the session will be extended by one more day, and the 16th and 17th will be left for private business. I hope it will be perhaps to the convenience of the House if, immediately after the supplementary demand on the Sukkur Barrage, which is unfinished, is disposed of, the House goes on at once to the supplementary demand in which they take great interest, namely the demand about the Harvey-Nariman case. I think that will suit the convenience of honourable members as it will suit the convenience of Government ; so that, after we finish with the supplementary demands, we can deal with the smaller items on the 14th and 15th.

Rao Bahadur R. R. KALE : Sir, 17th is a Saturday, and I am afraid the time for the transaction of non-official business may be curtailed. Only two days are allotted for non-official business, and as 17th is a Saturday, we may not get the full time.

The Honourable Sir CHUNILAL MEHTA : On Saturday it will be from 10-30 to 2.

The Honourable the PRESIDENT : I understand that the point of the honourable member is that if non-official business has to be gone through on Saturday, they will not get a full working day to which they are entitled. That point can be considered tomorrow, and I hope the Honourable the Leader of the House will be agreeable to agree to any suggestions.

After Recess

The Honourable the PRESIDENT : Swearing in of new members.

Mr. J. P. Brander then made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat.

Mr. S. A. SARDESAI (Bijapur District) : Sir, I was just talking about the village aid posts in Bijapur district. That scheme is not new to many of the honourable members. Government have sanctioned the scheme, and I have not much to complain as regards my district, because the scheme of imparting medical education to primary teachers has been in practice in Bijapur district and the *prathamopacharkas* who received first aid training have been working in Bijapur district. But, I think, Sir, that village aid posts should be opened in all the districts of the Bombay Presidency. These village aid posts are wanted particularly in the Kanara district, where there is no railway from one end to the other end. Between Sirsi, Siddapur, Karwar and Bhatkal there is

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absolutely no railway communication, although there has been a motor communication recently opened. Therefore, people living in Kanara district find it very difficult to go to hospitals which are situated at distances of 30 and 40 miles apart. Therefore, if there is any district in need of such village aid posts or of *prathamopacharkas* it is the Kanara District. As for my own district of Bijapur, I have already stated that these village aid posts should be judiciously distributed throughout the whole of the district. But as Government are now feeling financial stringency, I would only propose that each taluka in Bijapur should have a village aid post.

As regards mental hospitals I wanted to make a few remarks. No modern methods of treatment is given to mad people in our mental hospitals. There is a medicine called potassium iodide. Whether a man is suffering from madness, or a man is suffering from impure blood or venereal disease, or eye diseases, the same potassium iodide is given. Even for epilepsy the same medicine is administered. Looking at the medical journals of Europe and America, we find that there are a good many modern remedies for madness, and even drugless remedies. But this Government has an orthodox mind and is not trying any of the modern methods for the sake of human beings in this country.

Government are so backward that they have not opened many venereal diseases hospitals and this, Sir, is a very great grievance of this presidency. Many years back when Government wanted to have a venereal diseases hospital, all the missionaries were deadly against it and represented to Government that if such hospitals were opened they would encourage immorality among the people. I think the missionaries were entirely wrong in this respect. If they were right, in America, Germany and England no venereal diseases hospitals would have been allowed to be instituted. I would strongly urge on Government that they should make a beginning in this presidency by opening many venereal diseases hospitals in cities like Bombay, Poona, Ahmedabad, Sholapur and Karachi, etc., etc.

As there are no adequate female doctors, many of the zenana ladies, especially zenana ladies of Mahommedan families, do not go to attend hospitals. That is a great drawback. In Madras, even in a small district like Chittur there are, I think, nearly three or four zenana hospitals. One of them is the Mary Lott Lyles Zenana Hospital in Madanapalle. There, there is a lady doctor from America, Dr. Miss Hart who is a highly qualified doctor. As regards the equipment of her hospital I was simply wonder-struck to see microscopes and blood examining apparatus. I saw her library where she had books on many subjects. These subjects cannot be described in the limited time at my disposal.

Sir, these primary teachers are to be trained by the civil surgeons for knowing *prathamopchar*. This system is in force in Bijapur District, and I think it should be introduced in each district. I hope Government will sanction more money for this scheme.

Sir, I submit that all the divisions in this presidency have one medical school except the southern division. Government have sanctioned the

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opening of such a school in the southern division, that is in Belgaum in 1922 but owing to the financial stringency they have not been able to open the school. To this fact the attention of His Excellency the Governor was invited, and he has promised that Government would establish one school in the southern division. Sir, I further want to bring to the notice of this honourable House one ridiculous matter and that is this. There are several doctors in every district of this presidency, who are nothing better than quacks. Those persons who know very little of medicines have been given certificates and thus there are many such persons who pose as doctors. I can give many names to this House, but as I think no purpose would be served by doing so, I do not wish to take the time of this House. There are unqualified doctors in charge of certain hospitals. Sir, these are modern times and it is high time that qualified doctors may be kept. I can here quote one instance. In the Poona Sassoon hospital training is given in the course of L.C.P.S. examination. Those persons who want to get themselves qualified need not go to universities to pass examinations. They are examined by a board of two or three men ; they put them some questions and thus the doctors are turned out of this examination. This examination is something like Prant officers' examining the village officers. Prant officers put two or three questions and when they get their replies they pass them. I am sorry that Government do not introduce some modern methods for the qualified doctors' examination.

I would also bring to the notice of this House that even the cities are not receiving at present the medical aid that they ought to receive. Even His Excellency the Governor, as soon as he came to Bombay, had expressed that the medical aid is badly wanted for this presidency. I will of course admit that some of the cities have been blessed with some medical aid, but the rural area has not yet been given that blessing. In the rural area, what happens is this. The young doctors, as soon as they pass their examination, find that they could not maintain themselves in the villages and other districts and they, therefore, go for practice to big cities. In this way they not only deprive the senior men in the profession of their practice but at the same time they themselves remain unemployed. For this reason these junior doctors, as soon as they pass their examinations, should be given some subsidy to pull on till they get sufficient experience. In this way there is every possiblity of their staying in the rural area.

I would now bring to the notice of this House one sentimental thing, which has been discussed many times on the floor of this House. It is the ayurvedic and unani system. Sir, we have had the misfortune to read the Surgeon General's remarks that the ayurvedic and unani medicines are quite useless and if Government were to establish the ayurvedic and unani schools, they would be encouraging quackery. In this respect I do not blame the Surgeon General, because I know that he is quite ignorant of Indian medicines. I would say that India in bygone times stood on the pinnacle of perfection in the matter of these medicines. If we cast a glance on the medical books about 3,000 years old, it will be found there that the Aryans were known as the greatest men as regards

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the knowledge of medicines and other medical things. Sir, what are the present-day Englishmen ? I say they are nobody else except Aryans. You will find that fact from the Indian history. The Aryans who were living in Caucasus mountain gradually went to Europe, Asia, Africa, Russia and other parts of the world and there they settled. On account of that fact, these Englishmen are not in touch with our medical books and that is the reason why they are belittling the ayurvedic and unani medicines. I think the Government of Bombay should follow the same example as that followed by the Madras Government. In Madras there is one ayurvedic college which has been attached to the Madras University. I would suggest that the Bombay Government should follow the suit of Madras Government and try to open one ayurvedic college in a convenient place in the Bombay presidency.

Many honourable members on the floor of this House, including my honourable friend, Moulvi Rafiuddin Ahmad, stated that if people are to be trained in surgery and some other scientific subjects, it would be desirable for Government to open such schools and colleges. I quite admit that people should receive training in these subjects. They have already done so in Madras. In Madras we find that they have not engaged laymen for giving training to others. They have engaged those men who possess highest degrees. When I say that the ayurvedic and unani systems should be introduced, I would also point out that these systems are very economic. What is the expense for a patient who takes ayurvedic medicines ? If he has to spend annas 8 daily for the English medicine, he has only to spend a quarter anna or a half anna for the ayurvedic medicine. Several of these country medicines I personally know, and I can say that they are very effective. There are some ayurvedic medicines which are very effective; for serpent bite I know of one medicine which is very useful. I understand that Government are trying to manufacture medicines similar to which I have stated, in their Parel laboratory, but it is not as successful as the medicine I have taken a note of, from a specialist who has cured many patients from the snake bite during the last 45 years. So, I would again repeat that the ayurvedic medicines are more economic and less costly and more efficient. Government are so very orthodox, Sir, from the point of view of medical aid that they only consider the allopathic treatment. I will not condemn this allopathic treatment. But along with that, Government should try several other modern remedies which are tried in America, Germany and elsewhere. And I hear that there is one mesmeric hospital in Calcutta. I cannot say whether it is true or not, but I am told that there is one mesmeric hospital there. Even Dr. Kunhe, who is a drugless healer and whose baths are well-known all over the world, says such psychic hospitals are necessary for curing diseases. Only the point is that he regrets very much that only 40 per cent. of the patients are amenable to the hypnotic or mesmeric influence, and for at least such people it is desirable to open such psychic hospitals (mesmeric and hypnotic hospitals), just as they have done in America and in England. If Government will institute at

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least one travelling dispensary in every district they will relieve the distress of rural areas to a great extent. It would be more economical to do so.

I think, Sir, I have dealt with all the subjects that I had to deal, and I earnestly wish that henceforward Government will use all these modern methods and introduce in Bombay presidency those advanced methods which are the boons of Germany and America, and will give proper medical aid to the villagers who are in bad need of medicines. Sir, since two or three years I think more medical aid is given to the cities like Bombay and Poona, but Government have absolutely done nothing for the districts in the mofussil, and I hope in future Government will extend their helping hand to these suffering villagers. With these renarks I support the motion.

Dr. M. K. DIXIT (Surat City) : Sir, I wish to offer a few observations on the motion moved by my honourable colleague Dr. Gilder. This is a cut which has been moved for raising a debate in the House and bringing to the notice of the Honourable Minister certain points which deserve to be attended to carefully as far as his future policy is concerned. I entirely agree with what has been quoted by my honourable friend Dr. Gilder from the speech of Colonel Gidney regarding the disabilities of medical men particularly on account of colour, and I would endorse every word that has fallen from him in his speech. Therefore, I would not repeat what he said, but just a few points will be touched by me, and thus I believe time of the House will be saved. In this country though there are a number of highly qualified medical men possessing university degrees and diplomas from various universities and Royal Colleges of very high repute ; still the old tradition of appointing Indian Medical Service men to the civil appointments continues. This point has been referred to since the year 1924-25, and every time we are repeating the same argument that it is high time that Indian Medical Service men need not be now put in civil medical appointments because we have got a sufficient number of hands who could adequately deal with the responsibilities of the appointments to which these Indian Medical Service people are posted. But this policy continues and I do not know how long it will continue. In 1926 we read of a certain circular, that a certain number of civil surgeoncies had been reserved for the I.M. S., and we had a huge controversy in this very House. And, if I remember well, the Honourable Minister then promised to make a representation in this connection. I do not know what has been the result of that representation if at all made by him. This was the case in regard to the I.M.S. people ; and further in that circular distinction of colour was made even amongst the I.M.S. men themselves, *viz.*, that a certain number of posts should be reserved for the Indian members of the Indian Medical Service and certain number of posts should be reserved for the European members of the Indian Medical Service. That was a point of which this House made a great grievance, and a reference or a representation was promised. I hope, if the same thing continues, that the Honourable Minister in charge

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of the department will put before the Government of India and the Secretary of State the views which the honourable members express here, that all along in future the civil medical appointments should be placed in charge of qualified men who do not belong to the Indian Medical Service. Their place is in the military department, not in the civil appointments. Now, with regard to the present system that is going on, in making even civil medical appointments, I think there is plenty of room for retrenchment, plenty of scope for saving money, which could well be utilised in a more useful way as far as medical relief in other directions, *i.e.*, rural area is concerned. The system of appointing medical officers in higher medical posts in civil hospitals in the United Kingdom is the policy of appointing honorary medical officers, and thus create an honorary medical service. For the last few years—seven or eight years—I think the Bombay Government had made a small beginning of making honorary appointments to these responsible posts. But that policy somehow or other is not kept up when new appointments are being made or filled up. In this connection, I would just mention that in the G. T. Hospital an honorary medical man could easily have been appointed. A gentleman, however, has been placed in charge of this hospital who is drawing a very high salary of Rs. 1,000 as we can see from the White Book that is placed in our hands. Now, this post could easily have been filled by an honorary medical man only on a small honorarium of Rs. 150 and, if some extra allowance was to be given for the superintendence work, a further sum of Rs. 150 could have been paid to him. That means we could have got a highly qualified man for Rs. 300 instead of spending Rs. 1,000 regarding this post. When this appointment was made, a big salary of Rs. 1,000 was given to this gentleman, though he is allowed plenty of opportunities for private practice. This could have been done with Rs. 300, as I said before. Several years before this gentleman was appointed on Rs. 1,000 in this hospital, two medical men were appointed in the Grant Medical College to look after not only teaching, but even hospital work, and they were given each Rs. 600 per month. I know these two gentlemen are far, far senior to the gentleman who is occupying the post of the medical superintendent of the G. T. Hospital and who is paid Rs. 1,000; while some time back these two professors—I believe one of them was a teacher of the present medical officer at the G. T. Hospital—received Rs. 600 each only, but because the medical officer in charge of the Goculdas Tejpal Hospital is paid Rs. 1,000, I think the pay of these two gentlemen has also had to be raised from Rs. 600 to Rs. 1,000. Thus by deviating from the policy adopted of appointing honorary medical men to the various responsible posts in these hospitals, we are spending more and more money in these appointments when we can easily effect a good saving. If we refer to the Civil List we find an anomaly. The superintendent of the Goculdas Hospital gets Rs. 1,000. It is easy to guess why he had to be paid Rs. 1,000. We find that the House surgeon in charge of the Goculdas hospital who is supposed to be subordinate to the medical superintendent, is already getting Rs. 900 and it is quite natural therefore the superior officer should get a little

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higher pay than that of his subordinate. Perhaps this was the reason which weighed with Government in offering him Rs. 1,000.

Then we come to another anomaly in this department as to why these assistant surgeons are so highly paid. If we refer to the Civil List which contains these appointments, we find that the house surgeon who is appointed to this Goculdas hospital is being paid Rs. 900. So far as I know, assistant surgeons in the Bombay Medical Service will never rise so high even if placed in charge of such hospitals, but because this gentleman happens to be a military assistant surgeon, he seems to have been given this high pay. We find the same thing when we turn to pages of the White Book regarding the J. J. hospital. We find that the military assistant surgeon there is being paid Rs. 900, which is altogether out of proportion when we compare the pay of the civil assistant surgeons. When they reach the fag end of their medical service they are entitled only to Rs. 400 or Rs. 500, and nothing more. I have nothing to say against these gentlemen personally. But I say that in future whenever there is an opportunity of appointing new men as assistant surgeons in civil hospitals like the J.J. hospital or the Goculdas Tejpal hospital Government should take into consideration efficient men from the civil branch of the service and they should not go in for military assistant surgeons who have to be paid far more than civil assistant surgeons.

We come across a further anomaly when we glance through the list of professors at the Grant Medical College. There are professors and professors there. One gets Rs. 1,850, another gets Rs. 1,800, a third gets Rs. 1,750, a fourth draws Rs. 1,200, two are paid Rs. 1,000 each, one is in receipt of Rs. 500 and the salary of eight is only Rs. 200. In my opinion all professors should rank the same. One should not get more than the other. Last year or the year before last, I think, one professor was to be appointed on Rs. 500 and it was then that we brought it to the notice of the Honourable Minister that his pay should not be so high as Rs. 500 but that he should be placed on the same footing and paid according to the same scale of pay as the other eight professors drawing Rs. 200. I hope the Honourable Minister will take note of this also. I do not say anything personally against this professor as an individual but when future appointments are to be made, this point may be kept in view.

Now, Sir, there are three classes of medical officers—the Indian Medical Service Officers, the Military Assistant Surgeons and the Military Sub-Assistant Surgeons—who are dumped on to the civil department and which has to bear a much heavier expenditure for a class of service which can be employed on much cheaper terms. This adds to the civil expenditure on this side, and when in the Assembly the military budget is shown, they usually show it at 54 crores ; but if the cost of these medical officers is added to that budget, it will in all probability add a crore more to the military budget. The military budget, therefore, as now presented to the Assembly shows an under-estimate.

My honourable friend Dr. Gilder has referred to the colour bar in teaching and I will not dilate upon it. The J. J. hospital has been for a

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long time a teaching hospital. The G. T. hospital has been made a teaching hospital recently. I do not see why the European General Hospital should not be thrown open as a teaching hospital also. This colour bar should now disappear.

Then I come to the question of rural medical relief. This is a point which has been altogether neglected by our Government. Only recently a few days ago, when there was a prize distribution gathering at the Grant Medical College, I happened to read the speech which His Excellency the Governor delivered in which he laid great stress on the young medical graduates settling down in rural areas in order to give medical aid to the villagers residing there. In this connection I may mention that in Madras there is an arrangement under which Government give a subsidy to medical graduates settling down in rural areas. If that system is adopted in this presidency, much good will result.

One more point and I have done. My honourable friend Mr. Sardesai referred to the examinations held in Bombay and he said that the L.C.P.S. examination is a ridiculous farce. He in fact compared it with the examination held by a District Magistrate or a Collector of talatis and other subordinates of the Revenue Department. I do not at all agree with him there. I know the L.C.P.S. examination is a pretty stiff examination. My honourable friend Dr. Gilder is one of the examiners and he will bear me out when I say that that examination is not at all a farce but that it is a pretty hard examination. With these words, I resume my seat.

Rao Bahadur R. R. KALE (Satara District): Sir, the honourable mover of this cut has complained of the grievances of the indigenous medical profession, and I would like to just refer to one grievance with regard to the indigenous system of Ayurvedic medicine itself. On page 205 of the White Book we find a large expenditure by way of grants-in-aid to hospitals and dispensaries. In that you find that the grant of Rs. 511 to the Ayurvedic dispensary at Vaduj in the Satara district has been cut out from the budget for the ensuing year. The history of this Ayurvedic dispensary briefly is this. In the first instance we had been drawing the attention of Government to the necessity of encouraging Ayurvedic medicine. The resolution that was passed in the first Council promised that Government would do something in the matter. Then they waited because the Madras Government had appointed a committee and the result was not out and their report was awaited. Their report was out and a college was established and now the report on the working of that College is awaited. So far as Satara is concerned, we have an institution called the Anglo-Ayurvedic Institution in existence for the last thirteen years. It has a course of four years and teaches both the English and the Ayurvedic systems of medicine. It employs medical graduates holding the M.B.B.S. degree and also people well-versed in Ayurved. The institution has been turning out pupils who, after a four years' course, get a fairly good knowledge of English and Ayurvedic systems of medicine,

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The Satara district local board made a beginning in the way of establishing some three dispensaries in the district, and it is maintaining them in places where there is no other medical assistance whatsoever. There are a few allopathic dispensaries in the district, but the area of the district being vast, it was felt that the rural population would not be able to get any remedy whatever, and for that reason these were established. Now, what happened is that Government used to give grants, and have been giving grants up to now, but for this particular dispensary it has been found necessary to cut off the grant, and the reasons given so far by the Collector, on whose report Governmet have passed a resolution cutting off the grant, are three or four. First of all, there is the recent condemnation of the Ayurvedic system of medicine by the Surgeon General in the triennial Report for 1923-25 on Civil Hospitals and Dispensaries. That is one of the principal reasons. With regard to that, I might say from my personal experience, that when the late Surgeon General, Colonel Hooton came to Satara, as president of the institution I invited him to come and visit the dispensary. He came there, but he had not the courtesy to go and inspect the institution. He said "I do not want to see the classes going on. Because you invited me, I have come." In the course of five or ten minutes, he had some talk with the managers and then went away, because, he said "I have made up my mind ; I have no faith in these Ayurvedic institutions, and it is no good now, at the end of my career, my examining the institution, because I shall not change my mind." I only mention this to show that a man with such pre-conceived views can never be expected to look favourably upon any Ayurvedic institution. Therefore, this report of the Surgeon General should not have been one of the reasons for cutting off the grant. I should say that was the principal reason for the Collector to make his recommendation. Another reason given is that most of these Ayurvedic dispensaries were started when the head of the Ayurvedic school was president of the district local board, no doubt to give employment to some of the men turned out by the school. But is that a grievance ? Supposing there was a school in existence for 15 years, the pupils turned out by that school are employed, because they are known to him.....

The Honourable the PRESIDENT : Order, order. An honourable member is reading a newspaper.

Rao Bahadur R. R. KALE : I submit that instead of this being really a reason against the employment of these people, it should be a reason for employing them, because it shows that the people in charge of the Ayurvedic dispensary started by the local board are not half-penny tupenny people or quacks, but people who have received regular training, and I challenge my honourable friends here to see if....

MOULVI RAFIUDDIN AHMAD : Which ?

Rao Bahadur R. R. KALE : Whoever they may be. The Honourable Minister himself, when he paid a visit to this institution, had read the reports and the remarks in the Visitors' Book, and I only appeal to him—

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I need not go to any other person at all—to consider whether that institution is not doing some regular work, and if any students who have come from such institutions are therefore simply to be condemned. It is wrong to say that the president of the district local board was the head of the local Ayurvedic school. He is not a medical man at all. The late president no doubt is connected with the governing body ; as I myself am the president of the governing body, he is a member of it. He is not the head, nor has he taken any part in the management, except as a member of the advisory board, and I submit that this is an insinuation to which I must take very strong exception. The third reason given is that the dispensary is of no use to Government servants, who have to keep useful medicines in stock for their own use. There may be Government servants and also others who may be habituated to the use of allopathic drugs. I for instance, would do the same. Those Government servants may be habituated to take allopathic medicines which perhaps they think are more useful. They are quite welcome to do so. On that account, the rural population, the villagers, if they get their usual stock of medicines from this dispensary, should not be deprived of that advantage, simply because this dispensary does not keep these costly medicines, which may be within the reach of very few people indeed. For that reason, to refuse to continue the payment of the grant is not right. Then, Sir, there are the reports of the mamlatdar and the deputy collector. I know that the dispensary is doing good work, and the local board also is of the same opinion. The decision of Government must have been taken upon the reports of its officers. That district local board is a responsible body, and the Honourable Minister for Local Self-government, I think, will be in a position to bear me out when I say that the Satara district local board is one of those boards which has been conducting its affairs without any exception being taken to their management or administration. In spite of the Collector's recommendation, the district local board says that the institution should be kept up. Simply because the revenue officers choose to make a report against the dispensary, the grant is discontinued. Is this encouraging the Ayurvedic system of medicine, or is it directly discouraging it ? What does it mean ? The honourable mover described the state of a dispensary started in the early periods of the East India Company ; is there any comparison between that dispensary and a present-day allopathic dispensary? It will always be the case that when an institution is in its infancy, it will not be up to date ; it could not compete with every thing modern.

Another reason given is that there is no provision for surgery. You cannot expect an Ayurvedic dispensary to equip itself with surgical instruments for operations being performed. I submit that this resolution is a document which cannot be supported by reasoning, which will not appeal to anybody, and I am sure it will not appeal to the Honourable Minister who is in charge of this department. Government itself has not done anything for the institution. It is a medical school carried on by private agency, by funds to which Government does not contribute

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a single pie ; it depends on public subscriptions and charity. That institution turns out students, and some employment is afforded to them in the way of meeting the needs of the local area. The local board maintains the dispensary, and Government was giving it a small grant. Now, to come down upon that institution and to cut away that small grant, I think, is nothing but a travesty of justice and fairness. I am not here going into the merits or demerits of the Ayurvedic system. The efficacy of the system has been proved time and again. Sir Pardey Lukis, the great authority quoted by the honourable mover, has himself borne ample testimony to the virtues of the Ayurvedic system.

It may be, Sir, that the particular man in charge of the dispensary may have been incompetent ; Government in that case, might have asked the local board to change that particular man. There may be competent and incompetent doctors, just as there are competent and incompetent servants in other departments. Why did not Government give an opportunity to change the man ? This is not the only Ayurvedic dispensary ; there are, I know, two other dispensaries which were started some five years later than this dispensary. They are doing good work. The particular individual in charge of the dispensary may be incompetent. The report of the officer is that there is no great improvement. That is the wording used, that there has been no great improvement in the management of the Ayurvedic dispensary at Vaduj ; I am quoting from the Government Resolution on the subject, by which the grant has been discontinued.

So, I submit, that these reasons are anything but satisfactory. After all, the Resolution itself clearly says " Finally, the report of the Collector of Satara indicates that the management of the local board Ayurvedic dispensary at Vaduj is unsatisfactory." The whole of the condemnation rests upon this statement that it is unsatisfactory. Now, has it been examined in order to find out whether it is unsatisfactory owing to the particular individual in charge of it being incompetent, or whether it is due to the merits of the dispensary itself ? Other dispensaries in that district are working satisfactorily. If there was something wrong with the man in charge, Government might have told the local board about it, and asked them to change the man, and thus given the local board a chance. If in the course of such second experiment or trial it was found that the man was still not up to date, then perhaps it might have been wiser to ask the local board itself to discontinue the dispensary. But if Government discontinue the grant, it will amount to a condemnation of the district local board. When the district local board allows the dispensary to go on, it is not for Government to refuse the grant. This is a document which calls into question the efficiency of the district local board and the Ayurvedic system. I think no further condemnation of Government's policy is required than this document. I hope the Honourable Minister will see his way to remedy the evil.

Mr. C. W. A. TURNER : Sir, I propose to give certain figures of the actual strength of the I.M.S. and of the I.M.D. at present, and I think

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if my honourable friends Dr. Gilder and Dr. Dixit have those figures put before them, they may perhaps modify their remarks as to the unfair competition of the I.M.S. with the private medical profession....

Mr. R. G. PRADHAN: Will the honourable member speak out?

Mr. C. W. A. TURNER: The actual strength of the I.M.S. at the present day is 43. But under the proposals before the Government of India, which I understand are actually approved (though we have not received the orders), those figures are reduced to 29, which includes 6 leave reserve at the usual percentage. That is as regards the total strength of the I.M.S. Now, in Bombay itself there are at the present moment only four I.M.S. officers, one of whom is Chemical Analyser. I do not think that Dr. Gilder can maintain that in a large city like Bombay it is an unfair proportion. That is so far as the I.M.S. is concerned.

Next as to the I.M.D. I think my honourable friend Dr. Gilder is perhaps unaware that Government have already agreed to reduce the cadre of the I.M.D. from 26 to 12. Of course those officers who are in the I.M.D. already must be allowed to continue till they retire, but in future that department will be restricted to 12 appointments alone. I think perhaps these figures may reassure my honourable friends that Government are quite ready to eliminate unfair competition. At the same time, I must point out to my honourable friend that the Indian Medical Service is not a civil cadre; it is a military cadre part of which is kept on the civil side for a war reserve of the Government of India. It is the cheapest way that Government can maintain their reserve, and if that reserve is not supplied by giving civil appointments the whole strength of the I.M.S. will have to be thrown on the Army estimates.

My honourable friend Dr. Gilder then criticised the action of the Government in making appointments in Bombay. I do not know to which appointments he was referring, but before making these appointments Government have always, as far as possible, advertised. The appointment to which he was referring just now which was filled without inviting applications was the one at the G. T. Hospital. But the present occupant was appointed in a leave vacancy when the late Superintendent went on leave. The Superintendent has now retired and the question of filling up his appointment is under the consideration of Government at present.

He also referred to nurses and criticised the fact that there are so few Indian nurses. I am not an expert on this subject, but I would ask my honourable friend Dr. Gilder to say if it is possible at the present moment to get such a large number of Indian nurses who are properly fit and trained for superior posts. Government will be only too glad to get Indian nurses, and we have to provide 130 nurses for the extension of the J. J. Hospital scheme, and I know that the Surgeon General is very worried as to how he is to find them.

As regards the question of medicines, the present system is to obtain our medicines from the Medical Stores. The Medical Stores are under

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the direction of the Director General of the Indian Medical Service, and so far as we know he obtains his supplies at the cheapest rate.....

Dr. M. D. GILDER: Where do they come from ?

Mr. C. W. A. TURNER: From the Stores Department.

Dr. M. D. GILDER: Are they manufactured in India or in Europe ?

Mr. C. W. A. TURNER: It is presumed from the cheapest market.

Then as regards cots in the Mental Hospital I would tell my honourable friends that these cots were not imported from England but from America, because they are specially strong. The Superintendent said that they must be the strongest available, and I think he is right as he is dealing with persons in a Lunatic Asylum.

Then he referred to St. George's Hospital and criticised the difference between the cost of treating Europeans and Indians. It is my experience in India that Indians of all classes can live at about half the cost of the Europeans. It is a regrettable thing, but it is true and the same difference is to be found in cost of running this Hospital and the G. T. Hospital.

I admit that I was surprised to hear that Chinese and Japanese patients are found there. I am, however, given to understand that in the non-paying wards any person who goes more or less in European dress and follows European manners is admitted.

Dr. M. D. GILDER: Including Indians ?

Mr. C. W. A. TURNER: It is quite possible.

Mr. J. C. SWAMINARAYAN: What is the fact ?

Mr. C. W. A. TURNER: I cannot say as I have no personal knowledge.

Then, as regards St. George's Hospital being thrown open to students I would point out to the honourable member that after all, with the exception of two wards, patients in the St. George's are paying patients. I do not think that you can expect paying patients to allow themselves to be used for educational purposes, and I do not think it is the custom anywhere.

I would now refer to the observations made by my honourable friend, Dr. Dixit. He suggests that a Superintendent can be found for the G. T. Hospital for Rs. 150 per month. I can only say that if we want to maintain efficiency, we must pay well for such an appointment. It is our experience in life that the best man can only be had on the best pay.

Mr. N. A. BECHAR (Karachi City): Sir, I move for a closure.

The Honourable the PRESIDENT: I accept the closure.

Dr. M. D. GILDER (Bombay City, North): Sir, before I start giving replies to what has been said by my honourable friend, the Secretary, I shall just clear one point with regard to the L.C.P.S. examination to which my honourable friend from Bijapur (Mr. Sardesai) referred.

At the outset I must say that he is partly right and partly wrong in his remarks on this point. I have myself the privilege of examining the students appearing for this examination and I have also been a member of the College of Physicians and Surgeons, a body which draws up their

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curricula, regulates their courses and examines them. I submit, Sir, that the students appearing for this examination are trained though not to the same extent as the university graduates. These men formerly had to study up to the sixth standard, now up to the matriculation examination and then to study medicine for four years. University graduates have to study up to the Inter Science and then take a five years medical course making in all seven years. The College of Physicians and Surgeons is trying to raise the course of studies for the L.C.P.S. examination from four years to five years, but the Surgeon-General and the department concerned are only delaying the matter.

Turning to the remarks of the honourable member, the Secretary, I think he has committed a mistake in his calculations. I know that there are three professors in the Grant Medical college belonging to I.M.S. And there are in all five or six men in Bombay belonging to this service. I find he has brought the old old argument that this I.M.S. is as a war reserve. I know that argument has been advanced by the Government for over a century. But, Sir, I ask where the service would have been if Indians had not come forward during the war to join it. Look at the number of temporary Indian I.M.S. officers employed ; I believe it exceeded the permanent cadre of the service. Since this subject has been touched upon by the Secretary, I would just inform this House about a sore grievance that the temporary officers complain of. Many persons are appointed as temporary I.M.S. officers and as soon as they complete about five to ten years service, they are asked to go and new temporary officers are engaged in their place. I wonder if the reason is that if these officers are allowed to remain in service for a longer period, Government is afraid that they would be enabled to put in a strong claim for permanency or pension.

We are told that the number of I.M.S. men in Bombay has diminished considerably. May I ask whether it is due to the action of the Government, that the strength of the service officers in this city has diminished ? I believe, Sir, that Government find it very difficult to get these men to come to Bombay because the lucrative private practice which they formerly enjoyed is no longer there. They have been driven away from the city by economic pressure.

With regard to the remarks about the I.M.D. I might draw the Honourable the Minister's attention to the fact that it is some time since we have stopped training these men in Bombay and we have now to import them from Madras or Calcutta. Under the circumstances is it necessary to do so ?

The honourable member, the Secretary, has told us that posts have always been advertised. I think he has made a mistake. Were the posts of Surgeon to the J. J. Hospital and Ophthalmic Surgeon to the C. J. Hospital advertised ?

Turning to the question of nurses, the Secretary asked if it is possible to get properly trained nurses. What special qualifications does he require Indian nurses to possess ? Do they not pass the same examination ? Do they not undergo the same course of training ? Does he

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not know that the standard of education and of examination is the same for Indian and Anglo-Indian nurses ? When I was attached to the Golculdas Tejpal Hospital, the sister in-charge of my ward was an Anglo-Indian and at various times fully qualified Indian nurses worked under her. The sister was often so unaware of what was happening in the ward, that if I asked her a question about a patient, she had always to refer to her Indian assistant before replying. For instance, if I asked if the patient had slept during the night, she would turn round and ask the nurse, " rat ku dardi soyata. " If I asked her how many motions the patient had, she would turn round and ask " dardi ku kitna jara hoyata ? " She thus depended for all her work upon her Indian assistants, most of whom carried on their work to my complete satisfaction. But the wonder of it is that when this Anglo-Indian nurse left to get married, how was the post filled up ? Although there were three or four fully qualified and competent Indian girls who had worked at the hospital for a length of time, the vacant post was given to an Anglo-Indian girl who had just passed her examination two or three months before her appointment. Then my honourable friend replied to the remarks made by the honourable member Dr. Dixit. I think there is a little confusion in his mind on this point. What he was talking about was the administrative work of the superintendent of the G. T. Hospital. As a matter of fact I know that a great many patients in the hospitals—a great many patients in the J. J. Hospital, in the Goculdas Tejpal Hospital, and all patients in the King Edward Memorial Hospital, are attended to by the doctors who receive an honorarium of Rs. 150 to Rs. 200 per month. We were not talking at all about the doctors who give treatment to the patients. One point was about the administrative duties of the Surgeon Superintendent as an administrative officer and not as a treating medical officer. That is the point which was touched upon by Dr. Dixit. I trust that the Honourable Minister will keep these two things quite apart. I should not say more on the subject of honorarium paid to the honorary doctors, as I am myself included in that class. But I do say that Rs. 150 to Rs. 200 paid to these doctors, are hardly sufficient for them to meet the petrol charges and other motor car expenses incurred by them for visiting the hospitals. Therefore this amount is not to be considered as a recompense. Really speaking, these honorary doctors render honorary services in looking after the patients and teaching the students.

However, the question of the administrative work is entirely separate. The present superintendent of the J. J. Hospital gets an allowance of Rs. 150 a month for managing the big J. J. Hospital, and it was on the question of the administrative duties that my honourable friend Dr. Dixit raised the point.

The Honourable Dewan Bahadur HARILAL D. DESAI : Mr. President, we have had rather an interesting discussion on the subject and some original ideas from my honourable friend Mr. Sardesai. Such of them as are capable of being suitably considered, I may assure him

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that I will consider them. One important point which he made was that rural areas were being neglected with reference to medical aid as compared to towns and cities and particularly Bombay city. That is a complaint which I am fully aware of, and I have been pressing the claims of the rural areas on the attention of Government. But in view of the commitments of Government to the hospital scheme in Bombay, it has not been possible this year to do more in that line. However, that matter will be duly attended to, as I fully believe that the rural areas deserve equal consideration,—equal, I say, as much as Bombay or even more. (Rao Saheb D. P. Desai: What is the action ?)

My honourable friend Dr. Gilder referred to several matters, to some of which the honourable the Secretary has replied. Since the last two or three years the system at the hospitals in Bombay has been changed, and instead of whole-time I.M.S. officers, we have now honorary physicians and honorary surgeons at the J. J. as well as the G. T. hospitals, and with the development of that system I believe that the complaint about the colour bar, which my honourable friend Dr. Gilder has made, will disappear as time goes on. Another point which he raised was with reference to the I.M.D. officers who are doing service in the hospitals in Bombay. As regards these officers, their cadre is now going to be reduced, as the honourable the Secretary told the House, to 50 per cent., and as vacancies occur, officers from the Bombay Medical Service, men with M.B.B.S. qualifications, will be taken up for the jobs as residential medical officers. Then, the complaint of high salaries to these officers will also disappear. Of course, at the G. T. and J. J. hospitals this would happen as vacancies occur. But at the St. George's Hospital, I am told, in view of the patients who go there, it is necessary to retain the I.M.D officers.....

Dr. M. D. GILDER: Some or all ?

The Honourable Dewan Bahadur HARILAL D. DESAI: As regards these officers, looking to the European patients who generally go to the St. George's Hospital, they require to be dealt with by a medical officer of their own class. That is a sentiment which they have not got over, and for some time certainly that sentiment will have to be respected. But I may assure the honourable House that, as vacancies occur in the I.M.D. cadre, suitable men of the M.B.B.S. qualification will be taken up as already stated by me.

The next point he touched was with reference to the S.M.S. (Subordinate Medical Service) officers who are at present working in the G. T. and the J. J. hospitals. He urged that they should be replaced by M.B.B.S. men because they are better qualified men. I would draw the attention of the honourable member Dr. Gilder to the fact that these S.M.S. officers belong to the S.M.S. cadre and they are wholetime men, and if we could get M.B.B.S. men for an emolument smaller than that which these officers get for a wholetime job, there will be no difficulty, and there should be none in attracting such people for such places..... (Dr. Gilder: There are).....But my own doubts are that perhaps as a

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wholetime job they may not accept an appointment on a salary of Rs. 75 or Rs. 100.....

Dr. M. D. GILDER : On a point of information. May I ask the Honourable Minister whether he is aware that a gentleman called Dr. Thakore applied for this post at the G. T. Hospital, when he was told that he was unfit for that post and six months afterwards or four months afterwards he was appointed honorary director of the Medical Unit and he is now acting as honorary surgeon at the G. T. Hospital, though he was thought unfit at the time to take up a sub-assistant surgeon's place ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not know that he was refused an appointment on a former occasion on the ground that he was not considered fit. However, I know that that gentleman is working at the G. T. Hospital at present. If men of the qualification of M.B.B.S. will be forthcoming to accept wholetime jobs at these hospitals on Rs. 75 or Rs. 100 a month, there should be, I say, no difficulty in taking them up in preference to the S.M.S. officers who are now working.

As regards the nurses, the real difficulty is the small number of Indian nurses that are available. My own impression is that you cannot get Indian nurses with sufficient qualifications in as large a number as they are required. However,.....

Dr. M. D. GILDER : Why not make a beginning ?

The Honourable Dewan Bahadur HARILAL D. DESAI : However, the point which is made that there should be no colour bar in the selection of Indian nurses to the administrative posts is one which I am prepared to consider and I hope the department will consider. There is one point which I ought to bring to the notice of the House, and it is that it is the Nursing Association of the hospital concerned which makes the appointments and I believe the Superintendent of the hospital concerned is the person who makes the selection. Now, both at the J. J. as well as the G. T. hospitals there are Indian Medical Officers as Superintendents and I am not prepared to assume that they have any prejudice against Indian nurses.....

Dr. M. D. GILDER : Who are the matrons of these hospitals ? They are not Indians, and their recommendation is generally confirmed by the Superintendent, whoever he may be.

The Honourable Dewan Bahadur HARILAL D. DESAI : I think the Superintendent generally exercises his own judgment in the matter and I am not prepared to assume that he is led by the nose by the matron in charge. However, I do concede that the claims of suitable Indian nurses whenever available ought to be taken into consideration for administrative posts, and I hope that that factor will be borne in mind by the Department hereafter.

The question of the purchase of stores and medicines has been dealt with by the honourable the General Secretary.....

Mr. B. G. PAHALAJANI : Do these appointments come up to Government or are they made by the Surgeon-General ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot say offhand, but it is very likely that it is the Surgeon-General who makes these appointments and that they do not come up to Government.

MOULVI RAFIUDDIN AHMAD: Will the Honourable Minister see that they do come up to Government ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The policy which I am prepared to accept of giving favourable consideration to the claims of suitable Indian nurses is one which I am sure, whoever the authority is to carry out that policy, will take into his consideration when making such appointments. There are certain delegated authorities and I believe that in the matter of the appointment of matrons, the matter does not come up further than the Surgeon-General. However on the question of policy, whatever has been discussed here will be duly considered by the Department.

Then as regards the purchase of stores and medicines, the honourable member the General Secretary has told the Council how the matter stands. The orders are that whatever suitable materials and medicines are available in India cheaper than those available from foreign countries have to be purchased in India and I do not think that whenever such stores or medicines are available here in proper quantity and quality, the matter is disregarded by the officers concerned.

There was a reference made by the honourable member Dr. Dixit to the high salaries paid at certain hospitals and to the differences between the salaries of the various appointments. I find that two appointments—one of Dr. Dalal and another of Dr. Duggan—had to be made in the War time on salaries which would attract them because other people of their attainments were not forthcoming. However, when these appointments and similar others become vacant, there will always be an attempt made to revise the salaries and to remove the differences which exist at present, consistently with the fact that suitable men are available for the work they are expected to do.

My honourable friend from Satara Rao Bahadur Kale referred to the subject of the grant of Vaduj dispensary. For that dispensary a grant was sanctioned for two years. The grant was sanctioned for the years 1926-27 and 1927-28 and a report was demanded at the end of the term to decide whether to continue the grant or not. From the report it was found that the average daily attendance there in August 1926 was 27 but it dwindled down in January 1927 to 18. Then there were reports from the district deputy collector as well as the Collector on the working of the dispensary, and I also find from the report that the mamlatdar and his staff were unanimous in testifying to the uselessness of the dispensary and its incumbent. The mamlatdar was an Indian, the district deputy collector was an Indian and consequently they could not have any bias against the dispensary. There was the objection against the way the dispensary was conducted and the objection was not directed against the dispensary being an Ayurvedic dispensary. I may inform the House that I have personally great sympathy for Ayurvedic and Unani systems of medicines. Nearly 80 per cent. of the

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population have faith in those systems. I do not share the views of Surgeon-General Hooton as stated in his report and I see the necessity of Government taking early steps to give encouragement to such dispensaries and even to found a school and a hospital for the purpose. There was a proposal from Surgeon-General Dr. Kukday two years back to have a hospital where Father Cais and Dr. Mhaskar, who have been investigating into certain Ayurvedic and Unani drugs at the Haffkine Institute, could try their experiments. On account of financial stringency, however, it has not been possible to accede to that request and they have been assigned certain beds at the J. J. Hospital for the purpose of their operations. As soon as the results of the working of the college at Madras are ascertained and funds are forthcoming, I believe there will be no difficulty in inducing Government to have an Ayurvedic and Unani school for teaching those systems. In my private capacity, I have always encouraged students to go to the Tibi College at Delhi to learn the indigenous systems of medicine and I believe there would be no difficulty, on sufficient funds being found, to go further in the matter. I may inform the House that the Honourable the Leader of the House also has been taking great interest in these two systems of medicine used, but for the difficulty of finance, we should have been in a position to do something in the matter.

As regards the Vaduj dispensary, I am sorry that my hands were forced on account of the reports that came up from the district officers, but if such a dispensary is put on a proper basis, and if the medical man in charge is the right sort of man and if people are found to take advantage of it, there would be no difficulty in considering the claims of any such Ayurvedic dispensary whether in the Satara district or elsewhere which apply for grants from Government.....

Mr. H. J. AMIN: On a point of information. If the Honourable Minister is in favour of Ayurvedic and Unani systems, will he be good enough to issue a statement on behalf of Government in contravention of Surgeon-General Hooton's remarks that the Ayurvedic and Unani systems of medicine are useless and cannot be recommended?

The Honourable Dewan Bahadur HARILAL D. DESAI: An honourable member had asked me a question as to how far Government shared the views of Surgeon-General Hooton in this matter and I think I replied that Government have as yet had no special investigation made into the matter and that therefore Government, as such, were not in a position to express an opinion on the point.

Rao Bahadur B. R. NAIK: A committee was appointed about two years back under the chairmanship of the Honourable the Minister in charge of Local Self-Government. May I know what happened to the report of that committee?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am glad that my honourable friend has referred to that matter. That committee sat about two years ago and I was also a member of it.

[Dewan Bahadur Harilal D. Desai]

The committee has reported that, with reference to medical, veterinary and public health staff, Government should contribute two-thirds of the cost which the district local boards incur, but on account of financial difficulty the department of my honourable friend Sir Ghulam Hussain has not been able to issue any orders on the subject. That is what I know. I was particularly keen with reference to the district health staff being employed by every district local board, and, on one or two occasions, I also reminded my honourable friend about it, but we were faced with the difficulty of funds, and consequently nothing has as yet been done.

Dr. M. D. GILDER (Bombay City, North): Sir, my object in moving the cut was not to actually cut down the allowance to the hospitals and dispensaries which, I submit, is not even one-third of what it ought to be. My object was to raise a discussion on the question, and I trust that the Honourable Minister will prove an exception to the rule by doing more than he has already promised us. I therefore ask for leave of the House to withdraw my motion.

Question put and leave granted.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I have already accepted a cut of Rs. 9,400 under this head, and therefore the demand will be for Rs. 48,95,600.

Question put and carried.

The Honourable Sir COWASJI JEHANGIR: Sir, I ask for a demand of Rs. 6,000 for Medical Services (Reserved). It is a yearly grant to the Medical Council.

Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I make a demand for a grant of Rs. 1,95,82,000 for 31-Education (Transferred).

Question proposed.

Mr. L. M. DESHPANDE (Satara District): Sir, I beg to move:

"Omit item No. 36, establishment of an Anglo-Urdu Middle School at Sholapur, Rs. 5,510."

Sir, this is a provision for the establishment of a new Anglo-Urdu middle school at Sholapur, and the ultimate annual recurring expenditure from next year is stated to come to Rs. 7,800. Sir, last year there was a demand made for an Inter Science class for the Deccan College. But these institutions,—high schools and colleges—are now being managed by non-official bodies, and it is far better to leave all such new institutions in the hands of these new bodies, and Government themselves should not share the whole of the burden on secondary and higher education. In this case, Government want to open a new Anglo-Urdu middle school at Sholapur. The reason given is that the students who learn through the Urdu primary schools cannot satisfactorily follow the instructions in the lower classes of the ordinary Government high schools. Sir, it is certain that when once a middle school is started, after a couple of years or after five years it is likely to be a full-fledged high school, and consequently the expenditure on it will naturally increase. For want of funds

[Mr. L. M. Deshpande]

Government have not fulfilled the assurances they have given to the already existing institutions, and yet they are spending on new items, and the more so on sectarian items. In this connection, I may point out the extra expenditure incurred by Government on such schools. There is one Anglo-Urdu high school at Poona, and the cost to Government per pupil is Rs. 116 there. There is another Anglo-Urdu high school at Hubli and the cost to Government is Rs. 138 per pupil. The average cost to Government in the case of all Government schools is only Rs. 63 per pupil, while the cost incurred on these Anglo-Urdu schools is more than double the cost on other Government high schools. I point this out only to bring to the notice of the House that there is not a sufficient number of boys taking instructions in these institutions. It is more on account of sentiment that they want these separate institutions. If a sufficient number of students is coming forth, I think there should be no objection to giving them separate schools if Government so desire. But when Government go on incurring such kind of expenditure, I think they should see that it is not at all out of proportion. I may tell the House that the total cost of educating each pupil even in the Elphinstone High School, Bombay, is Rs. 105. Look at the enormous expenditure which Government have had to incur, simply because a sufficient number of Mahomedan students are not coming forward to take their education in these special institutions. I cannot say exactly, but I think a good many of the Mahomedan students take their instruction in other high schools, and that may be one of the reasons for the fall in the number of students in these special schools.

Another point is that we now see that the claims of Mahomedans for appointments of clerks, subordinate officers and higher officers in the districts are always pressed and Government have acceded to the request. Supposing the students get their primary and secondary education in Urdu, how can they work as officers in the districts? I am sure the language of the districts is nowhere Urdu so far as Gujarat and the rest of the presidency proper are concerned. There will therefore be great difficulty for these persons to work as officers in the districts. So, considering the question from all points of view, I think the starting of these special institutions will not be to the benefit of the Mahomedans themselves, nor will it be to the benefit of the public at large or the Government. I will point out how the claims of other institutions are kept aside and new institutions like these brought forward. At page 84 of the Supplement to the Report on Public Instruction for 1925-26 you will find, Sir, that the Parsi High School, Panchgani, and Darul-ul-Islam High School, Panchgani, have been newly started and Government have given them grants from the provincial revenues. There is another high school, the Tilak High School at Karad, which has been on the aided list for a good many years. It applied for a grant, and the Educational Inspector, so far as my knowledge goes, recommended the grant, and still the claims of that school remain overlooked. I may say by the bye that the municipality of Karad had promised a certain amount to be paid as grant to this institution, but refused it. When the matter

[Mr. L. M. Deshpande]

was referred to the Collector, he said that these were private matters and therefore he would not interfere. So, that institution has to suffer both ways. Government say that they have no funds and give no grants, and the Collector says he cannot interfere although legitimately he can interfere as the municipality cannot discontinue the grant without the sanction of the Commissioner. This is only by way of example. What I urge is that any extra expenditure that Government incur on secondary, middle or high schools should not take the shape of expenditure on Government schools, but by way of aid to private institutions.

Question proposed.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I have never heard, Sir, in this House a more illogical speech and a more ridiculous statement, than the one that has come from the lips of the honourable gentleman sitting behind me (Mr. L. M. Deshpande). Sir, it seems to me that he has never read any literature about the education of the Mahomedan community. Let me enlighten him a little. In the year 1923, Government appointed a special committee to investigate into the difficulties of Mahomedans in English Education. I had the honour to serve upon that committee. The report of that committee is on record in the department. That committee recommended that in every division of the presidency, there should be established an Anglo-Urdu high school, and in every district an Anglo-Urdu middle school for Mahomedans to learn English through their language. Only two high schools have been established and the third school has yet to be established. No middle schools are established at all. It is the policy of Government to give educational facilities to every community through its own mother-tongue. The more a community is educated and advanced the better it is for the general progress of the presidency. Taking this into consideration, it is really painful to see that a short-sighted man like my honourable friend behind has come forward to make an exhibition of his jealousy of an Urdu school.....(Mr. L. M. Deshpande: No jealousy).....To what other motive could his oration be attributed? Surely he knows that the school is necessary for the Mahomedans of Sholapur. Some people have yet to learn that sectional jealousies ought not to be shown in this Council in the form in which my honourable friend has thought fit to show.....

Mr. K. F. NARIMAN: Not in any form.

MOULVI RAFIUDDIN AHMAD: Thank you, Mr. Nariman.

The Honourable the PRESIDENT: Order, order.

MOULVI RAFIUDDIN AHMAD: Sir, the House knows that it itself has passed many resolutions about the establishment of Anglo-Urdu schools for the benefit of Mahomedans in recent years. Almost all of these resolutions have not yet been carried out. Out of 12 or 13 demands which were placed before the Honourable Minister by Mahomedans, I think only one item has been adopted.....

The Honourable Dewan Bahadur HARILAL D. DESAI: Two.

MOULVI RAFIUDDIN AHMAD : Well, two items have been adopted. I hope no member of this House will come forward to support the honourable member in this cut. Let him remember that it is not the policy which the House approves. With these words I oppose the motion.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division) : Sir, if the Mahomedans have made progress in elementary education, it is simply because they have got separate institutions. It is through separate schools that they have made remarkable progress since 1915. Now, if you look to secondary education you will find that the progress of the Mahomedans is less than what it ought to have been. The reason is that there are not Anglo-Urdu high schools in sufficient numbers. If there had been Anglo-Urdu high schools, the progress in secondary education also would have been quite satisfactory. Government have opened two Anglo-Urdu high schools, one at Poona and the other at Hubli, and now the Honourable Minister has been kind enough to make provision for two more. But my honourable friend Mr. Deshpande comes forward and says that there is no necessity of such schools as there are not enough number of Mahomedan students. The fact is that there are sufficient number of Mahomedan students in each district but they are unable to prosecute their studies further as there are no Anglo-Urdu schools in the district and they cannot attend any other high school where medium of instruction is not Urdu. And I maintain, Sir, that if Anglo-Urdu high schools are established, more and more Mahomedans will come to the schools and the progress of Mahomedans in secondary education will advance. He also stated that the persons who learn Urdu are of no use in Government-offices and other offices. I think my honourable friend is not correct. It is not correct to say that the persons educated in Anglo-Urdu schools are quite ignorant of other languages. They know something of other languages also which they are taught in primary schools. In fact, in the Government departments it is not necessary that one should know the language perfectly well. I know, Sir, that the subordinate judges who come from Gujarat are not able to speak Marathi properly, and yet they come and do their work satisfactorily. It is not necessary that one should know the language perfectly well. All the Mahomedan students in primary schools are taught the court language of the locality, that is Marathi. Now, Sir, the grant for Sholapur and Nasik was put in the budget five or six times, but for one reason or another, it was thrown out. In the Central Division the mother-tongue of the Mahomedan is Urdu, and therefore there is necessity of establishing Anglo-Urdu schools. The Honourable Minister has been kind enough to make provision for two such schools, but an effort is being made to cut down the provision by my honourable friend Mr. Deshpande, who is supposed to belong to the Responsive Party which poses to be free from all kinds of communal prejudice. I suggest that my honourable friend should not oppose a provision made for the education of a backward class like the Mahomedans. With these words I oppose the motion.

Mr. M. S. KHUHRO (Larkana District) : Sir, I am rather surprised to see my honourable friend Mr. Deshpande, bringing a motion for a

[Mr. M. S. Khuhro]

cut of Rs. 5,510 which are to be given for opening an Anglo-Urdu Middle School at Sholapur. We find that the Honourable Minister has been good enough to make two demands for opening of two schools for the Mohamedans in Sholapur and Nasik Districts. This House knows that my honourable friend Moulvi Sahib and Mr. Abdul Aziz have been repeatedly emphasing the need for these schools for the sake of Urdu speaking boys who are generally Muslims. It is, therefore, most surprising that my honourable friend should feel inclined to say that Government should not establish these schools. The honourable mover stated that no such facilities should be given to Mahomedans, whose mother-tongue, I submit, is Urdu. He states that they should take their education either in Kanarese or Marathi language. The honourable mover Mr. Deshpande thinks, as everyone else here does, that he will see that no public money is wasted, but I can assure him that he has entirely misjudged the whole situation. I think, Sir, that the honourable mover has wasted his energy in bringing forward a motion of this character. The Honourable Minister has after all considered the request made by the residents of Sholapur district in this respect. This House knows that many questions were put in this Council, about the necessity of such a school. It is after much exertion that the Honourable Minister has come forward to make a demand for grant for this purpose. And in view of these facts it is not at all fair that the honourable member should bring forward a motion for cut of this item. I hope the honourable member will be well advised to withdraw his motion, before it is put to vote.

Mr. D. A. JANVEKAR (Southern Division): Sir, I am really astonished to see a motion of a cut on this subject and also on a paltry sum of Rs. 5,510, which has been demanded for opening an Anglo-Urdu school at Sholapur.

Sir, as far as the Hubli school is concerned, my honourable friend, Mr. Deshpande, has made too much of it; he has stated about the high expenditure incurred on account of that school and the number of boys attending it. I do not know much about the Poona school, but I being from Karnatak, I know the condition of the school at Hubli. Before I deal with the condition of the school at Hubli, may I ask my honourable friend, Mr. Deshpande, what is the expenditure of the European schools? What is the percentage in primary schools of depressed classes? He is not very particular about that, but he is particular about the school for Muhammadans who are very backward in education. Government have realised this fact and therefore they have come forward with this demand for grant. There has been no Anglo-Urdu school in Sholapur and therefore the Muhammadan boys had to attend the Government high schools for prosecuting their secondary education, and it is on account of this fact that they were lagging behind. This fact will be seen from the result of the high school examinations.

My honourable friend, Mr. Deshpande, has also referred to the service and the claims made by Muhammadans for service. He says "the Muhammadan boys who will attend this school will be compelled to

[Mr. D. A. Janvekar]

learn the language of the district." But may I tell him that the second language even in the primary school is the language of the district which is taught in every school as compulsory and in this way the Muhammadans will not be handicapped in this respect. There are Urdu schools, as this is a necessity for Muhammadans and the Muhammadan boys, Urdu being their mother-tongue. If there is an Urdu primary school, it naturally follows that there should be an Anglo-Urdu schools at least for the lower standard, that is up to the fourth standard in English. My honourable friend also remarks that the demand for this school is being made on the sentimental grounds. I would ask him to question this to his conscience and then decide for himself whether it is a necessity or whether this is demanded on the sentimental grounds.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I rise to oppose the cut that has been moved by my honourable friend, Mr. Deshpande. Instead of thanking the Honourable Minister for bringing such a motion before this House, my honourable friend has decided to oppose the grant asked by him. While discussing the budget, it was stated by honourable members that the transferred departments have been handicapped on account of funds, and now when the Honourable Minister comes forward with a demand to help the backward community, it is really shameful that my honourable friend should move for a cut and do something which will really injure the feelings of the other communities. We should, of course, help each other and we should not bring communal matters in this House.....

An Honourable MEMBER : Questions concerning Non-Brahmins should be brought.

Mr. R. S. ASAVALE : I make no distinction between the questions for the Brahmins and for the non-Brahmins. When any question of public interest is considered in this House, I am many a time even for Brahmins when justice is on their side. I have never opposed any motion which is in the interests of both the Brahmins as well as the non-Brahmins, etc. This can be seen from the record of my one year's work in this Council. I would never oppose any motion which is for spreading more education in the country. The Honourable Minister has provided in the budget an item for education and I have told him in my budget speech that this House would be prepared to give him even Rs. 2 crores, if he wants to expand more education. Unless the people of this presidency are educated, especially the backward communities, they will not help the British Government and also the Government of Bombay. It is only the education which would improve the status of the people in this presidency.

Sir, with these few words I would again state that I oppose vehemently the cut that has been moved by my honourable friend, Mr. Deshpande who should withdraw it immediately.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur cities) : Sir, I should like to speak on the motion.

Rao Bahadur R. R. KALE (Satara District): Sir, I move for a closure.

The Honourable the PRESIDENT: Order, order. I see that several honourable members want yet to speak on this cut. And I think the Muhammadan members are entitled to express their views on this subject, if the honourable mover still wishes to push forward his motion.

Mr. L. M. DESHPANDE (Satara District): Sir, as I find that the time is short at our disposal and as some of the honourable members want to pass on to some other more important motions, I beg leave of the House to withdraw my motion.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, the honourable mover of this motion should withdraw it unconditionally.

The Honourable the PRESIDENT: I will not put the question and discussion will be resumed to-morrow.

Rao Bahadur R. R. KALE: May I ask whether the reason given for the withdrawal of the motion is very material?

The Honourable the PRESIDENT: I do not think I should say anything in the matter of the noble compromise that some honourable members wish to bring about. Let that come into existence to-morrow, if it does. At present I do not think the honourable mover of the motion is quite decided and clear about it. However, before we adjourn the House, I have to bring to the notice of the House one thing.....

Mr. L. M. DESHPANDE: Sir, I withdraw the motion.

The Honourable the PRESIDENT: I am sure he will be readily granted leave to withdraw his motion.

Question put and leave granted.

The Honourable the PRESIDENT: The next point that I have got to bring to the notice of the House is this. As I said this morning to-morrow is the last day for the demand for grants and the guillotine will be applied at 5 o'clock. The House should therefore meet at 12 noon to-morrow. I propose to adjourn for tea at 3-30 p.m.

The Council is adjourned to 12 noon to-morrow, Tuesday the 13th March 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Tuesday, the 13th March 1928

The Council re-assembled at the Town Hall, Bombay, on Tuesday, the 13th March 1928, at 12 noon, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.

HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.

SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

LIQUOR SHOP, MEDHA

Mr. S. K. BOLE: Will Government be pleased to state—

(*a*) whether it is a fact that the Excise Advisory Committee has requested Government to remove the liquor shop at the village Medha in the Roha Taluka of the Kolaba District;

(*b*) if so, what steps Government have taken in the matter?

The Honourable Mr. G. B. PRADHAN: (*a*) The request was made to the Commissioner of Excise.

(*b*) The Commissioner of Excise has orderd the shop to be closed from 1st April 1928.

DEVELOPMENT DEPARTMENT: HARVEY-NARIMAN CASE DISCLOSURES

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state what action they propose to take against officers of the Development Department for gross negligence and mismanagement in the discharge of their duties and reasonable grounds for suspicion of corruption against them as disclosed in the Harvey-Nariman case?

The Honourable Sir COWASJI JEHANGIR: The question is under the consideration of Government.

Rao Saheb D. P. DESAI: Will Government be pleased to say how long it will take for Government to consider the question?

The Honourable Sir COWASJI JEHANGIR: I am afraid I cannot give any definite reply to that. It will depend upon the material that has to be considered.

Mr. W. S. MUKADAM: Can we approximately know the time?

Rao Saheb D. P. DESAI: This matter has been discussed for the last six or seven years, and still Government say the question is still under consideration.

The Honourable Sir COWASJI JEHANGIR: I am not in agreement with the honourable member's inferences in his question.

FLOODS : TAKAVI AND OTHER HELP BY GOVERNMENT

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(*a*) the total population in each of the talukas of Sind affected by the recent floods of (*i*) Mussalmans, (*ii*) Non-Mussalmans ;

(*b*) the total number of Zamindars and others who received Takavi and other help in each Taluka, (*i*) Mussalmans, (*ii*) Non-Mussalmars ;

(*c*) whether it is a fact that the Sind Government has issued orders to stop giving Takavi to distressed zamindars and others :

(*d*) if the reply to (*c*) be in affirmative, the reasons for such orders ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) A statement containing the information is placed on the Council Table.

(*c*) and (*d*) The attention of the Honourable Member is invited to the replies given to these clauses at the last session. They are printed at page 1102 of Part XV, Volume XXI, of the Legislative Council Debates.

Takavi and other relief given to zamindars and others in flood affected talukas

District	Taluka affected by floods	Total population		Total number of zamindars and others who received takavi and other help	
		Mussalmans	Non-Mussalmans	Mussalmans	Non-Mussalmans
Hyderabad ..	Badin ..	66,002	15,538	1,441	236
	Guni ..	71,403	16,072	766	239
	Tando Bago ..	47,554	15,479	1,299	455
	Matli(Dero Mohbat)	31,953	8,285	541	98
	Tando Allahyar ..	39,894	14,317	283	30
	Hyderabad ..	80,154	71,222	163	19
Thar Parkar ..	Mirpurkhas ..	22,417	18,543	837	130
	Jamesabad ..	14,273	10,477	2,030	715
	Digri ..	21,938	13,546	1,493	291
	Umarkot ..	18,563	26,584	1,474	743
	Khipro ..	27,304	8,768	209	15
	Samaro ..	19,631	12,076	853	162

Mr. HAJI MIR MAHOMED BALOCH : As regards (*c*) and (*d*), in the reply given there is mention of the relief fund, but not takavi. I want to know how much takavi was given.

The Honourable Mr. J. L. RIEU : "The total number of zamindars and others who received takavi and other help in each taluka," that was the question asked, and the answer to that is given in the last two columns of the statement.

Mr. HAJI MIR MAHOMED BALOCH : I want to know how much takavi was given.

The Honourable Mr. J. L. RIEU : I am unable to say. The honourable member put no such question.

Mr. HAJI MIR MAHOMED BALOCH: No; in my question (*d*) I ask, if the reply to (*c*) be in the affirmative, the reasons for such orders. The reply which the honourable member has referred me to, does not, I think, deal with the question of takavi.

The Honourable Mr. J. L. RIEU: Questions (*c*) and (*d*) have already been replied to, and in any case, I am able to inform the honourable member that no such orders were ever issued.

Mr. HAJI MIR MAHOMED BALOCH: In the statement which was given to us in the Poona session it was stated that takavi was not stopped. I am asking now how much takavi was given. If no orders have been issued to stop takavi, I want to know how many zamindars have received it and how much.

The Honourable Mr. J. L. RIEU: It is quite impossible to give that information now. If the honourable member will give notice of such a question, I shall give a reply in due course.

FOREST SERVICE: PROVINCIALIZATION

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(*a*) whether it is a fact that the Lee Commission emphasised that it regarded its main proposals as vitally inter-dependent and that unless all were given effect to, violence would be done to the whole body of its recommendations;

(*b*) whether it is a fact that the Lee Commission Report recommended that effect should be given to its recommendations from the financial year 1924-25;

(*c*) whether it is a fact that the Lee Commission Report recommended the Provincialization of the Forest Service in Bombay Presidency;

(*d*) whether the Secretary of State for India has empowered the Bombay Government to provincialise the Forest Service from the year 1924-25 as per paragraphs 15, 39, 4 of the Lee Commission Report;

(*e*) if the Secretary of State for India has empowered the Bombay Government, what are the exact terms in which the Bombay Government is so empowered;

(*f*) whether they are aware that more than three years have elapsed and yet nothing has been done uptil now to provincialise the Forest Service;

(*g*) the details of the provincialization that they propose to carry out in the Forest Department;

(*h*) whether they now recognise the necessity of maintaining the new provincialized service on a par with the India recruited branch of the Indian Forest Service;

(*i*) whether they are aware that the present Bombay Forest Service officers have strong claims for admission into the new provincialized service?

The Honourable Mr. G. B. PRADHAN: (*a*), (*b*) and (*c*) Yes.

(*d*) The Civil Services (Governors' Provinces) Delegation Rules, 1926, passed by the Secretary of State on 9th March 1926 empower the Local

Government to make rules regulating the method of recruitment to provincial services, subordinate services and special posts.

(*e*) The Honourable Member is referred to Resolution II published in the notification of the Government of India in the Home Department No. F.-178-9-II/24, dated 1st April 1926, a copy of which is placed on the Council table.

(*f*) Government are not so aware.

(*g*) The question is under consideration.

(*h*) and (*i*) The provincialized service will be constituted in accordance with the instructions of the Secretary of State and the claims of the present officers in the Provincial Service will be duly considered.

HOME DEPARTMENT

NOTIFICATION

ESTABLISHMENTS

Delhi, the 1st April 1926

No. F.-178-9/II/24.—The following resolutions passed by the Secretary of State for India in Council are published for general information :—

RESOLUTION 1

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State for India, with the concurrence of a majority of votes at a meeting of the Council of India held this 9th day of March 1926, hereby makes the following amendments in the Civil Services (Governors' Provinces) Classification Rules, namely :—

(*i*) For Rule V of the said Rules the following shall be substituted, namely :—

" V. Special posts shall include all posts of a special or technical character, not included in an All-India or provincial service, which are declared by the Local Government to be special posts. "

(*ii*) After Rule XII of the said Rules, the following shall be inserted, namely :—

Appointments to Provincial Services, Subordinate Services and Special Posts ; Cadres of Provincial and Subordinate Services

XII-A. (1) All first appointments to a provincial or subordinate service, and all appointments to a special post, shall be made by the Local Government, or, in the case of first appointments to a subordinate service or appointments to a special post, by any authority empowered by the Local Government in this behalf :

Provided that the previous sanction of the Governor-General in Council shall be required to—

(*a*) the appointment to a provincial service, subordinate service, or special post of any person who is not a British subject, or the subject of a State in India in respect of whom the Governor-General in Council has made a declaration under section 96-A of the Government of India Act ; and

(*b*) the making of an appointment to a provincial service which will adversely affect any person who was a member of such service on the 9th March 1926.

(2) The Local Government, or, in the case of a subordinate service, any authority empowered by the Local Government in this behalf, may fix the cadre of a provincial or subordinate service and may increase or reduce the number of posts in such cadre ; provided that such increase or reduction if it would adversely affect any person who was a member of the corresponding All-India Service on the 9th March 1926, shall not be made save with the previous sanction of the Secretary of State in Council, and provided also that a reduction in the number of posts in the cadre of a provincial service if it would adversely affect any person who was a member of such service on the 9th March 1926 shall not be made, save with the previous sanction of the Governor-General in Council.

(3) For the purposes of this Rule, a person who was holding on the 9th March 1926 in an officiating, provisionally substantive or substantive *pro tempore* capacity a post borne on the cadre of a provincial or subordinate service, and is subsequently confirmed in such post without reverting therefrom, shall be deemed to have been a member of a provincial or a subordinate service, as the case may be, on the said date.

RESOLUTION II

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State in Council, with the concurrence of a majority of votes at a meeting of the Council of India held this 9th day of March 1926, hereby makes the following rules:—

1. These rules may be called the Civil Services (Governors' Provinces) Delegation Rules, 1926.

2. In these rules the expressions "provincial services," "subordinate services," and "special posts" shall have the meanings respectively assigned to them in the Civil Services (Governors' Provinces) Classification Rules.

3. (1) Subject to the provisions of the Civil Services (Governors' Provinces) Classification Rules, and to the provisions hereinafter contained, the power to make rules regulating the method of recruitment to provincial services, subordinate services, and special posts is hereby delegated to the Local Government of Governors' Provinces.

(2) Any rules made in exercise of the powers conferred by sub-rule (1) shall provide that, notwithstanding anything therein contained, the previous sanction of the Governor General in Council shall be required to:—

(*a*) the making of first appointments to a provincial service otherwise than (*i*) on the results of a competitive examination, or (*ii*) on the advice of a permanent Board of Selection appointed by the Local Government or of the Public Service Commission established in accordance with the provisions of section 96 (*c*) of the Government of India Act; and

(*b*) the fixing four admission to any existing provincial service of standards lower than the standards regulating admission to that service on the 9th March 1926.

(3) If a question arises whether any rule purporting to be made, in exercise of the powers conferred by sub-rule (1) was validly so made, the question shall be referred for the decision of the Secretary of State in Council.

4. (1) Notwithstanding anything contained in any rule made under, or confirmed by the Government of India Act, the power to make rules regulating the conditions of service, pay, allowances, and pensions of provincial and subordinate services and of officers holding special posts is hereby delegated to the Local Governments of Governors' Provinces:

Provided that no such rule (not being a rule regulating compensatory allowances) shall adversely affect any person who was a member of a provincial or subordinate service or was holding a special post on the 9th March 1926.

(2) For the purposes of this rule, a person who was holding on the 9th March 1926 in an officiating, provisionally substantive or substantive *pro tempore* capacity a post borne on the cadre of a provincial or subordinate service, and is subsequently confirmed in such post without reverting therefrom, shall be deemed to have been a member of a provincial or a subordinate service, as the case may be, on the said date.

J. CRERAR,
Secretary to the Government of India.

Mr. W. S. MUKADAM: As to (*g*), may I know whether Government have done anything up to now to Indianise the Forest Department?

The Honourable Mr. G. B. PRADHAN: As a matter of fact, the Indian officers who are in the Forest Department are being promoted. As the reply shows, as regards the Indianisation of the service, the matter is being considered.

FLOODS, GUJARAT: RELIEF IN TALUKDARI AND INAMDARI VILLAGES

Mr. J. C. Swaminarayan on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*a*) whether any relief has been so far afforded to the distressed tenants and other afflicted people in their villages by the Talukdars and Inamdars of Gujarat after the recent floods and unprecedented rains in Gujarat. If so, to obtain and place a statement of the general details of the same on the Council Table.

(*b*) whether they have received any representation from the Ahmedabad Flood Relief Committee requesting them to persuade

the Talukdars and Inamdars to afford relief to their tenants and also to so assist the workers of the Committee as would enable them (the committee) to give relief with due securities as may be available by joint co-operation. If so, to say if any action has so far been taken in the matter and with what result.

(*c*) whether it is a fact that the tenants of such villages have received very scanty relief as compared with that afforded by outside agencies or relief committees so far ?

The Honourable Mr. J. L. RIEU : (*a*) Yes. A statement showing details of the relief afforded by the Talukdars and Inamdars in the affected parts of the Ahmedabad, Kaira, the Panch Mahals and Broach districts is placed on the Council Table.

(*b*) No.

(*c*) There have been no complaints from tenants of their having received inadequate relief from Talukdars and Inamdars.

Statement showing information regarding relief afforded to tenants by Talukdars and Inamdars

Name of the Talukdar or Inamdar	Details of relief given	Rs.	a.	p.
Ahmedabad				
The Darbar Saheb of Patri	.. Free distribution of grain and cloth	1,776	0	0
	Takavi grant for purchase of seed and bullocks	20,592	0	0
The Thakor of Utelia	.. Takavi loan	6,000	0	0
The Sanand Darbar ..	.. Supply of cheap seeds to tenants. Grant of loans without interest. Takavi advance at the rate of 5 per cent. for the purchase of bullocks.			
The Inamdar of Ognaj	.. Distribution of cheap seeds among tenants	907	0	0
The Inamdars of Mankol, Charal and the Mortgagee of Moraiya.	These people have helped their tenants according to their resources			
Kaira				
Inamdars or Talukdars in				
(1) Borsad Taluka	Free distribution of food-stuffs.			
(2) Dakor (Taluka Thasra) ..				
(3) Jalia (Taluka Mehmedabad)..				
(4) Harial	Takavi loans were advanced for resowing wasted lands.			
(5) Kharanti				
(6) Govindpura (Taluka Matar)..				
Panch Mahals				
The Thakor of Kanjari	.. Free distribution of grain ..	106	8	6
	85 articles of clothing. 34 rafters. 1 beam. 18 bamboo mattings. 10 lbs. cement.			
	Takavi grant	1,342	1	0
The Thakor of Shivrajpur	.. Free distribution of grain, etc. ..	236	0	0
	Takavi grant	194	0	0

Name of the Talukdar or Inamdar	Details of relief given	Rs.	a.	p.
Panch Mahals—contd.				
The Thakor of Bhamaria	.. Free distribution of grain, etc. ..	430	10	0
	Takavi grant	3,690	0	0
The Thakor of Metral ..	.. Takavi grant in the form of timber..	111	4	0
The Inamdars of Aniad, Erandi, etc.	Free distribution of grain, etc. ..	125	0	0
	Takavi grant	300	0	0
Broach				
The Thakor of Amod ..	.. Corrugated iron sheets	1,500	0	0
	Free distribution of grain and clothing, etc.	2,369	0	0
	Takavi grant	2.009	0	0
	Advance to the tenants at Wadia and Ranipura from the Co-operative Credit Societies on the security of the Estate	3,900	0	0
The Thakor of Sarod ..	.. Supply of grain and cash.			

Mr. J. C. SWAMINARAYAN: Are not Government aware that the talukdars are coming in the way of relief committees giving assistance to the benefit of the talukdari villagers for building their houses, etc. ?

The Honourable Mr. J. L. RIEU: Government have no reason whatever to suppose that that is the case.

BOMBAY SMALL HOLDINGS BILL: OPINIONS

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the Council Table the opinions received by them from their officers, public bodies and others on the Bombay Small Holdings Bill ?

The Honourable Mr. J. L. RIEU: Government are not prepared to publish the opinions received from their officers or from the non-official gentlemen whom they consulted. The only self-contained report on the subject received by Government from a public body came from the District Local Board, Surat: a copy of it is placed on the Council Table.

No. 4147 of 1925-26.

DISTRICT LOCAL BOARD OFFICE:
Surat, 17th February 1926.

To

THE COLLECTOR OF SURAT.

Reference.—Your No. S.R.V.—48, dated 4th February 1926, regarding prevention of fragmentation and consolidation of Holdings Act.

Sir,

With reference to your above cited letter, I have the honour to state that the subject of the Act is really in the interest and to the benefit of the cultivation and relates primarily to the rural areas. I had no time left to take the sense of the member of the Board in the matter. The reply being urgently and immediately called for, I submit my opinion and remarks on the enactments of the Act and its effect on holdings concerned, from my experience and knowledge of the condition of the agriculture and the habits of agriculturists in the District.

2. Before however dealing with the subject in hand in its detail, it may be mentioned that in a majority of cases the operation of the Act is likely to result in depreciation of the value of the fragmented holdings as also realisation in form of rent, but this cannot be helped if the subject is considered from the economic point of view. Fragmentations are growing numerous and it is desirable that they should be checked in the interest of profitable cultivation.

3. The first query in your above-cited reference, *viz.*, whether there is fragmentation of holdings to any considerable extent in the District may be replied in affirmative. In the four talukas of the southern sub-division of the District especially in the coast villages which are inhabited by illiterate and backward classes, they are growing numerous. Minute fragments of a size of a quarter Guntha are also known to exist in village like Malwan in Bulsar. These fragments are principally due to partitioning between the heirs and successors of the original holder under the Hindu law of inheritance and succession. It is in short in the interest of profitable cultivation that fragmentation needs be checked even by drastic provisions and that facilities of cultivation be accelerated thereby without detriment to the interest of persons concerned in the holdings.

A close perusal of the draft reflects the desirability of removing ambiguity of incongruity in certain sections and clauses. The law is intended to affect the cultivating classes and as such should be as simple and succinct in its operation. Certain sections of the Act are in need of substitution or modification and they are given herein below in order mentioning the grounds for the same.

(1) Section 4, after the words " of the District Local Board " add the " Elected by that body from among its members " and delete the sentence " The members..... this Act."

With the policy of self-Government in view it would not be unfair to say that the three members of the District Local Board should be returned by the Board itself, rather than appointed by Government. No further rules on the subject will be required with the above procedure. Collector of the District and the Deputy Director of Agriculture are the *ex-officio* members and vacancies if any in the three remaining seats will, of course, be filled up by the Board.

(2) Section 8 deleted the words " or with such modifications as he thinks fit " as the recommendation of the Committee constituted as above are primarily based on local knowledge and conditions of the district, the powers intended to be conferred on the Commissioner to make modifications in them do not seem to be fair.

Section 11. The section be substituted by the following " Any person desiring to transfer otherwise than by lease or by mortgage without possession, to any person other than a neighbour, any fragmented holding, shall give notice by a register post to all the neighbours stating his terms and conditions of the transfer."

The neighbour or neighbours so served with a notice shall, within 15 days of receipt of such a notice, be bound to accept or reject the terms and conditions offered.

This section as originally drafted gives Government Officials the powers of interference in any transaction and causes unnecessary delay and hardships in the early disposal of the holding. A holder may be in need of money immediately, this section and section 13 are sure to keep the transfer in wait for a long period when a matter can be easily settled by the parties concerned. The neighbours are given the right of pre-emption under section 12 and recourse to Civil suit in cases arising out of breach of section 11 is open to them. The Record of Rights will show entries of fragmented holdings soon after the transaction is completed between the transferer and his neighbour which will come to the knowledge of the village Accountant through a notice by the parties concerned.

(4) Section 12. The words " to his best advantage " wherever occurring seem to have no meaning. The terms and conditions offered to the neighbours are the same and not different. The transferer should rather have the option of selecting a neighbour. This section is subjected to the restrictions laid in the proviso to clause 2.

The proviso gives priority to the neighbour whose original holding is less than the standard unit. This is all good from the point of view of better cultivation but cannot be justified in equity.

There are sub-divisions in individual survey numbers and Co-sharers in the survey number. They should invariably get priority over all other claimants. This should be the case even in spite of contiguous holding in another survey number being less than the standard unit.

The proviso to clause 2 may be proposed as under: " provided that when more than one neighbour desire to exercise their right of pre-emption, priority should be given to the neighbour or neighbours of shares in the same survey No. and failing that to the neighbour or neighbours whose original holding being less than the standard unit shall when combined within the fragmented holding, equal or exceed the standard unit."

(5) Section 13. The words " within 30 days.....Mamlatdar " should be deleted in view of the proposed amendment of section 11.

(6) Section 14. While section 11 enjoins a duty on the holder desiring to transfer his fragmented holding, section 12 confers a right of pre-emption.

The transfer is governed by section 12 and therefore the words " and section 12 " should be added after the words " Section 11 " in clause " (1) and (3) " with a view to cover the cases of the breach of the provisions enacted in section 12.

Litigations are expected to a rise in the operation of the Act as now drafted, but the number admits of considerable reduction by preciseness of law under which suits are likely, if section 12 as proposed is substituted in place of the enactment in the original draft.

(7) Section 15. This section may operate to the disadvantage of the occupants of the fragmented holdings or to the neighbours. There is no course open to the holder but to lease to the neighbour whether rent offered may or may not be, according to the market value of the rent prevailing in the locality.

It is desirable that the same procedure which is laid down in connection with their transfer should also hold good in cases of leases. The section should therefore be amended by the addition of the following words:

"Provided that procedure laid down in sections 11 and 12 in connection with the transfer of such holdings be observed in cases of leases."

Section 16. The main object of the Act is to prevent new fragmentation of holdings below a standard unit while this section as drafted aims at recognising them in the Record of Rights and in actual occupation. Reading section 17 with section 16 both the sections depart from the principle aimed at by this Act. Section 17 is overlapping inasmuch as it is a repetition of section 10 (1). Old fragmented holdings are recognised by section 9 and new ones come under section 19. The provisions of sections 16 and 17 appear to be inconsistent with those in section 21 inasmuch as section 21 prohibits the creation of new fragmented holdings below the standard unit.

It is therefore anamolus to recognise them by section 16.

It may however be that the holders in common might mutually and in concert make new fragments. When the village Accountant comes to know of such a case he should make an entry in the Record of Rights and initiate the enforcement of the provisions of sections 11 and 12. The law in this connection should be clear and the occupants of the new fragmented holdings should be called upon to dispose of the property under sections 11 and 12. Sections 16 and 17 may be substituted by the following if it is intended to check new fragments:—

"Section 16. If after the standard units have been prescribed in any local area, any plot below the standard unit is known to have come into existence. Such a plot shall be entered in the Record of Rights as a new fragmented holding and written notice thereof shall be given by the village Accountant to the occupant of such a holding and any person interested within seven days of making such an entry."

"17. The occupant of the new fragmented holding shall on receipt of the notice under section 16 proceed to transfer it as provided by this Act in sections 11 and 12."

(9) "Section 22 insert '12' between '11' and ' or 17' with a view to penalise breach of provisions relating to transfer."

So far about the details.

The alternative to check litigation consists in re-enacting sections 11 and 12 as proposed herein above. Sections 16 and 17 also should be re-enacted to prevent fragmentation. It is improper to recognise them when the Act itself aims at preventing them. Attempt is made to remedy the defects which in my opinion would involve hardships on the occupants. The provisions relating to leases of the old fragmented holdings should be not absolute but restricted on the lines parallel to those relating to transfers.

All cases of disputes are under the Act referred to the Civil Court for decision. This is not desirable inasmuch as the agriculturists in exercise of their rights under the Act will be obliged to undergo heavy expenses of litigation in a Civil Court. The proper Civil Court should be the Mamlatdar's Court where relief can easily be sought under the Mamlatdars' Court Act. Of course there should be one appeal to the Civil Court against the decree passed by the Mamlatdars.

I have, etc.,

(Signed) B. R. Naik,

President,

District Local Board, Surat.

Mr. R. G. PRADHAN: May I understand that only one public body was consulted?

The Honourable Mr. J. L. RIEU: No, several public bodies were consulted, but their reports have not all been forwarded to Government by the Commissioners.

Mr. R. G. PRADHAN: Why have not the opinions of non-official gentlemen been published?

The Honourable Mr. J. L. RIEU : Presumably they were given under the impression that they were communications to Government only and not intended for publication, and without their permission it would not be fair to them to publish these opinions.

Mr. R. G. PRADHAN : Is it not rather an unusual course not to publish opinions received from non-officials ?

The Honourable Mr. J. L. RIEU : I don't think so.

The Honourable the PRESIDENT : I should like to inform the honourable House in connection with these supplementary questions that I have received a number of resolutions and opinions from various non-official bodies or gentlemen and they have been placed on the Council table for the information of the honourable members and also sent to the department concerned.

DENATURED SPIRIT

Mr. J. C. Swaminarayan on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) the consumption of denatured spirit in the Bombay Presidency for each of the past three years ;

(*b*) how much out of this was—

(*i*) manufactured in the Bombay Presidency,

(*ii*) imported from the other provinces,

(*iii*) imported from foreign countries ;

(*c*) what are the special reasons why only such a small quantity is manufactured in this Presidency ;

(*d*) whether it is a fact that the manufacture of denatured spirit is a simple process not requiring much technical skill or the investment of a large capital ;

(*e*) whether it is a fact that in Great Britain the denatured spirit industry is receiving protection against foreign competition ;

(*f*) whether Government have considered the advisability of giving protection to this Industry in the Bombay Presidency ;

(*g*) if so, what decision they have arrived and what steps do they intend to take in this matter and when ?

The Honourable Mr. G. B. PRADHAN : (*a*) The Honourable Member is referred to column 13 of Imperial Return IV appended to the Excise Administration Reports for the years in question.

(*b*) The information required is given in Appendix E to the Excise Administration Reports.

(*c*) It appears that Indian-made spirit cannot compete with imported spirit.

(*d*) It is so understood.

(*e*) In the eighteenth Report of the Commissioners of His Majesty's Customs and Excise for the year ending 31st March 1927 it is stated that spirits of certain descriptions and strengths are allowed to be received free of the ordinary spirit duties but subject in the case of certain imported spirits to small differential duties for certain specified purposes.

(*f*) and (*g*) Imported denatured spirit pays an *ad valorem* customs duty of 7½ per cent. while no excise duty is leviable on the locally made product.

The latter enjoys protection to this extent. As this is considered inadequate the question of levying on imported denatured spirit a duty which would be sufficiently protective was considered, but the proposal was abandoned as it did not fall within the scope of the conditions laid down in paragraphs 97 and 98 of the Report of the Indian Fiscal Commission.

GRAZING LAND, RONWELL

Mr. J. C. Swaminarayan on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether there are 1,083 cattle and other animals in the village of Ronwell, taluka Bulsar, district Surat;

(*b*) whether an area of 36 acres only has been kept for the grazing of these cattle and other animals;

(*c*) whether they are aware that this area of 36 acres is quite insufficient for providing grazing for 1,083 heads of cattle and other animals;

(*d*) whether there is an area of 46 acres and 36 gunthas in this village of forest land;

(*e*) whether the village people have applied for this land being kept for the grazing of their cattle;

(*f*) whether there is any objection to their request being granted;

(*g*) if so, what is the objection;

(*h*) whether it is the policy of Government to encourage the keeping of cattle by village people;

(*i*) if so, what steps do they intend to take to provide facilities for the grazing of the cattle in this village?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) Yes.

(*c*) This area by itself is insufficient, but it is not the sole source of grazing available.

(*d*) The area which is annually auctioned is 46 acres 30 gunthas.

(*e*) Yes.

(*f*) None, if they comply with the terms offered; and they have so complied.

(*g*) Does not arise.

(*h*) Government are prepared to afford such facilities as may be possible for the maintenance of cattle necessary for cultivation.

(*i*) No special measures are necessary.

OFFICIATING VETHIAS: JALALPORE

Dr. P. G. SOLANKI: Will Government be pleased to give the following information for each village in Jalalpore Taluka, district Surat:

Village	Total population and depressed class population	No. of officiating Vethias or village police from depressed classes	Remuneration to officiating Vethias from all sources in rupees			Total remuneration
			From Baluta if any	From inam land or Wavlas	Government salary	Total

The Honourable Mr. J. L. RIEU : A statement giving the information required is placed on the Council Table.

Statement showing the total population and depressed class population, etc. for each village in the Jalapore Taluka of the Surat District

Village	Total population	Depressed class population	No. of officiating vethias or village police from depressed classes	Remuneration to officiating vethias from all sources			Total remuneration.
				From Baluta if any	From inam land or Wavlas	Government salary	
1	2	3	4	5	6	7	8
					Rs.	Rs.	Rs.
Jalalpore ..	3,346	52	6	..	135	93	228
Vejalpor ..	1,409	58	3	..	105	1	106
Italwa ..	632	10	2	..	47	13	60
Dautej ..	299	45	2	..	45	15	60
Tighra ..	420	50	2	..	24	36	60
Adada ..	643	45	2	..	72	..	72
Sahu ..	457	..	1	..	26	..	26
Singod ..	311	17	1	..	23	..	23
Vachharwad ..	397	30	1	..	2	25	27
Vasar ..	309	9	2	..	41	7	48
Khergam ..	375	4	1	..	16	14	30
Kaliawadi ..	1,272	28	....	..	..	..	..
Onchi ..	340	..	1	..	35	..	35
Bhatal ..	423	20	1	..	23	..	23
Bharagiri ..	502	45	3	..	68	..	68
Mandir ..	1,436	50	4	..	77	43	120
Dambher ..	725	16	4	..	122	..	122
Partapore ..	342	20	4	..	23	37	60
Khadsupa ..	144	106	4	..	132	..	133
Kachhol ..	499	125	6	..	290	..	290
Morali ..	..	..	1	..	19	20	39
Balwandia ..	..	..	1	..	30	..	30
Timberva ..	..	..	....	..	..	..	..
Sisodra ..	2,165	126	6	..	169	..	169
Vada ..	450	15	1	..	30	..	30
Munsad ..	1,352	105	10	..	282	..	282
Un.	462	60	1	..	30	..	30
Sadlav ..	679	70	1	..	36	..	36
Astagam ..	2,063	119	12	..	175	..	175
Vagalvad ..	113	..	1	..	15	9	24
Bodali ..	1,788	120	3	..	37	53	90
Machhad ..	985	15	2	..	41	18	59
Pethan ..	759	25	3	..	21	68	89

Village	Total population	Depressed class population	No. of officiating vethias or village police from depressed classes	Remuneration to officiating vethias from all sources			Total remuneration
				From Baluta if any	From inam land Wavlas	Government salary	
1	2	3	4	5	6	7	8
					Rs.	Rs.	Rs.
Kalamtha ..	144	175	7	..	210	..	210
Medhar ..	1,210	25	3	..	..	120	120
Satem ..	1,652	39	3	..	79	..	79
Dabhlai ..	251	..	1	..	29	..	29
Butlav ..	195	..	1	..	9	14	23
Nagdhara ..	1,998	250	3	..	59	60	119
Mahudi ..	477	75	2	..	22	37	59
Puni ..	261	10	1	..	11	19	30
Bhunwadi ..	50	..	1	..	8	22	30
Kachholi ..	2,164	265	5	..	105	93	198
Kolwa ..	577	120	3	..	156	.	156
Panar ..	759	65	3	..	37	..	37
Kanera ..	1,336	32	1	..	16	..	16
Chiggam ..	1,007	21	1	..	20	..	20
Saribujrag ..	2,114	239	5	..	140	60	200
Salej ..	890	40	4	..	144	..	144
Chadwasan Supa	873	..	6	..	144	..	144
Ichhapor ..	676	50	8	..	215	..	215
Pinjra ..	233	2	2	..	41	7	48
Sarpor ..	446	34	1	..	18	12	30
Pardi ..	827	18	3	..	77	..	77
Kanbad ..	223	5	1	..	18	12	30
Sultanpor ..	1,200	35	3	..	52	38	90
Kalthan ..	802	120	3	..	19	71	90
Onjal ..	1,610	80	4	..	56	64	120
Karod Kothwa ..	699	41	3	..	90	..	90
Sarav ..	539	40	2	..	36	24	60
Chadvsan ..	392	6	2	..	35	25	60
Att	1,664	35	4	..	47	..	47
Khambhlav ..	121	..	1	..	..	36	36
Dandi ..	642	..	....	..	..	..	..
Seaford ..	..	..	....	..	..	..	..
Ugat ..	942	22	7	..	48	..	48
Ambada ..	1,247	75	13	..	90	..	90
Navapura ..	86	..	1	..	5	19	24
Matwad ..	3,421	60	5	..	160	14	174

Village	Total population	Depressed class population	No. of officiating vethias or village police from depressed classes	Remuneration to officiating vethias from all sources			Total remuneration.
				From Baluta if any	From inam land or Wavlas	Government salary	
1	2	3	4	5	6	7	8
					Rs.	Rs.	Rs.
Karadi ..	1,291	30	4	..	24	94	118
Karsad ..	1,399	70	4	..	41	..	41
Moldhara ..	747	39	7	..	46	..	46
Dandesar ..	504	90	4	..	111	..	111
Tarsadi ..	307	..	2	..	13	..	13
Amalsad ..	2,263	155	4	..	77	83	160
Ancheli ..	503	43	2	..	20	39	59
Eru	1,653	36	4	..	125	35	160
Hansapore ..	960	325	3	..	69	43	112
Abrama ..	3,001	40	4	..	125	59	184
Kothamdi ..	1,031	45	3	..	60	30	90
Ethan ..	271	14	2	..	60	..	60
Bhutsar ..	238	25	2	..	47	25	72
Chhapar ..	573	70	3	..	60	..	60
Sarikhurad ..	573	65	6	..	71	..	71

GUJARAT COLLEGE : PEONS AND HAMALS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the Principal of the Gujarat College utilizes 2 out of the 3 college peons for his own personal, private and official use, and asks them to attend from 7 a.m. to 10 p.m. by turns in his bungalow and office ;

(*b*) if the answer to (*a*) is in the affirmative, the reasons why their legitimate work of attending the principal's office and sweeping the college halls is done by 2 hamals who are paid Rs. 14 (Rupees fourteen) per month ;

(*c*) from what provision of the budget, the salaries of those 2 hamals are paid ;

(*d*) if there is no provision in the budget for the salaries of those hamals, the source from which their salaries are paid ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) and (*b*) Two peons are on duty by turns at the Principal's office at his bungalow and the college office from 8 a.m to 2-30 p.m. and from 2-30 p.m. to 7 or 8 p.m. As it is not possible for the remaining 2 peons and 1 hamal to do the work of sweeping and cleaning the four hostels, Arts College and

College Hall as well as taking papers for delivery, letters for the post, etc., two hamals each on Rs. 14 per mensem are engaged during term time only.

(*c*) and (*d*) The salaries of the two hamals are paid from the Domus Fund.

GUJARAT COLLEGE : ELECTRIC TELEPHONES AND BELLS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether a large expenditure has been incurred by the Gujarat College authorities for supplying electric telephones and bells in the College offices ;

(*b*) from what portion of the budget grant the said expenditure has been incurred ;

(*c*) if the expenditure has not been incurred from budget grant, from what source the expenditure has been incurred and with whose sanction ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The expenditure in question amounted to Rs. 531.

(*b*) and (*c*) The expenditure was met by the Principal from the Domus Fund at his own discretion.

Mr. J. C. SWAMINARAYAN : Yesterday there was a reply as regards the Domus Fund and in that it was stated that Domus Fund was a fund of hostel students who contributed to it at the rate of Rs. 5 per term and that " Instructions have however since been issued to the officers concerned that they should confine expenditure from this fund to purposes which are directly for the benefit of the hostel students." Is the present answer consistent with that ?

The Honourable Dewan Bahadur HARILAL D. DESAI : With reference to the Domus Fund, orders have been issued that it should be applied only to the *bona fide* purposes of the hostel students.

Mr. J. C. SWAMINARAYAN : What have Government done with regard to this expenditure which has not been legitimately incurred ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The Principal has under the authority vested in him incurred the expenditure.

Mr. J. C. SWAMINARAYAN : Is authority vested in the Principal to use any fund of the college for any purpose whatever ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is how he interpreted it but now orders have been issued in the matter.

Mr. J. C. SWAMINARAYAN : Are Government prepared to issue orders to the Principal to refund the money which he has illegitimately expended ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No protest was made in respect of this expenditure and therefore no orders have been passed.

Mr. J. C. SWAMINARAYAN: Have not the students repeatedly protested about this expenditure ?

The Honourable Dewan Bahadur HARILAL D. DESAI: They have not protested to Government. They may have protested to the honourable member.

Dr. M. K. DIXIT: Sir, will the Honourable Minister take this as a protest from the House ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

Mr. J. C. SWAMINARAYAN: If the students submit a regular petition to Government, will Government consider it and issue the necessary orders in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot give a reply to a hypothetical question.

CO-OPERATIVE SOCIETY, KANAD-MOKAL: DEALINGS WITH RATANPUR-RELIA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state--

(*a*) whether the co-operative society of the village Kanad-Mokal in Kalol Taluka of the Panch Mahals District was lending money to the cultivators of Ratanpur-Relia, a village in Mehlol estate of Godhra Taluka in the same district on the security of the holdings of those cultivators ;

(*b*) whether the said co-operative society of Kanad-Mokal has been recently ordered by the Collector of the Panch Mahals not to lend any more money to the cultivators of Ratanpur-Relia ;

(*c*) if the answer to (*b*) is in the affirmative, what are the reasons for stopping further dealings with the cultivators of Ratanpur-Relia by the issue of an executive order by the Collector of the Panch Mahals District ?

The Honourable Mr. G. B. PRADHAN: (*a*) No.
(*b*) and (*c*) Do not arise.

FOREIGN LIQUOR SALES, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state the quantity in gallons of liquor sold in the foreign liquor " off " license shop of Messrs. E. R. Fanibanda and Sons situated near Saher Kotda Police Chowky, Ahmedabad, during each of the 6 months from August 1927 to January 1928 ?

The Honourable Mr. G. B. PRADHAN: A statement furnishing the information required is placed on the Council Table.

Statement showing sales of Foreign Liquor at "Off" shop of Messrs. E. R. Fanibanda and Sons for six months from August 1927 to January 1928

Months	Sales of			
	Fermented liquors		Wines	
	Gls.	Drams	Gls.	Drams.
August 1927	58	36	8	8
September 1927 ..	96	40	11	4
October 1927	100	12	12	44
November 1927 ..	82	32	15	24
December 1927	68	40	33	24
January 1928	85	44	18	....
Total ..	493	12	99	8

Months	Sales of				Total	
	Spirits (European made)		Spirits (Indian made)			
	Gls.	Drams	Gls.	Drams	Gls.	Drams
August 1927	68	32	..	..	135	28
September 1927 ..	62	20	..	..	170	16
October 1927	78	28	..	..	191	36
November 1927	95	44	6	32	200	36
December 1927	116	4	21	16	239	36
January 1928	95	8	17	40	216	44
Total ..	516	40	45	40	1,155	4

REVENUE DEPARTMENT, GOVERNMENT RESOLUTION, NO. 9226, DATED 21ST NOVEMBER 1927

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to place on the Council table the resolution of Government in Revenue Department No. 9226, dated 21st November 1927 ?

The Honourable Mr. J. L. RIEU : A copy of the Resolution has been placed on the table.

Revision Settlement.
Viramgam Taluka.
Postponement of the —.

GOVERNMENT OF BOMBAY

REVENUE DEPARTMENT.

Resolution No. 9226.

Bombay Castle, 21st November 1927.

Government memorandum No. B. dated 30th August 1927.

Letter from the Collector of Ahmedabad No. S. R. V.-28 dated 21st September 1927 :—

" With reference to your No. S.R.V.-90 dated 2nd September 1927 and No. S. R. V.-90 dated 12th September 1927, I have the honour to return the resolutions passed by the cultivators of Viramgam Taluka and to state as under :—

" 2. The following table shows the extent of the suspensions granted during the last five years in this taluka :—

Year	Number of villages for			
	Full suspensions	One half suspensions	Full collection of the year	1½ collection
1922-23	....	....	1	166
1923-24	115	41	11	....
1924-25	....	....	....	167
1925-26	16	65	75	11
1926-27	....	26	91	50

It will be seen from the above statement that out of the past five years, only the years of 1922-23 and 1924-25 were good, but the year of 1923-24 and the last two years 1925-26 and 1926-27 were lean years. Consequently the financial condition of the agriculturists has been reduced to some extent. The depression in trade has also affected their economic condition. The recent floods caused a heavy loss to the agriculturists by damaging their houses and destroying their crops. They had to re-sow the kharif crops which were swept away and they could do this only with the help of tagai for seeds granted to them.

" 3. The revision settlement was introduced in the year 1926-27 and the enhanced rates are to be levied from the current year.

" 4. The table given below shows the comparative figures of the old and revised dry crop rates in the different groups of villages of the Viramgam Taluka.

Rate of dry crops according to First Revision Settlement			Rate of dry-crop according to Second Revision Settlement		
Group	No. of villages	Rate of dry crop land	Group	No. of villages	Rate of dry crop land
		Rs. a. p.			Rs. a. p.
I	13	2 8 0	I	15	3 4 0
I	35(T)*	2 0 0			
II	44	2 2 0	II	74	2 12 0
II	39(T)	1 12 0	III	11	2 8 0
III	10	1 14 0	IV	39	2 4 0
III	4(T)	1 8 0			
IV	2	1 4 0	V	8	1 8 0
IV	2(T)	1 4 0			

* T=Talukdari.

I am of opinion that Viramgam has suffered very heavily on account of floods but I am not in favour of postponing the introduction of the new Revenue Assessment. I think it would be a most dangerous precedent. If it once comes to be popularly believed that the introduction of a new settlement is affected by any calamity, then an invasion of locusts or any other large and sudden misfortune will be quoted as a reason for such a postponement. Relief is being given or to be given to the people in the form of tagai for re-sowing, food, clothes, corrugated iron, cheap timber and housing loans. If they get good crops, I see no reason why they should not be asked to pay the proper increase. If they do not get good crops, the increase is foregone in the form of suspensions. The Collector has wide discretion in the matter of granting suspensions.

I know that there will be a very strong demand for the postponement of the new settlement. But then there would have been a strong demand if there had been no floods at all. I do not think therefore that it is advisable to give way to the demand. I would give the same opinion, whatever the state of Viramgam might be. Either, settlements should be introduced punctually or it will be increasingly difficult in the future to introduce them at all."

Memorandum from the Commissioner, N. D., No. S.R.V-90 dated 24th September 1927 :—

"Submitted to Government with reference to their memoranda No. B. dated 30th August 1927 and No. O.-B. dated 5th September 1927 and in continuation of the office No. S.R.V.-90 dated 22nd September 1927.

"2. The Commissioner thinks that though the settlements has already been introduced the old assessments which are less than the new should be levied during the year 1927-28 and the difference between the old and the new assessments in such cases be ordered to be shown as remission and the new assessments with the usual Igatpuri concessions (Government Resolutions No. 3541 dated 4th May 1885, No. 2981 dated 20th April 1886 and No. 2579 dated 30th March 1895) be ordered to take effect from 1928-29. The rise in the rates is considerable and the floods were a very exceptional calamity."

RESOLUTION.—Government approve the Commissioner's proposal that the old assessments which are less than the new should be levied during the year 1927-28 and that the difference between the old and new assessments in such cases should be shown as remissions. They also approve his proposal that the new assessments with the usual Igatpuri concessions should take effect from the year 1928-29.

By order of the Governor in Council,

A. E. SERVAI,
Acting Under Secretary to Government.

G. R. No. 9226, R.D., dated the 21st November 1927.

To

The Commissioner, N. D.,
The Collector of Ahmedabad,
The Commissioner of Settlements,
The Accountant General,
The Finance Department.

DIRECTOR OF AGRICULTURE : VACANCIES IN OFFICE

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) the number of vacancies in the clerical establishment of the Director of Agriculture's office from the year 1925 to 1927 ;

(*b*) how many of these were given to backward and intermediate communities ?

The Honourable Mr. G. B. PRADHAN : A statement containing the information required by the Honourable Member for the backward communities is placed on the Council table. 'Intermediate' castes are not recognised for the purpose of employment in Government service.

Statement showing (1) the total number of permanent and temporary vacancies which occurred in the clerical establishment of the Director of Agriculture from 1st January 1925 to 31st December 1927 and (2) the total number of permanent and temporary vacancies given to backward communities

Number of vacancies which occurred in the clerical establishment of the Director of Agriculture from 1st January 1925 to 31st December 1927		Number of vacancies given to backward communities out of those mentioned in columns (1) and (2) respectively		Remarks
Permanent (1)	Temporary (2)	Permanent (3)	Temporary (4)	
7	31 (*a*)	3	23 (*b*)	(*a*) Exclusive of 11 temporary leave vacancies in which no substitutes were appointed. (*b*) Temporary vacancies were filled in by more than one person consecutively in some cases. Thus the number of persons from backward classes appointed in the 23 vacancies mentioned in column 4 was 28.

Mr. B. V. JADHAV: What does the Honourable Minister mean by the reply " Intermediate castes are not recognised for the purpose of employment in Government service ? "

The Honourable Mr. G. B. PRADHAN: There is no such classification as " Intermediate " so far as Government service is concerned. There are only two classes, " advanced " and " backward."

Mr. B. V. JADHAV: Under what category are Marathas and allied communities included ?

The Honourable Mr. G. B. PRADHAN: I think they come in the category of " Backward " communities.

LAND RENTS, IGATPURI

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether the attention of Government has been drawn to the report in the paper *Kesari* of 7th December 1926 about the grievances of Igatpuri people regarding heavy rents of Rs. 50-6-0 per acre assessed on open lands in that station under the Government Resolution of 1921 ;

(*b*) if so, whether they intend to reconsider the matter ?

The Honourable Mr. J. L. RIEU: (*a*) Government have now seen the article.

(*b*) As the question of the non-agricultural rates at Igatpuri was fully examined by Government so late as 1925, they do not now propose to reconsider it.

CROP ASSESSMENT

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state whether they have received complaints from the irrigators against the present system of levying assessment on the irrigation crops ?

The Honourable Sir COWASJI JEHANGIR: Certain complaints from irrigators regarding the operation of those rules of the Bombay Canal Rules, 1922, under which crops are assessed have been received. Any such complaint when received is carefully looked into and decided on its merits.

BUNDING OFFICERS

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) the number of bunding officers appointed by them for the improvement of lands in all Agricultural Divisions of the Presidency;

(*b*) where they are posted;

(*c*) whether any and, if so, which of the Divisions are not yet provided with such bunding officers and the reasons therefor ?

The Honourable Mr. G. B. PRADHAN: (*a*) Two.

(*b*) and (*c*) Owing to the financial stringency it is not possible to employ any more bunding officers; but the services of the two officers are utilised in whatever division they may be required. They are now working in the Southern and South Central Divisions.

CASUARINA PLANTATIONS

Mr. B. V. JADHAV on behalf of Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether the Conservator of Forests, S. C., has been asked by them to enquire into the question of abolishing casuarina plantations near village or town sites;

(*b*) what action they have taken in that connection so far ?

The Honourable Mr. G. B. PRADHAN: (*a*) Yes.

(*b*) A Copy of Government Resolution No. 10277-24, dated 13th February 1928, is placed on the Council table.

Casuarina Plantations: Kanara Village sites.

Retention of—in close proximity to,

GOVERNMENT OF BOMBAY

REVENUE DEPARTMENT

Resolution No. 10277-24

Bombay Castle, 13th February 1928

Letter from the Conservator of Forests, S. C., No. 4642 dated 17th November 1927:—

"I have the honour to invite reference to the proposal noted below * of the non-official members of the Forest Grievances Enquiry Committee, and the orders of Government issued under paragraph 5 (XXIV) of Government Resolution, Revenue Department, No. 7324-24 dated 19th July 1927.

*That Casuarina plantations within a quarter of a mile from a village be abolished.

According to the reports† obtained from the Divisional Forest Officers of the Kanara, Western Division and the Kanara Southern Division, the area and the average annual revenue and expenditure of each of the seven casuarina plantations in the Kanara District are as under :—

Division	Name of casuarina plantation	Area	Average annual revenue of past 3 years	Average annual expenditure of past 3 years	Average annual net revenue of past 3 years
		Acres	Rs.	Rs.	Rs.
W. D. Kanara ..	Kodibag ..	47·9	566	693	—127‡
	Chitakula ..	165·9	5,580	692	4,888
	Arghe ..	133·0	1,991	720	1,271
	Binge ..	33·8	17	570	—553‡
S. D. Kanara ..	Kasarkod ..	433·10	4,578	868	3,710
	Haldipur ..	151·10	956	246	710
	Harwada ..	105	..	..	..

†Printed as accompaniments to this Resolution.

‡As there were no operations carried out during the last three years in Kodibag and Binge plantations, revenue is not realised.

" 2. For the reasons detailed in the Divisional Forest Officers' reports it is highly undesirable to accept the suggestion of the non-official members to abolish the casuarina plantations. These plantations, particularly in such villages as Baad, Kodibag, Arghe, and Kasarkod, are of positive benefit to the extremely indigent class of people who live in their immediate vicinity, and the nearer they are to the village the greater the benefit. I request that you will be good enough to obtain orders of Government, if necessary, to continue the planting operations in all the seven plantations in future in accordance with the Casuarina Working Plans sanctioned by Government."

Memorandum from the Collector of Kanara No. 2306, dated 23rd November 1927 :—

" Forwarded with compliments."

Memorandum from the Commissioner, S. D., No. F.O.R.—259 dated 5th December 1927 :—

" Passed on with compliments.

" 2. The Commissioner entirely agrees. "

Memorandum from the Chief Conservator of Forests No. 4412 dated 16th December 1927 :—

" Submitted to the Government of Bombay in the Revenue Department, with reference to paragraph 5 (XXIV) of the Government Resolution, Revenue Department, No. 7324/24 dated 19th July 1927, for final orders, which may be issued before the end of March next, so that the arrangements for planting additional areas can be made in time.

Undersigned after seeing the areas and discussing matters with the Divisional Forest Officer, W. D. Kanara (*vide* his letter C.-457 of 18th October 1927 ; also Divisional Forest Officer) S. D. Kanara's C.-376 of 29th October 1927), entirely concurs with the remarks of the Conservator of Forests, Southern Circle (please *vide* his No. 4642 dated 17th November 1927). Nothing but harm to Karwar, etc., can result from abolishing these useful and beautiful plantations."

RESOLUTION.—For the reasons given by the Forest Officers Government are pleased to sanction the retention of the seven casuarina plantations in the Kanara District mentioned in the Conservator's letter.

By order of the Government of Bombay
(Transferred Departments),
A. E. SERVAI,
Acting Under Secretary to Government.

G. R., No. 10277-24, R.D., dated the 13th February 1928.

To

The Commissioner, S. D.,
The Collector of Kanara,
The Chief Conservator of Forests,
The Conservator of Forests, S. C.,
The Director of Agriculture.

Accompaniments to Government Resolution, Revenue Department, No. 10277/24 dated the 13th February 1928.

Letter from the Divisional Forest Officer, W. D. Kanara, No. C.-457 dated 18th October 1927 to the Conservator of Forests, S.C.

In continuation of this office No. C.-402 dated 15th September 1927, I have the honour to report that according to the proposal put forward by the non-official members of the Kanara Grievance Committee (copy of extract attached), all the four casuarina plantation areas of this Division (*viz.*, Kodibag, Chitakula, Binge and Arghe) become the subject of discussion, as they are all situated within a quarter of a mile from the respective village sites.

2. Before it is possible to arrive at any definite decision in this matter, the whole question will have to be seriously considered from every point of view. With this in mind, I beg to submit the following points which, in my opinion, constitute sufficiently important grounds for indicating that the abolition of these plantations cannot possibly be considered in any favourable light, by Government :—

(*a*) The annual revenue derived from these plantations is approximately Rs. 8,000 and this is increasing each year on account of the large demand for this kind of fuel. Casuarina grows exceedingly quickly and brings in a handsome return in a short rotation—it therefore constitutes one of the principal sources of revenue of this Division, and if this means of revenue were stopped it would be a very serious matter.

(*b*) These plantations, being confined entirely to the long narrow tracts of pure deep sand along the sea coast, are a successful means of preventing erosion from abnormally high tides.

(*c*) During the monsoon, these plantations, serve as an effective screen against the exceptionally heavy wind and rains. In addition, by reason of the protection afforded by these narrow shelter belts, the villagers in the immediate vicinity are able to extend their areas of cultivation to a greater distance seawards than they would otherwise be able to do in the event of such protection not being so afforded.

(*d*) The existing belt of casuarina along the sea coast is a valuable asset from the point of view of landscape amenity.

3. In regard to the question as to whether the retention of these plantations would be in any way detrimental to the interests of the village communities, the following points suggest that the answer may be considered as being in the negative :—

(*a*) Since the areas upon which these plantations have been raised were originally large barren sandy wastes in the absence of any tree-growth, they would quickly revert to their former state, and be totally unfit for any purpose since they could not be cultivated or used as grazing areas.

(*b*) Owing to the protection afforded by these plantations in the Chitakula area a certain amount of grass has been induced to grow. The villagers being really in need of extra grazing facilities recently petitioned for permission to graze their cattle in this plantation. I have therefore allowed this concession under certain conditions (sanctioned by you in your No. 2486 dated 10th August 1927).

(*c*) In the areas where these plantations now exist there does not appear to be any need felt by the public for extension of the village sites. As stated in my No. C./401 dated 15th September 1927, during the past three years only one complaint was received from villagers regarding any grazing hardships due to the existence of these casuarina plantations in the vicinity of habitation. This grievance was settled recently, as stated in the preceding sub-paragraph.

4. In view of the above points which I beg to submit are, in themselves, sufficiently important grounds to show that Government must decide to exempt these casuarina plantations from the proposals put forward by the non-official members of the Kanara Grievance Committee, I beg to request that a definite ruling may be obtained in respect of this subject in order that the necessary plantation work may be carried out next year as in the past.

Memorandum from the Conservator of Forests, S. C., No. 4296 dated 1st November 1927.

Returned with compliments for stating—

(*a*) the area of each of the four plantations,

(*b*) the average annual revenue of the four plantations (average of past three years),

(*c*) the average annual expenditure of each of the four plantations (average of past three years),

(*d*) the average annual net revenue of each of the four plantations (average of past three years).

Memorandum from the Divisional Forest Officer, W. D., Kanara, No. C./506 dated 6th November 1927.

Returned with compliments together with a statement showing the particulars called for.

Statement showing the particulars of area, revenue and expenditure of Casuarina Plantations, Kanara W. D.

Serial No.	Name of plantation (casuarina)	Area	The average annual revenue (average of past 3 years)	The average annual expenditure (average of past 3 years)	The average annual net revenue (average of past 3 years)	Remarks
		Acres	Rs.	Rs.	Rs.	
1	Kodibag ..	47·9	566	693	—127	As there were no operations carried out during the last three years in Kodibag and Binge plantations, revenue is not realized.
2	Chitakula ..	165·9	5,580	692	4,888	
3	Arghe ..	133·0	1,991	720	1,271	
4	Binge ..	33·8	17	570	—553	

Letter from the Divisional Forest Officer, S. D., Kanara, No. C./376 dated 28th October 1927 to the Conservator of Forests, S. C.

With reference to your No. 4132 of 22nd October 1927 I have the honour to report that there are casuarina plantations at (1) Kasarkod, (2) Haldipur and (3) Harwada in this Division. The plantations in all these places, so far from being sources of inconvenience to the villagers concerned, are actually a source of great profit to them, as in addition to providing large amounts in wages in connection with planting and felling operations for the villagers, they provide also cheap and in many cases free fuel for the poorer inhabitants who collect the leaves and cones and twigs. No complaints about these have therefore been ever received from the villagers *concerned.*

As regards their abolition, there is no case at all on the alleged ground of inconvenience to the villagers; though some officers are of opinion that we should concentrate on teak plantations and leave the casuarina alone. Where the raising of casuarina has been financially justified (as at Kasarkod) it appears to me, however, that the only valid reason for scrapping the plantations would be a strong demand for the land now covered by them, for some form of cultivation which will benefit both Government and the community as a whole, more than the casuarina plantations do at present. There is only one such form of cultivation suitable for the areas, namely, cocoanut cultivation; and the demand for this does not at present appear to be sufficiently strong. If and when does become strong, the area covered by the casuarina plantations could be gradually given up for cocoanut plantation.

Memorandum from the Conservator of Forests, S. C., No. 4297 dated 1st November 1927

Returned with compliments for stating—

(*a*) the area of each of the three plantations;

(*b*) the average annual revenue of each of the three plantations (average of past three years);

(*c*) the average annual expenditure (average of past three years);

(*d*) the average annual net revenue (average of past three years).

Memorandum from the Divisional Forest Officer, Kanara S. D., No. C./395 dated 10th November 1927.

Returned with compliments.

2. The areas of plantations and the average annual revenue and expenditure, etc., for the past 3 years are :—

	Acres (*a*)	Revenue (*b*)	Expenditure (*c*)	Net Revenue (*d*)
Kasarkod	433·10	4,578·3	868	3,710·3
Haldipur	151·10	956·6	246	710·6
Harwada	105·0	..	..	..

FOREST LANDS, SHAHADA TALUKA : GRANTS TO MAHOMEDANS

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state—

(*a*) whether they are aware of the address presented to His Excellency the Governor of Bombay by the Mahomedans of West Khandesh when His Excellency visited Dhulia last ;

(*b*) whether in their address the Mahomedans made a request to Government to grant them some portion of the forest land of the taluka of Shahada for agricultural purposes ;

(*c*) whether they were promised sympathetic consideration of their request ;

(*d*) how many acres have been allotted to the Mahomedans ?

The Honourable Mr. J. L. RIEU : (*a*), (*b*) and (*c*) Yes.

(*d*) It was proposed to establish a small Mahomedan colony at Ganor and 600 acres of forest land were selected for the purpose and divided into 60 plots of 10 acres each. The Mahomedans, however, wanted a settlement for 150 khatedars at least with an allotment of 30 to 50 acres for each khatedar. This was impossible, as no more land was available in this locality. It was also found that no water could be made available.

There is a large area of revenue waste in the Navapur Taluka, and the Collector will make fresh inquiries as to whether any Mahomedans will be willing to settle there.

MOULVI RAFIUDDIN AHMAD : Is the original offer.....

The Honourable the PRESIDENT : What offer ?

MOULVI RAFIUDDIN AHMAD : Is the original offer made as regards Navapur taluka still available ?

The Honourable Mr. J. L. RIEU : I cannot say definitely but I should think it is.

LIMITED COMPANIES : LIQUIDATION

Mr G. A. D. WASIF (Central Division): Will Government be pleased to state—

(*a*) how many limited companies have been registered in Bombay under the Indian Companies Act during the last 20 years ;

(*b*) how many of these have been liquidated or are under liquidation ;

(*c*) what was the loss that had to be sustained by the shareholders as a result of such liquidation ?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) A statement showing the required information is placed on the Council Table.

(*c*) Companies are liquidated not merely because they are unable to meet their obligations but for other reasons also, *e.g.* for the purposes of realising capital profit, of reconstruction and of amalgamation. Even in cases where a company is liquidated on account of losses, it cannot be stated what the losses to individual shareholders are. Except in the case of companies liquidated by the Court or by private liquidators, where some material might be obtained by searching the liquidators' accounts, accounts are usually not available. In the circumstances it is not possible for Government to furnish any useful figures in reply to this part of the question.

Statement showing the number of Companies registered and the number of Companies ceased to work during the years 1907-1908 to 1926-27

During the year	Number of Companies registered		Number of Companies ceased to work	
	Limited by shares	Limited by guarantee	Limited by shares	Limited by guarantee
1907-1908 ..	69	*Nil*	8	7
1908-1909 ..	52	3	28	3
1909-1910 ..	49	3	21	5
1910-1911 ..	54 (1)	3	28	3
1911-1912 ..	40 (2)	1	35	1
1912-1913 ..	44 (1)	*Nil*	26	2
1913-1914 ..	66 (3)	2	46	2
1914-1915 ..	15 (4)	2 (5)	38	5
1915-1916 ..	19	1	68	2
1916-1917 ..	36	*Nil*	25	*Nil*
1917-1918 ..	52 (6)	1 (7)	30	2 (8)
1918-1919 ..	33	2	42	*Nil*
1919-1920 ..	208	*Nil*	29	2
1920-1921 ..	179	2	47	*Nil*
1921-1922 ..	88	5	52 (9)	2 (10)
1922-1923 ..	70 (11)	1	116 (12)	*Nil*
1923-1924 ..	55 (13)	*Nil*	75 (14)	1
1924-1925 ..	66 (15)	6	84	1
1925-1926 ..	54 (16)	8	77	*Nil*
1926-1927 ..	63 (17)	4	55	*Nil*

(1) Includes one company revived under Court's order.
(2) Includes two companies transferred from other provinces.
(3) Includes two companies that were under liquidation and revived during the year.
(4) Includes one company transferred from Lahore to Bombay.
(5) Includes one company registered under section 26 of the Indian Companies Act, 1882, and considered as a society under Societies Registration Act XX of 1860.
(6) Includes one company transferred from Calcutta.
(7) Transferred from the United Provinces.
(8) Includes one company with unlimited memberships.
(9) Includes one company transferred to Delhi.
(10) Transferred one to Delhi and one to Central Provinces.
(11) Includes three companies transferred from Bengal and one revived by Court's order.
(12) Includes one company transferred to the United Provinces of Agra and Oudh and one transferred to the Province of Bihar and Orissa.

(13) Includes two companies revived by Court's order.
(14) Includes two companies transferred to other Presidencies.
(15) Includes two companies, one revived by Court's order and the other by a Special Resolution.
(16) Includes two companies revived by Court's order and one company transferred from Calcutta to this Presidency.
(17) Includes one company revived by Court's order.

DEMANDS FOR GRANTS

Mr. S. C. JOSHI : Sir, I beg to move the motion of which I have given notice, namely :

"Reduce by Rs. 100 the amount of Rs. 13 lakhs for the University."

My object in moving this motion is to enter a strong protest against the proposal of Government to increase the fees in Government schools and colleges. Sir, I know the feeling of the honourable members of this House ; they want to go to an important question arising out of the present situation at Bardoli ; but I submit that this is an equally important matter and stands on its merits. With a view therefore to enable the House to reach the Bardoli question, which Honourable Members are so very desirous to discuss before the guillotine is applied, I shall be very brief in moving my motion !

Sir, the proposal of the Government is not merely to raise the fees in Arts colleges but in professional colleges and technical colleges also ; they also want to increase the fees in secondary schools. Sir, it is also proposed to increase the fees of the architectural section of the Sir J. J. School of Art. The object of the Government in making this increase in the fees, is stated on page 81 of the Blue Book ; it is stated there :

"The increase of 1,07 next year under this head as compared with the current year's budget is due to the proposed increase in the rates of fees in Government Arts and Professional Colleges which Government propose to levy in order to reduce the net cost to the State of educating students in these institutions which has been found to be abnormally high as compared with the similar cost to Government in the case of aided institutions."

The same reason has been given for increasing the fees in secondary schools and in the architectural section of the Sir J. J. School of Art, as appears from paragraphs 151 and 153 of the Blue Book.

Sir, the increased cost to Government as regards these institutions is not a new thing. The increased cost has been in existence for so many years. If Government want to make greater provision for primary education, it must not be done at the cost of higher or secondary education because secondary and higher education is the most important factor in the present state of education. On examining the result of the present system and policy of education we find that of the students attending the Primary schools only 10 per cent. are able to take advantage of secondary education, and 90 per cent. of the pupils who go to primary schools turn out to be illiterate. This is a fact admitted by Government and in the annual report of the Director of Public Instruction for the year 1924-25, on page 80 it is stated as follows :

"The chief problem which to-day confronts educationalists and statesmen alike is the removal of illiteracy. As shown elsewhere, only some ten per cent. of the boys who enter a Primary school become literate, and it is generally believed of those who become literate by far the greater number, anyhow in the villages relapse into illiteracy. The problem thus is not only to make the people literate, but to keep them literate."

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If this is the state of affairs as admitted by the department, then certainly Government should take also as much care of secondary and higher education as they do of primary education.

The effect of increasing the fees will be not only on the Government colleges and schools and the students attending Government institutions but also on private colleges and schools and the students attending these private institutions. It is one of the rules of the department, I understand, that the fees in private institutions recognised by Government must not be less than two-thirds of the fees prescribed by Government in their own institutions. That is also stated in the annual report from which I just quoted. On page 17 of the report it is stated :

" All recognised schools are required to charge not less than two-thirds of the fees charged in Government schools. "

The result of the proposal of Government will be that middle class parents will be unable to educate their children in secondary schools and colleges. So, it is not desirable that such an increase in the fees should be made. If they want to run Government institutions on commercial lines, let them do so ; or, if they do not want to run them at all, then they may close some of the institutions. I might welcome that. But to increase the fees in Government colleges and schools, and thereby to allow to be made a proportionate increase in the fees of the private institutions is certainly a measure which ought to be condemned by everybody here. So far as middle class people are concerned, this is a measure against which a strong protest will be raised. Sir, the effect of this increase in fees will be to prevent middle class youths getting secondary and higher education. Another serious consequence of the proposal will be to make higher education a monopoly of the rich. We find to-day what difficulties poor students, who have the brains and intellect, experience in getting education, and how difficult it is for them to find out ways and means to pay their fees. We know, Sir, how every now and then poor students of the middle class have to go from place to place in order to ask money for their fees, and how they are treated by the men whom they approach.

It is not clear to what extent Government intend to increase the fees. It appears, however from the figures published at page 81 of the Blue Book that, so far as the colleges are concerned, the increase in the revenue on account of increased fees will be about a lakh of rupees over the total collection of Rs. 3,85,000 of the last year ; so the average increase over the present scale of fees will be not less than 30 per cent. In the case of schools also it appears from the Blue Book that the average increase in the present scale of fees will be about 46 per cent. There has been an enormous increase in the fees during the past few years. It would have been proper if any proposals for increasing the fees had been placed before the House. We would then have been in a position to know what the increase would have amounted to. As appears from the Blue Book, the increase proposed by Government is too high an increase, and therefore I hope that all the non-official honourable members will support me and oppose this proposal of the Government.

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This question is of utmost importance and stands on its own merits. And therefore in deference to the wishes of my honourable friends for reaching the Bardoli questions, I do not wish to say anything more and take up the time of the House. I merely say that I must emphatically protest against the proposed scheme of Government.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, Government have fleeced the University in two ways. Not only have they cut down Rs. 2,10,000 from the University budget—the University budget last year was Rs. 19,34,000; they have cut it down and put it at Rs. 17,24,000—but they want to get an additional income by raising the fees in colleges to the tune of Rs. 1,07,000. That is to say, Government are cutting down expenditure on the University and at the same time want to take more money from the students. Thus Government are cutting both ways like a double edged knife. I cannot make out how, when the expenses have been cut down, they can complain of increasing cost to Government in Government institutions. If the cost of maintaining Government institutions is high, I think they have themselves to blame for it. Why do they retain the white elephant like the principal foisted on the Gujarat College and pay exorbitant salaries to persons like him? They raise the cost of education by giving high salaries to European professors and they want to fleece students by increasing the fees. They are cutting both ways: that is my complaint. Just now Indians are available in every department of the educational sphere. The Honourable Minister can obtain at a much less salary Indians who would be willing to do the work much more efficiently than the European professors to whom he is paying high salaries, and in that way he can reduce the cost of maintenance. Instead of proceeding on the right path, he is going to put additional taxation on the students. I think this was the last thing that this House expected from an Indian Minister. I hope he will withdraw the proposal for increasing the fees of the students.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I support my honourable friend Mr. Joshi. I will be very brief. I do not know, Sir, on whose recommendation or at whose instance the Honourable Minister for Education has increased the fees in high schools and colleges. The ostensible reason given is that the expenses in Government schools and institutions are higher than in aided schools and colleges. Personally I do not think, Sir, that that is the real reason. The real reason to my mind is that Government want to bring in the economic law of supply and demand into operation, namely, when the supply is greater than the demand we have to curtail the supply. So, they want possibly to make higher education more expensive. The scale of fees in secondary schools and high schools in the Bombay Presidency per boy, according to the latest report, is Rs. 44 for Government in Government schools. I am told it is much less in aided schools. This cost of Rs. 44 per boy is higher than the scale of fees in any other province in India; it is higher than the scale of fees in the Central Provinces, Bengal and Madras. As

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regards colleges, according to the latest report, the total expenditure on arts colleges is Rs. 16,65,909, and out of that about Rs. 9,10,000 are raised by fees. So, as a matter of fact, already the college students are contributing to the Government by way of fees more than 50 per cent. In England, I am told, that the cost of education at Oxford raised from fees is only 15 per cent. Even in a rich country like England the cost borne by the students forms only 15 per cent. and 85 per cent. is borne by the State.....

Mr. C. W. A. TURNER : Sir, I think my honourable friend is wrong. It may be that 15 per cent. only is paid by fees, but the rest is paid from endowments.

Mr. N. B. CHANDRACHUD : That may be, but I am correct so far that the fees only contribute 15 per cent. But in a poor country like India, fees contribute 50 per cent. Now, that is only as regards arts colleges. In the law college, the fees raised are more than the expenses. The total amount of fees raised in law college amounted to Rs. 62,670, and the expenditure was Rs. 52,369. So that, the law college is more than paying itself. The cost of medical colleges is not available. The only college where Government bear a high percentage of the expenditure is the Engineering College, but that is the only college which gives the largest number of recruits to Government for employment in Government service. For these reasons, I think there is no reason for increasing the fees in the arts colleges especially taking into consideration the poverty of India, I believe we will not be justified in increasing the fees in high schools and colleges.

I am not one of those who think that Government high schools and colleges should be abolished altogether. I think it is necessary that both Government high schools and Government colleges should be maintained to serve as model schools and colleges for private and aided schools and colleges.

Mr. B. V. JADHAV : You think they are more efficient than the private ones.

Mr. N. B. CHANDRACHUD : There was at one time a proposal—I think it was in the year 1885 in the time of Lord Reay, a popular Governor and a most distinguished educationist—to abolish the Deccan College and hand it over to the Deccan Education Society, but that proposal was vetoed and it was ultimately decided that the Deccan College should be maintained as a model college to serve as a model to the other aided institutions and colleges. Now, the reasons given by the Honourable Minister is that persons who are getting an income of Rs. 60 per month and above are not poor. Now, I ask him how many persons there are in the Bombay Presidency whose income is more than Rs. 60 per month. I doubt whether the number is more than 2,00,000. I doubt whether it would be even that. Now, it is all right for those who draw large and fat salaries to spend about Rs. 10 or Rs. 15 per boy, but for those who draw a salary of Rs. 60 or Rs. 70, to maintain one or two boys in a school or a college at that cost is very hard indeed. I know the hardships

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of the poor. If you increase the fees in the high schools that will indirectly be discouraging collegiate education also. Unless you complete your high school education you cannot get admission in the colleges. And if the fees in colleges are also raised, then that means putting a handicap on poverty. The poor students have to struggle very hard already. Poverty has already many disadvantages, and if you increase fees you will be adding to those disadvantages. So, I submit that no case has been made out for raising the fees in schools and colleges. Now, what is the amount the Honourable Minister wants to raise ? He wants to raise Rs. 2,00,000, Rs. 1,00,000 by raising fees in high schools and Rs. 1,00,000 by raising fees in colleges. I believe that in a budget totalling two crores, he can certainly manage to dispense with Rs. 2,00,000, especially if he can adopt the procedure suggested by my honourable friend Mr. Swaminarayan. Why do you want to maintain professors with fat salaries, when a man like Dr. Paranjpye was willing to work in the Fergusson College on a salary of Rs. 150 per month ? Can we not get persons who are prepared to make some self-sacrifice in the cause of education ? I think the raising of fees is not at all proper. If the cost is higher for maintaining the schools and colleges, I would ask Government why they should not curtail the expenses instead of increasing the fees.

Mr. N. A. BECHAR : Sir, I move for a closure. (At this stage both Moulvi Rafiuddin Ahmad and the Honourable Dewan Bahadur Harilal D. Desai stood up.)

The Honourable the PRESIDENT : The honourable member, Moulvi Rafiuddin Ahmad, has stood up to speak on this question. So, may I know if the Honourable the Minister for Education wants to speak before him in order to clear some points ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, Sir. In the first instance, I would submit that it cannot be denied by anyone in this honourable House that the tone of education both in secondary schools and colleges has been going down and down. It was with a view to raising the efficiency of the aided institutions, to effect improvement in teaching and also in equipment, that this question of raising fees has been considered by Government. Along with that the other question was about the commitment of Government—the statutory commitment of Government with regard to the primary education. After that commitment, Government cannot afford to find as much money as may be required for the aided collegiate institutions as well as aided secondary institutions and the resources of these aided institutions are very limited and I know personally from the managers of certain aided collegiate institutions as well as the secondary institutions that they cannot take a lead in the matter of raising fees, unless Government give them the lead in this respect.

The position with reference to the tone of education is quite noticeable from a report of examiners in English in the second half year of 1926. The purport of that report is that out of 570 candidates, who appeared

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for the B.A. examination, half the number was quite unfit to stand the test and the other half were quite unfit to be in B.A. They said :

"There are many mistakes in grammar and spelling and many have left the university without grasping the nature and use of articles, the distinction between the articles, active and passive and proper use of synonym."

Many take to English without any aptitude. They also stated that they found such specimens in the English voluntary subject which some of the students had taken. That being so, it is necessary to raise the tone of education, to help aided institutions and also to give a lead to them, so that they may be able to raise their fees. The cost to Government per pupil in the Elphinstone College comes to 60 per cent. and in the Deccan College it is 83 per cent., whereas in the Government secondary schools the cost comes to Government to about 61·4 per cent.

Under these circumstances it is essential that we should raise the fees in Government institutions that we may be able to spare something for the aided institutions. What we find at present is that there are so many claims for grants from the aided secondary and collegiate institutions that we are unable to meet all their claims or to the extent to which the rules allow on account of want of funds. We cannot make sufficient provision for grants in the budget owing to financial circumstances. Therefore, I would submit that Government considered this question on the ground that no improvement in the efficiency of teaching in secondary and collegiate institutions, which are aided, would be possible unless their resources were increased, and that could only be done by raising the fees, whereby Government will have to devote a less percentage of cost per pupil for Government institutions. They will thus be released of some burden and the savings therefrom will be available for aided institutions. Besides, the collegiate institutions by raising the fees will be able to pay their professors better, to have better equipment, to improve the standard of teaching and also to increase their resources, so that even for grants they will have to rely on us less than to the extent to which they have to rely at present. I, therefore, say, Sir, that in view of the references that I have made just now to the opinion of the examiners in English papers, who were all Indian gentlemen, the lowering of the standard of teaching in schools and colleges is really a menace to the true education and if we want to raise the standard of teaching, we should increase the fees and allow only those who can afford to take to secondary and college education. Then only we can keep up the proper standard of teaching. In England the class of people who would never think of taking to secondary or college education, have taken to that in India.

Under these circumstances this Council has a choice whether to raise the standard by raising fees or whether to allow the standard to go low and low. I for one am in favour of improving the standard of teaching and improving the standard of examination.

My honourable friend has told us that if we raise the fees, the poor students will suffer. At present we have got a system of freeships and also of scholarships. It may be that in view of the raising of fees, the

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Government may have to raise the number of freeships, half-freeships and scholarships available for the poor on account of merit and merit alone. I submit, Sir, that this would be a better way of approaching the matter rather than allowing the matter to drift as at present.

I am of course unable to see my way to give any assurance to my honourable friend on this question, but as the debate has disclosed the views of some honourable members of this Council, before passing final orders Government will take them into consideration.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I cannot help remarking that I see the shade of Sir Pherozeshah Mehta hovering round in this Housea nd casting a fierce glance at the Minister; I remember a debate about college fees raised some 15 years ago in this Council. At that time the late Sir Pherozeshah Mehta and almost all the non-official members were up in arms against the policy of Government in raising fees in colleges. But to-day I am surprised to see that we do not find many supporters from the non-official members for the cut moved by my honourable friend Mr. Joshi, as a protest against the policy of the Minister in raising such fees, except the professor from Ahmedabad, who is always ready to take up the cause of the poor, being himself a poor man with a lakh of rupees in his pocket.

I, Sir, am very much surprised and pained to hear that an increase in fees has been resolved upon by the Minister. Sir, before deciding this question an opportunity ought to have been given to this House by the Minister to criticise the same. It is a very important matter and I think it is the duty of every honourable member sitting upon this side of the House to carefully examine and not easily to pass or allow it to be passed. Sir, if there is a financial stringency, if the Government wants more money, it is not the poor students who should be fleeced by it; Government ought to find money from other sources than these poor creatures. Sir, how will the poor and deserving students ever get a chance to go to the colleges if the policy of Government be to make education dearer and dearer every day? Sir, this policy will press more heavily upon the backward classes than upon the advanced classes. I remember a time when students from the Brahmin and other advanced communities were educated free. They took full advantage of it. Now the backward classes are being awakened only to find the doors of colleges shut against them. Sir, not merely the backward classes, but even the advanced classes will suffer, by the policy, because I understand the principal means of subsistence of the advanced classes like the Brahmins is education, English education, and, therefore, Sir, that class will particularly suffer. You are going to increase the fees in your institutions, and also you declare you are indirectly compelling the aided institutions to do the same. You leave no loop-hole for the poor to escape. I maintain, Sir, that higher education on the whole will suffer, as the result of the policy of the Minister and I believe there are other honourable members who are ready to echo my voice. I assert, Sir, that, there is no country where higher education is more costly than in India. Take Japan. Where education is very cheap. Japan is the country we should follow. Take

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Germany. Higher education there is dirt cheap. Even in England, as the honourable member the Secretary himself admitted, the fees do not amount to more than 15 per cent. in Cambridge. But in colleges, like Birmingham and Manchester, the fees are lower still. So that, I do not understand the policy of Government in coming upon the poor students. And, mind you, in this time of unemployment, in this time of stringency, general falling off in the trade, the poor students will be very hard hit. The university has increased its fees already. You should not be in a hurry to increase fees in your colleges and high schools. I think, Sir, it is a very bad policy and the House should turn it down. The traditional attitude of this House has been always to oppose Government in raising more fees from the students of colleges. I do not know whether the Honourable Minister has read the report of the Education Commission of 1884. There he will find professors like Wordsworth and Bhandarkar, all opposing the policy of Government in raising fees. Sir, I was perfectly astonished to find among the chief reasons for raising fees the students' deficiency in English. The Minister says he was very much impressed by the argument that students are deficient in English grammar and accent. Why, Sir, does not the Honourable Minister remember that we are shortly going to have linguistic universities ? Does he not remember that the policy of Government is to make vernaculars more and more studied in colleges and schools ? There is no wonder, that our students are sometimes deficient in English, the wonder is that so many of them are so proficient in that subject. We must not make a fetish of English language. English is not the only thing which matters. We have got many other things to consider. Therefore, if there is a little falling off in accent and grammar among our boys we must not conclude that the world is coming to an end. That certainly could be remedied in many ways. I do say that the policy of employing highly paid officers is not very satisfactory. If Indians of high qualifications can be had, I do not see why Indians should not be employed in preference to Englishmen. I think it was a very reasonable suggestion that came forward from the honourable professor Swaminarayan. I do not mean to say that those English professors who are already in the service should be dismissed. We shall require them for some time yet. But I do say that the policy of Government should be to utilise more and more Indian agency and thus cheapen the educational system. My object, Sir, in rising is again to make a strong protest against this policy of Government to raise fees. I say in the first place that the Educational Department is the last department to which Government should come for revenue. Secondly, as regards universities and colleges, poor students are the last persons from whom more fees should be levied. With these words I strongly protest against the policy of Government and I say it should be turned down by passing this cut.

Mr. B. V. JADHAV (Satara District): Sir, I rise to oppose this cut. On a former occasion, Sir, I have stated my reasons why I support the policy of the Honourable Minister in raising the fees for the higher and secondary education. It has been a very popular cry, Sir, to lower

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the fees and thus show that one cares for the poor students. It has been a very general cry all round and the shades of Sir Pherozeshah and other worthis are invoked on such occasions. But the honourable Mahomedan member from Poona, Moulvi Saheb, is always fond of quoting the University Commission's report, the Sadler Commission's report.....

MOULVI RAFIUDDIN AHMAD: Not the Sadler Commission's report; I referred to the Education Commission's report of 1884.

Mr. B. V. JADHAV: I know that. But the honourable member has always been fond of quoting the Sadler Commission's report. On this occasion the honourable member has very conveniently forgotten it. There, Sir, in that report the woeful plight of Bengal has been described. It shows what large number of graduates are turned out every year out of all proportion to the demand in the province, and also the heavy product from the high schools. This is the result in Bengal. Is this a healthy condition of the education system where the head is swollen and the feet and legs are very weak and emaciated ?

The situation in India is like this. A very few communities have been educated at the cost of the British Government with the result that the development of the people is not even, but is very uneven. This has led to the deterioration rather than to the progress of the country at large. I am not at all surprised to find that the University examiners complain that the majority of the students that go to the colleges are not capable of taking full advantage of university education. We find that a boy, who has completed his vernacular education, automatically slips into the middle school, then into the high school and anyhow he scrapes through the matriculation examination. After that he goes to the Arts College because education there is generally rather cheap and he comes out a finished graduate. I find that nearly 60 per cent. of these graduates are not sound and I would go so far as to say that the money spent on them is merely wasted. Very great sympathy has been shown for poor students, and I know from experience that it is the poor students only who derive most benefit from college education. But there are limits to this sympathy. The poor students are generally very hard-working and do credit for the education they get. But in these days of severe competition it is the poor students who suffer most by going to the colleges. They work there for a couple of years and on account of stress of circumstances, they have to give it up or take up some private tuitions. They have to work hard in order to make both ends meet and as the fees are rather light, they succeed in managing somehow; but the heavy strain certainly tells upon their health. It is very rarely you find that they are able to finish their course. The remedy suggested by the Honourable the Minister for Education is certainly acceptable namely, the granting of a larger number of free-ships and half-freeships in colleges and high schools, by which means the meritorious and the intelligent poor people will be greatly benefitted. It is not necessary that the grandson of the Maharaja Gaekwad should pay the same fees as the son of the poor citizen. In the Deccan College, of which much

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has been said here, you find mostly the sons of rich people. To lower the fees there would be absurd. We find that the Deccan College is intended mainly for residential students and it is taken advantage of by the sons of aristocratic families because the college expenses are too high for poor students. If Government will continue their policy of providing a large number of scholarships for poor people as they have been doing, the money spent in this direction will be utilised to good purpose and much of the hardships of the poor class of students in colleges and high schools will be mitigated to a great extent. I therefore have great pleasure in opposing the cut.

Mr. M. S. KHUHRO.(Larkana District): Sir, I must say that I am surprised at the argument of my honourable friend, the leader of the Non-Brahmin Party, who opposes this cut. He is in a way supporting the present attitude of Government in increasing fees whereas every section of the public has been opposing that policy on the ground of the economic condition of the people. In particular the backward classes and Mahomedans will be the people who will be most adversely affected. I therefore support the motion.

Mr. N. R. GUNJAL (Poona District): Sir, I am surprised to hear the speech of my honourable friend Mr. Jadhav. Far from supporting a policy of high fees, he should have, both as a lover of education for the masses and as a leader of the Non-Brahmin Party which he is supposed to represent, said that the policy of increasing fees in the Deccan College is or appears to be the right policy. Formerly Rs. 10 used to be the fee in the Deccan College. In Lord Reay's time it appears to have been reduced. The present tendency of the people is to ask for more and more of English education at a reduced cost. It is therefore all the more regrettable that the *ex*-Minister of Education should have opposed the cut. The intention with which my honourable friend Mr. Joshi has moved this cut is very good. Therefore I support his motion.

Mr. S. C. JOSHI: Sir, I have very little to say in reply. The information supplied in the Blue Book is very scanty, and I was not at all satisfied with the propriety or reasonableness of the proposal. I had come here with a quite open mind and although I have listened with great attention to the explanation given by the Honourable the Minister for Education and also by the Honourable the Ex-Minister for Education (Mr. Jadhav), I must confess that I have been sorely disappointed. I do not think it necessary to discuss the points raised by the Honourable Minister. In short I may say that those explanations go a long way in supporting my contention. One object of the Government as appears from the speech of the Honourable Minister, is that only the sons of rich people should be able to receive the education imparted in the colleges and secondary schools. Another object of Government as it appears to me is to have indirect taxation on the people with a view to get more funds for the primary education. Indirect taxation is certainly the worst way of taxing the people and has been condemned on more than one occasion. The present proposals amount to nothing but to impose indirect taxation

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on the people, who want education. The tax will mostly fall on the very people who can ill afford to pay it. Every one knows full well how the ill-paid middle class people have to pay a very large proportion of their monthly income for the education of their children. On this ground alone, if for nothing else, the motion I have moved deserves the support of the House and the fees should be reduced. You say that you want to make primary education free and compulsory. In the same breath you make the higher education more costly than it is now. I do not see the consistency of it. I hope therefore the House will support my motion and that the motion for the cut will be passed.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I may at once inform my honourable friend the mover of the motion that it has never been the intention of Government to close the doors of schools and colleges to any one. On what grounds this question has been considered, I have stated before. If the fees in colleges and secondary schools are not raised, the result will be that many of the aided institutions will have to close down. Many managers of these institutions have been coming up to me for grants which, on account of limited provision in the budget, I am unable to give. The only way to meet this situation is to raise the fees, whereby the expenses of Government colleges and schools will be less to Government, and all that money which will be saved in that way will be capable of being devoted for grants to aided institutions whose resources also will be increasesd by this proposal. Whenever the manager of a private institution approached me for increased grant, I asked him why he did not raise the fees. The reply was "We do not dare to do it unless Government increase the fees in their schools."

Sir, I had no intention of referring to personal matters. However, as my honourable friend has misunderstood the whole situation, I beg to say that in my private capacity as chairman of a trust, for the last nine years the trust has been helping poor students studying at the local institutions in Ahmedabad with fees, books, etc., and last year the trust helped 125 students of the Gujarat College, out of 550 to 600 students with fees and books. In picking up these people for help, only those for instance who had obtained more than 50 per cent. marks in the matriculation examination were taken up, and the rest though poor were rejected. In spite of that, the results were less than 50 per cent. at the examinations. So that, it will be seen that material which is not fit for taking up secondary and collegiate education, has been going towards it. That has been more or less of a craze. Consequently, the only way to help aided institutions and to improve efficiency is this. As I have said before, I have no intention of closing the schools and colleges to poor people. More freeships, half-freeships and scholarships will be given. At present the scholarships to backward classes amount to Rs. 5,27,000. Under these circumstances, as I have already said Government will take into consideration the debate that has taken place. In view of that I hope the honourable mover will withdraw his motion.

MOULVI RAFIUDDIN AHMAD: May I ask what will be the percentage of scholarships that Government are going to give?

The Honourable Dewan Bahadur HARILAL D. DESAI: We have not determined that yet.

Question put: House divided: Ayes 34, Noes 30. Motion carried.

Division No. 3.

Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Sheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
BECHAR, Mr. N. A.
BHUTTO, Khan Bahadur S. N
BOLE, Mr. S. K.
CHANDRACHUD, Mr. N. B.
DESAI, Rao Saheb D. P.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GHULAM NABI SHAH, Khan Bahadur
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
JAIRAMDAS DOULATRAM, Mr.
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JOSHI, Mr. S. C.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
PAHALAJANI, Mr. B. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHETH, Mr. A. D.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SWAMINARAYAN, Mr. J. C.
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the

Tellers for the Ayes: Mr. S. C. JOSHI and MOULVI RAFIUDDIN AHMAD.

Noes

ANDERSON, Mr. F. G. H.
ASAVALE, Mr. R. S.
BALAK RAM, Mr.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
DABHOLKAR, Sir VASANTRAO
DESAI, the Honourable Dewan Bahadur HARILAL D.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
JADHAV, Mr. B. V.
JEHANGIR, the Honourable Sir COWASJI
JONES, Major W. ELLIS
KALE, Rao Bahadur R. R.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
OLIVEIRA, Mr. F.
PAINTER, Mr. H. L.
PRADHAN, the Honourable Mr. G. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
TURNER, Mr. C. W. A.
WILES, Mr. G.

Tellers for the Noes: Mr. C. G. FREKE and Mr. F. OLIVEIRA.

Mr. M. S. KHUHRO (Larkana District): Sir, I beg to move:

Reduce by Rs. 1,00,000 total demand Rs. 2,02,26,000.

Sir, my object in moving this cut is to raise a discussion on the policy of Government regarding primary education. Since the Act of 1922 was passed, nothing has been done by Government to give effect to that Act passed by this Council. For the last five or six years no practical effect has been given by Government to the Act passed by this legislature to make education free and compulsory in this presidency. When the predecessor of the present Honourable Minister, namely Dr. Paranjpye, moved in this honourable House the bill for making education free and

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compulsory, he very clearly stated in the course of the debate that primary education would be made free and compulsory in this presidency in the course of ten years, and that it would involve an expenditure to Government of 40 lakhs in the case of district local boards and 13 lakhs in the case of municipalities. In the case of municipalities Government was to contribute half (that is 13 lakhs by Government and 13 lakhs by municipalities); in the case of district local boards, the cost was to be shared in the proportion of two-thirds and one-third, two-thirds by Government and one-third by district local boards (that is to say, 40 lakhs by Government and 20 lakhs by the district local boards). What we find is that with the exception of four district local boards, all the district local boards have taken over the control of primary education. Most of the district local boards have appointed a special officer to investigate into the question of introducing free and compulsory primary education. In the Press Note issued by the Honourable Minister it was stated that 45 schemes for extension on a voluntary basis have been submitted. I do not know the number exactly, but some schemes were submitted for extension on compulsory basis. But, Sir, the difficulty is this. At the time when the Compulsory Education Act was not in vogue, that is prior to 1922, Government used to contribute to the extent of 88 per cent. of the cost of primary education in district local board areas and to the extent of about 50 per cent. in municipalities. But after this Compulsory Education Act Government decided that in future they would give the same amount of the grant that they used to give to the district local board at that date and in addition two-thirds of any extra expenditure for primary education either on a voluntary basis or on a compulsory basis. From my experience of the last five years, it appears to me that the idea of Government behind it probably was to throw the whole responsibility for primary education on local bodies and get out of the muddle. The idea probably is not to spend a substantial sum towards primary education. Before the Act was passed, schemes on a voluntary basis used to be given effect to immediately. Now, after the passing of the Compulsory Primary Education Act we find that the schemes are held up in the Government Secretariat for years and years. There have been bitter complaints from most of the district local boards and municipalities that they do not get even sufficient building grants for building primary schools and that they do not get Government's share for extension even on a voluntary basis. The local bodies have to run the whole show on their own responsibility and to spend from their own resources. Government have not been contributing their share and everything is kept in abeyance. If we see the figures prior to the reforms and after the reforms, we find that the reforms have not produced any effect on primary education in the presidency. Government have rather been very slack in spreading primary education more than ever. The figures I am going to quote are very interesting. Sir, the number of pupils in 1919-20, the year before the reforms, in this presidency was 8,18,440, whereas after a period of eight years of reforms, we find the number is only 9,71,105. That means that the increase has only been

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1,52,655. Now, this increase is largely due to the efforts of the Bombay Municipality which has introduced compulsory primary education in two of their wards. Another reason for this increase is that most of the municipalities have now taken over institutions which formerly used to be run by private persons or associations.

If we were to look into the figures for the year 1922-23 you will find the number of primary schools was 13,456, at present it is about 14,000. This is also due to the fact that the Bombay Corporation has contributed much to this scheme. As regards the activities in this direction, so far as the funds are concerned, I find that only Rs. 48 lakhs more are spent than what was spent one year before the reforms ; out of this about Rs. 8 lakhs are given to the Bombay Corporation. Therefore, the increase, really speaking, in the grants is not much in the Bombay Presidency. If we compare the figures of grants made last year with those of this year, you will find that the Honourable the Minister for Education has only succeeded in getting Rs. 4 lakhs extra for the primary education, both voluntary and compulsory. This appears to be very ridiculous. There should have been more funds at the disposal of the Honourable Minister for giving more grants for the compulsory education.

Sir, when the Primary Education Act was passed, all sorts of hopes were given to this honourable House and a glowing picture was painted. We were told then that if the local boards did not come forward with their own schemes, the Government would even take the initiative in appointing an officer of their own and ask him to collect statistics and make a report, for each local authority, and Government would insist upon introducing the compulsion in areas approved gradually. Now, what do we find ? We find that the local boards have come forward with their schemes, they are prepared to bear their own share, and those schemes have been forwarded to Government for sanction. What has happened to those schemes ? I am sorry to say that the schemes have been thrown in a waste paper basket by Government. I would give one instance in this respect and that is of my own local board, I mean the local board of Larkana. This local board has taken an initiative in this matter. They have undertaken the responsibility of starting primary education in Larkana. But Government do not come forward with their share. They say : " The funds are not available at present, and you will have to wait for some time. " That is what is happening at present. When Government do not want to help any cause, they push it aside on some technical objection or some such ground.

Under these circumstances, I submit, Sir, that it is very difficult that any advance can be made in respect of full compulsory education in the Bombay Presidency. I think under these circumstances it will take about 50 years to achieve this object.

Now, I shall come to the secondary education. What steps have been taken by Government to improve this ? We find that all institutions—aided institutions, Government institutions and other institutions—are all starving in this matter. I have got an experience about this. We made several complaints to the Honourable Minister that some

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institutions are not getting adequate grants and the Honourable Minister gave the same reply of having no funds. I think that he should increase the grants of the institutions, at least these grants should be given in accordance with the rules. I say "Government should give what is due to each institution." But that is not done at all. I shall give you one instance. There is one academy school in Karachi about which I had a discussion with the Honourable Minister and have often put questions in the Council. That school has been educating at present about 300 boys, who are Urdu and Gujerathi speaking. There are no facilities provided in any other school in Karachi except in this school, for the Urdu speaking boys though there may be for Gujarati speaking in one or two schools. For this school a legitimate demand for a grant of Rs. 4,000 was made last year, but Government reduced it to Rs. 2,000. It is most surprising that for such a useful school in Karachi, Government instead of increasing the grant have felt it advisable to reduce it. This year they have rightly demanded a grant of Rs. 5,000 for the current year's expenses and I hope the Minister will sanction it as he promised a few days back. Therefore, you will find that the secondary education in the Bombay Presidency is also starving.

Therefore, I say that it is a very serious question for this Council to consider. This Council should know the policy of Government in regard to education. Government should come forward and tell this House what their policy in regard to education is. As it is, I do not think that Government would be able to carry out the policy as laid down in the Primary Education Act. At least for some years to come, Government will not be able to do much in this respect on account of want of funds.

(At this stage Rao Saheb D. P. DESAI crossed the floor of the House.)

The Honourable the PRESIDENT: Order, order. The honourable member has distinctly violated the rule.

(Rao Saheb D. P. DESAI resumes his seat.)

Mr. M. S. KHUHRO: Therefore, I say, Sir, that it is for the Honourable Minister to come forward and lay down his cards on the table as regards the policy of education. Government should effect retrenchment in other departments, but they should provide more money for education. The Honourable Minister and Government know that all the resources of revenue have been tapped and people will not be willing to pay extra taxation. He must therefore insist upon retrenchment in the reserved department to effect a saving for utilizing it on education.

Question proposed.

THE THAKOR OF KERWADA (Northern Division): Sir, I rise to support the motion for cut moved by my honourable friend Mr. Khuhro. As a matter of fact, a good deal more should be done for education. I am really anxious to see that Government should define their policy of education; they should clearly make a statement to this effect. I can say, Sir, that Government have not kept their promises given to local boards, when the Primary Education Act was passed. At present I find that their policy is only to cut down the grants from time to time.

[The Thakore of Kerwada]

To-day I have not got the figures to quote here, but I know that the Honourable Minister was once connected with a local board and he knows too, whether it is a fact that the grants are not given adequately to the local boards. Not only that, but I find that even the number of trained teachers is reduced in each district. Whenever there is a vacancy of a senior teacher in any district, I mean—when there is a vacancy of a senior teacher, this post will never be filled up with a senior man. It is said that Government have issued instructions not to fill up the posts of senior teachers, and they appoint a junior to effect saving, in order that, when education is taken up by the district local board, Government grant can be reduced accordingly.

Really speaking, when the educational policy was enunciated by Government, at that time the Council was given a distinct assurance that the income derived from entertainments tax will be utilised for education—and we have been often told the same thing again and again when any tax is imposed—and a part of that income will be utilised for education and it is high time that the Honourable Minister should clear that position, namely, whether they are going to give effect to the educational policy laid down by Dr. Paranjpye the then Minister for Education.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, our honourable friends on this side of the House are very anxious to reach the land revenue demands as only few hours are left to close up budget grants, and to meet their wishes, I do not want to take the time of the House, but as this question is also of a very great and vital importance we feel it very necessary, Sir, that we must speak out our mind even in a few words and record our protest against the policy that is being pursued. Sir, so far as our Sind province is concerned, I think the press, public and the local authorities are all unanimous of the opinion that the Primary Education Act of 1923 is simply a fraud. Sir, due to this Primary Education Act of 1923, what do we find? It has completely set back not only the primary education, but the secondary and higher education as well, it is nothing short of mockery and a farce. Sir, it is not only that Government do not come forward to admit their inability to keep to their promises, but they are bent upon to behaving a crooked way and not tell us in a straight way that they are not able to carry out their pledges and the undertakings that they gave to this House and the public at large. Sir, there were apprehensions in the mind of Government, at the time when this Primary Education Act was passed that perhaps the local authorities may not be able to meet the cost of providing their own share, as under the old system we had only to contribute Rs. 12 out of Rs. 100, but the liabilities were raised to 33 per cent. in spite of our protest. Sir, what we find now is that municipalities and local boards are ready to face all the criticism and protests of the people by imposing on them fresh taxes provided in the new Local Boards Act, to improve their means and provide more funds for primary compulsory education, and they have actually pushed through their taxes, raised their cess and submitted their proposals to Government for their formal approval, and Government not finding themselves in a position to meet their own share simply have kept

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away now for some years past these proposals with one pretence or the other. It is nearly five years since the passing of the Act. In the very 1st year of the passing of the new Local Boards Act, some of the boards without loss of time imposed their taxes, they have suffered to the extent of lakhs and lakhs owing to their proposals not having been materialized simply for want of sympathy from Government, who appeared to be only anxious to encourage and support the local boards at the time of the passing of the Act. I would further submit what right we have got to recover increased cess from agriculturists, which they have been paying for the last so many years, when it was raised on the clear understanding to provide compulsory education for them. Sir, the only honourable course left for Government is to admit their failure and to have this Act of 1923 repealed. Otherwise, Sir, if Government will not carry out their pledges and simply go on postponing the matter from time to time, with an excuse of financial stringency which will take years to improve, it will be terribly hard for the local authorities to deceive people with false hopes and continue recovering increased cess for which there is no justification unless the undertakings are carried out to introduce compulsory education. So far, Sir, as my district is concerned, I was simply forced by the circumstances, to restrict our pledges with people, who not knowing the facts accuse local authorities for breach of faith and say that things were far better and progress steady while the control of Education was with Government. Now almost every proposal of the district local boards is turned down by Government with one pretence or the other, even to get a reply to an ordinary reference from Government it takes about twelve months. So I had to recommend to my district local board to introduce compulsory education on their own responsibility, and we have sent our proposal to the Director of Public Instruction simply for the administrative approval. We will provide all funds at present till Government realizes their responsibility to come to our help. I do not know, Sir, whether Government, who would like to save their faces through their anxiety not to admit their failure as they are unable to keep their own pledges, will give us an opportunity to keep our own pledges with people and grant us their administrative approval. Sir, things are not only so bad. They are still worst. What is the state of poor school masters. Their case is only pitiable, these masters in charge of primary education are not paid salaries for three and four months at times due to the delay in recovering grants from Government. These poor masters who are drawing only 20 to 22 rupees pay have to mortgage their property and raise loans at 33 per cent. in the hope and on the understanding with the money lenders that they will repay loan as soon as they receive their salaries. By the time they receive their salaries, one-third of their pay goes towards the interest they have to pay on loans they raise. Should one be proud of it.....

The Honourable Dewan Bahadur HARILAL D. DESAI: May I, Sir, enquire of my honourable friend which local authority does he refer to, that the teachers salaries are not paid? Is it the Larkana district local board?

Khan Bahadur S. N. BHUTTO: Yes; Larkana district local board is the first concrete instance I will give to the Honourable Minister. It is not the first time. Repeatedly for the last two or three years it has happened, and nearly one-third of their salaries are paid towards the interest on the loans they get and their properties are mortgaged; necessity compels them to run in for loans at such a high interest to save their children from starvation, they expect their salaries in time and continue expecting every day, their disappointment has got no bounds when days pass into months without realizing their expectations and on the other hand interest goes on accumulating, and I had to wire to the Secretary of the General Department for the sanction of Government from District Local Board, Larkana, to raise a loan of Rs. 50,000 on its responsibility to advance to the school board to pay the masters their salaries, and I was informed by him that "Government has just sanctioned one of the instalments, therefore, it will not be necessary to raise an advance." But that one instalment was not enough at all to pay the salaries of the masters. So, I had to advance a loan to school board from District Local Board; this happens once or twice in every year. I appeal to Government that it is high time that they should realize their responsibility to the public and come to the help of local authorities and give them fair chance instead of handicapping them all round; otherwise Government should take courage in both hands and approach the Council to repeal the Primary Education Act of 1923 as we were far better before this Act came into force. But if things are allowed to continue as they are at present I think instead of wasting the taxpayers'money it is better to do away with the Minister of Education, the Director of Public Instruction and to close up the whole Educational department and end the farce.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division): Sir, I must say that the policy of the Honourable Minister as regards primary and secondary education is not what it ought to be. At Dhulia we have been trying to advance primary and secondary education. The municipality tried to promote secondary education by appointing a teacher able to educate the students in English through the vernaculars, *i.e.*, Marathi and Urdu. The institutions were continued for two or three years and then we applied to Government to register these schools. The Government thereupon asked the municipality to levy their scale of fees before they could register the school. The municipality said that they did not want any grant at all from Government but they wanted merely to register the school. But the Government were adamant. Our argument was that so long as we do not ask for a single pie from the Government treasury we do not see the necessity of Government insisting on compelling us to levy a particular scale of fees. I know the House will agree with me that we are right in this attitude of ours.

At Malegaon, the municipality has passed a resolution introducing compulsory primary education and has levied a tax on cotton, but the approval has not been given by the Honourable Minister to that scheme which is still hanging fire. But strange as it may seem, approval to the secondary education scheme has been granted. I do not know

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really what the policy of Government is in this matter. I think that primary and secondary education should be advanced side by side, but the first duty of the Government is to promote compulsory primary education and then the secondary duty comes to help the secondary education.

If we look at the report for 1925-26, we find that in point of primary education the Central Division stands the lowest. In East Khandesh we have a large Mahomedan population of Tadvi Bhils. In every other district Government have established hostels for Bhil students but in East Khandesh that is not so. When I asked a question about establishing hostels for these students the Honourable Minister replied that the point was under consideration, but when I looked at this budget I could find no provision there.

I should like some explanation from the Honourable Minister as to the different points I have raised and brought to his notice here.

Mr. D. A. JANVEKAR (Southern Division): Sir, first of all I am sorry to say that the Primary Education Act and the rules thereunder are not worth the paper on which they are written. In the Primary Education Act there is nothing to show that the Government will interfere with the local authorities in the way they are now doing. Under the rules of the Primary Education Act, the proposition statement of the establishment of the teaching staff and the administrative and executive officers is to be approved by the local authorities alone and by nobody else, but now under some press-note the Director of Public Instruction and Government have asked local authorities to submit their schemes of proposition statements and of the staff through the Collector, the Educational Inspector and the Commissioner of the Division and the Director to Government. When a proposition statement is submitted by a local authority, it takes nearly one year to get it back either sanctioned or with a request for some further information. Till then the local authority or the school board will have to sit quiet without giving effect to the scheme. When any scheme on the voluntary or compulsory basis is submitted, it is returned for some reason or other in order to put the scheme in abeyance. Many such schemes have been sent to Government for their sanction and though they are on voluntary basis, those schemes are still held in abeyance by Government. The Bijapur Local Board sent one scheme nearly two years ago but as yet it has not been returned with or without Government sanction. The latest press-note of Government says that owing to the financial stringency Government are not in a position to approve of compulsory schemes but that such compulsory schemes will be taken into consideration subject to certain conditions laid down in the press-note. When schemes are submitted, they are not returned. Some boards and local authorities have increased the taxes in order to be able to bear their share of the cost and some have increased their cess but for years together they have been waiting and waiting to receive Government sanction. In the Karnatak in the Southern Division, the Belgaum board has doubled its one anna cess. The amount collected has been lying idle for three

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years. As is well known, my district of Bijapur is always a famine stricken district and yet our people are willing to come forward cheerfully to pay the one anna cess that has been doubled with the sanction of Government for primary compulsory education. The board is trying to collect the increased cess from this year, but the scheme sent by the local authority of Bijapur has not been sanctioned by Government, and it has not been replied to.

About the pay of the staff, the scales which have been submitted by the local authorities have not been approved, neither have they been replied to. There has been some discontent among the teachers on account of the attendance allowance, which has been brought to the notice of the Honourable Minister and the Director of Public Instruction, but nothing has been done up till now. There being such discontent among the primary teachers, the teaching suffers. The teachers in the primary schools are not paid regularly. My honourable friend from Larkana made some complaints ; the same is the case in some of the boards in the Southern Division also. The datum line has been fixed, but the grants are not paid according to the datum line. In some way or other some portion of the grant is curtailed and is kept with Government till the next year, and when the accounts are adjusted that portion is paid to the boards. This causes hardship to the boards, and they have to keep in abeyance the pay of the teachers for a month or two in these hard days. Underpaid teachers who are getting Rs. 15 a month—they are vernacular final teachers—suffer very much on this account.

Sir, many municipalities and local boards are coming forward asking for help in the matter of building grants from Government, but Government is always inclined to say that, owing to financial stringency, it is not in a position to help these local bodies. If Government is not going to finance the local authorities by giving building grants, I want to ask the Honourable Minister where the local authorities should provide accommodation for those boys who attend schools in such villages and small towns where it is quite impossible for the local authorities to get any rented suitable buildings. The local authority will either have to hold the schools under a tree, or they will have to close the doors of education to the poor boys. This being the case, Government is not seriously considering the question of primary education. In Belgaum, the Belgaum local authority had opened many schools some two years back, but they had to close the schools on account of the technical objection raised by Government that the previous sanction of Government had not been obtained. The board had to suffer on that account and 150 teachers, who had joined the department in the hope of getting permanent service, had to go home. Sir, it is well known that the Mahomedan community as a whole is backward in education, and the local board of Belgaum had been kind enough to open 15 schools for Urdu boys, but they had to be closed on account of this technical objection raised by Government.

Sir, when a scale of pay for the staff or the administrative officer is submitted to Government for their sanction, it is curtailed in such a way

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that the local authorities are unable to get efficient men to work as administrative officers. In the case of the Bijapur Municipality, the school board had recommended for the administrative officer a scale of pay from Rs. 150 to Rs. 250, with an annual increment of Rs. 10. But Government reduced the minimum pay to Rs. 100, so that the local authority and the school board is unable to get any man on that scanty pay. That means, Sir, that by hook or crook Government is trying to postpone the application of the Compulsory Primary Education Act, and they are not very serious about having compulsory primary education in this presidency as a whole. If that be the real intention of Government, I would inform them that instead of giving all sorts of explanations, and keeping the Act on the statute book, it will be better if they repeal the Act. With these words, I support the motion.

Khan Bahadur SYED GHULAM NABI SHAH (Thar Parkar District) (Addressed the House in Sindhi) : Sir, it is an admitted fact that Sind is the most backward tract in the whole of the presidency, in the matter of education, and again in Sind, the Thar Parkar District is the most backward. Yet, it is regretful to state, Sind and particularly Thar Parkar District receives the least attention of the Education Ministry. We have always impressed upon Government the necessity and urgency of doing something special for Sind to remove the blot of illiteracy that remains upon it. Higher education is practically non-existent among the Sind Mussulmans ; and secondary education has not yet made much headway. Primary education is for the greater part imparted through the Mulla Schools ; and it is not primary education at all, in any sense. It will thus be seen that there is no serious attempt being made in Sind to improve the education of Mussulmans, who form the greatest bulk of the people. After all Mulla schools' education is no education at all ; and in that the Mullas cannot be blamed much, they receive so little encouragement from Government. The department gives too poor grants to these schools ; and it is no wonder that they are not able to do much.

In Thar Parkar, we have only one high school.—It is a Government high school. Last year 80 boys sought admission in the first standard but only 30 of them were taken up. We appealed to Government to open a second division of standard I ; but no favourable consideration was given to our request by Government. In sheer despair, we opened a separate school with standard I ; we have applied for its registration ; but it has not yet been registered. The District Local Board realizing the great necessity of encouraging education and finding great demand for admissions into English school, has resolved to open an A. V. School, teaching up to the third standard and has also decided to open 10 English classes, along with the big vernacular school, where there is demand. The papers have gone to Government but we do not yet know what the result of it all is.

In our neighbouring tract, Tando Bago, a philanthropic gentleman, Khan Bahadur Mir Ghulam Mahomed Khan, O.B.E., has started a School, and has created a very big endowment. He has spent no less than two lakhs of rupees on it. Every effort was made to induce Government

[Khan Bahadur Syed Ghulam Nabi Shah]

to take up the school and manage it and maintain it. This school is serving admittedly the needs and requirements of a very backward tract—yet Government have refused to take up the school, though it would not have cost them much and all the endowment funds were to be placed at the disposal of Government. That is the extent of sympathy Government show towards the promotion of education of Mussulmans of Sind, who are admitted to be the most backward.

I have already said that there is no primary education worth the name in Sind. When the Primary Education Act came to be enforced, Sind began to feel that it will have a chance of promoting primary education through it. As President of the Thar Parkar District Local Board, I regret to say that Government are not extending to us the help and encouragement we, along with others, expected. At every step we are handicapped by the Government circulars, in the matter of opening any new school and in receiving the promised Government grant. This attitude of Government is disheartening to every local authority. There is always uncertainty about everything; and the result of this uncertainty is that local authorities are never able to take any steps to open new schools and to promote education.

When it is admitted that Sind is notorious for its illiteracy, it is the duty of Government to give its fullest attention to Sind, to give every available pie to Sind. Great diseases require special treatment; and Sind does need special treatment at the hands of Government to raise it up educationally.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I am sorry to observe some benches empty on this side of the House. The only members that seem to take interest in education are the Mahomedan members. But the subject is very important. Hence my apology for these remarks. Sir, as this cut is moved to ascertain the policy of Government upon an important matter in connection with education, I think it was absolutely necessary that the House should desire the Honourable Minister to declare his policy. We have just heard his policy. Personally, Sir, I have many complaints to note regarding the attitude of the Honourable Minister. First, Sir, I complain of his sense of fairness.

The House will remember that the honourable member Mr. Munshi had given notice of a resolution asking for the appointment of a committee on secondary education. In his resolution he had very kindly put down the names of several gentlemen, and from among the Mahomedans he had selected my honourable friend Mr. Noor Mahomed and myself.

The Honourable Minister did not accept the motion and on account of certain reasons the motion could not then be taken up. But at the Poona session the Honourable Minister said that he himself was about to appoint two committees, which would go through the subject of secondary education. Sir, I was one of the critics of the Honourable Minister, in the University Bill along with the honourable member Mr. Noor Mahomed and his sense of fairness may be inferred from the fact that he omitted my name as well as that of Mr. Noor Mahomed from his committees. I think I have done something in my life for Mahomedan education, as

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the House would readily testify, but I was not considered by the Honourable Minister to be worthy of being included in his committees, while a friendly critic of his is not only made a member but a chairman of a committee. I would not pursue the matter further.

The House would like to know the policy of Government with regard to technical education. What have they done ? We know that the report of the Technical Education Committee is kept somewhere in the dusty corners of the office of the Director of Public Instruction or in some of the pigeonholes of the Honourable Minister. Sir, the Indian members and English members of that committee were divided in their report and we have all been awaiting the decision of Government regarding it since long. We thought the Indian Minister would give intelligent direction, but his policy with regard to technical education has not yet been revealed.

Now, with regard to the education of Mahomedans. Sir, it was promised by him in this House that a professor of Arabic would be appointed, that early steps would be taken to appoint a professor of Urdu in one of the Government colleges. In his reply to my two resolutions on the subject I am not aware of anything having been done in the matter. I should like to know—and I think the Council also would expect some mention to be made—as to why the professor of Arabic has not been appointed and as to what has been done as regards a professor for Urdu. Two resolutions were passed by this Council. Is it not a matter of shame that in this advanced presidency of Bombay—more advanced in education than any other province,—there is not a single institution for Mahomedan women to learn English through Urdu,—I am not talking of a college, I am not talking of a high school, I say there is not a single middle school as yet and no prospect of its early establishment. I had three years ago proposed a resolution that an English middle school should be opened for Moslem girls at Poona. That resolution was accepted, and it was promised that as soon as 30 girls were found to attend the school Government would open it. Enquiries were made ; and we were ready with 30, 40 and 50 students. It is now three years, and nothing has been done. This is the way in which the Honourable Minister looks after the education of the Moslems.

Then, Sir, this Council had accepted a resolution for the establishment of an Urdu side at Jalgaon High School for teaching English through Urdu. Estimates were sent, for, much correspondence passed between the Director and the headmaster at Jalgaon. All in vain.

Now, let me again remind you, Sir, that in the year 1913 Government appointed a committee for Mahomedan education. That committee went through the question thoroughly and made very important and urgent recommendations. I do not know whether the Honourable Minister has so much as read them. The Moslem members of this House reminded him of them ; we went on deputation to His Excellency the Governor ; we sent some urgent demands to the Minister based on the several recommendations that have been made by that committee. The Honourable Minister said yesterday that one or two items were carried out out of 14 demands. But we at this moment want to know the

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policy behind, why the recommendations of the committee have not been carried out. Want of money is no answer. Surely, if Government had really been in earnest money would have been found in 15 years for the purpose. I think similar committees were appointed in Sind also, which made certain recommendations. As usual they too have been shelved. The Honourable Minister has more important matters to attend to than the education of the Mahomedans. His attitude seems to be: "They are not a troublesome body; why should I care for them. I have my party behind me." Sir, educational facilities are more important to us than anything else, because for all posts we are told we have not the necessary qualifications. Government replies "The Mahomedans are not educated, they have not got graduates enough among them, how can we appoint them to high places? But when we want facilities for education they are denied to us. Whose fault is it? Speaking on the University Bill in this House I explained why Mahomedans were backward. It was not their fault. Certain facilities were given to Brahmins and other classes, but Mahomedans were relegated to the shade of neglect. But now, when we are awakened, we find all doors bolted. We do not want somebody else's share; we want only our share. If all the money that could have been lawfully claimed by us as our share and which was not spent on Mahomedan education in the past, were accumulated and set apart, I think the Mahomedans will have not only one college but two or three colleges in the presidency. Sir, we have heard nothing about the college at Andheri. This brings me to another subject. I had the honour to be present at the foundation stone ceremony laid by His Excellency, three years ago. The Honourable Minister said last year that the college would be opened in June this year. I do not know what has happened to it, whether the institution is going to be established, whether the building which is being erected for this purpose is going to be utilised for this purpose or for any other purpose. We should like to know the Minister's policy. Sir, I do not want to take the time of the Council, but this is a question of life and death to us. Advanced communities might get on without additional educational facilities but the Moslems could not. There is a reserved department for European education. That community knew they would not have any chance with an Indian member and got their education reserved. But really speaking if any community required a separate or a reserved department, for taking care of their education I think it was the Mahomedan community. We expected that an Indian Minister would impartially forward our cause; we expected him to be a Mahomedan in this respect and not a bigoted Brahmin. We expected him to take up our cause enthusiastically. We were disappointed. Even now we are ready to support him; if he would demand more funds we would be ready even to tax ourselves. But, Sir, he shows no will in this direction. Where there is a will there is a way. We are ready to provide the way, but he must have the will.

I hope he will pardon me for some hard expressions but I had to use them. My constituency expects me to do my duty. Now, I have nothing more to say, except this, that at least we ought to know where we are

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with regard to higher education. I have received several letters inquiry as to what has happened to the Andheri College, and I hope the Honourable Minister and the honourable member the Secretary will go into these subjects and explain to us fully. We do not want to carry this cut; we do not want to reduce the amount. But we want to know his policy as there are serious doubts as to whether the Honourable Minister is giving that importance to Mahomedan Education which it deserves. With these words I support the cut.

Mr. ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR (Sukkur District): Sir, I desire to bring one point to the notice of the Honourable Minister. When the Primary Education Act was introduced it was definitely stated to this House that the education would be made compulsory. But what do we find? Sir, we find that more than 75 per cent. of the students who join the schools, leave the schools before they go to the fourth standard. More than 75 per cent. boys go away after taking practically no education. Is it compulsory education? We, therefore, find that the money that is spent after primary education —about 75 per cent.—is wasted. If the Honourable Minister cannot find funds sufficient to meet the demand, why should he not stop this primary education instead of wasting public money? He should stop this education totally. Until we have compulsory education, we cannot ask the boys to prosecute their studies further. It is quite necessary that Government should either make the education compulsory or have no education at all. If the funds are not available why should Government waste public money in this manner? I request the Honourable Minister that he should amend the Primary Education Act in such a way that a boy once voluntarily joining the school should not be allowed to leave the school without prosecuting his education up to standard IV. If he cannot, I would advise him to utilise the money that is spent in this way for a better cause.

Mr. M. S. KHUHRO (Larkana District): Sir, I have not to say much after all that I have already stated, but I shall only refer to one point which was brought forward by my honourable friend, Moulvi Rafiuddin Ahmad. That point is with reference to the appointment of an Arabic professor for a college. I remember that an assurance was given last year and year before last that Government are doing their best to provide a professor for Arabic. I know that one Muslim 1st class M.A. who belongs to Sind was sent to England on Government scholarship to do the research work of Arabic and qualify himself and now he has returned with success a few months ago, by obtaining the degree of Ph.D. It was then stated that on his return he would be appointed in one of the colleges, either in the Elphinstone College or Andheri College. We do not know what Government intend to do regarding his appointment. I would again emphasise the need of having an Arabic professor and I hope Government would move in the matter. Bombay is one of the most important provinces in India and it is indeed disgraceful that there should be no facility provided for the Arabic learning students. It is rather ignoring and killing oriental languages, by this kind of indifferent attitude of Government.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I may inform the honourable members who have spoken that there is no want of will on my part to give effect to the provisions of the Primary Education Act, or to help Muhammadan education as well as the education of backward classes. It is only the want of funds which stands in the way of all schemes being brought to fruition as early as possible.

Last year my honourable predecessor, under the Primary Education Act, had demanded a budget provision of Rs. 19 lakhs—but Government could only spare Rs. 9 lakhs. This year I demanded Rs. 27 lakhs to be provided for schemes under the Primary Education Act and it is with the greatest difficulty that I was able to secure only Rs. 15 lakhs.

Secondly, my policy with reference to primary education is as laid down in the Act, but as to the carrying out that policy, everything depends on the funds available. We have up to now had about 47 schemes out of which 35 schemes have been already sanctioned. I would also submit that while the city municipalities take less time in formulating schemes of expansion within their area, the district local bodies find it very difficult to make a scheme so soon. When a scheme is drawn by them, it has to go to the Director of Public Instruction for being examined and naturally the examination of the scheme takes time. But I must repudiate the suggestion that the Director of Public Instruction has been on one pretext or another, delaying his sanction to the schemes submitted. It is not correct at all. During the last year there were several schemes for voluntary expansion in local board areas. About these schemes a legal point was raised whether schemes of voluntary expansion could be allowed. Eventually, it has been decided that they should be allowed and the district local boards should have schemes of voluntary expansion, but in order that compulsion may also be brought into operation, one-third of such scheme should be for compulsion and the other two-thirds of it may be for voluntary expansion. That has been decided, and in the next year such schemes as come before Government will be sanctioned on that basis from the amount budgetted. I would have been very glad to do more, had it been possible for me to do. But I must admit that this matter is beyond my control. It is more in the hands of this House to supply the funds, which are necessary for carrying out the policy as laid down in the Primary Education Act. I may, however venture to say that the line on which expansion of education is generally undertaken at present requires to be revised if we are to make any progress. I may give you an instance. A school in a village, if newly opened, will cost at least Rs. 500 a year. On that basis it will not be easy for both the local boards as well as the Government to meet the cost. An experiment is at present being made in the Surat District where day and night schools are being opened on different lines. The villagers supply the school house, they select the teacher and they expect a certain grant-in-aid from the local authority or the Government. If that policy were pursued it may be possible to have greater expansion of village schools and at a less cost. This is a matter which requires consideration. On the other hand, under the present system it will be very difficult to find grants for numerous primary school buildings for villages and towns as also their

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maintenance. That is the only reason why it has not been possible for us to go forward as much as one would desire.

My honourable friend, Moulvi Rafiuddin Ahmad, referred to the Andheri college and to the non-appointment of a professor in Arabic. I may tell him that that college was to be provided for in the budget as a new item for being taken up next year, but on account of want of funds several items had to be cut out and this was one of them. If it had been possible to open the Andheri college, the gentleman referred to would have been appointed as professor of Arabic. I very much regret that in spite of my own desire to hurry up that matter, on account of want of funds we have not been able to provide for this college.....

MOULVI RAFIUDDIN AHMAD: Why should you not appoint that gentleman in the Elphinstone college?

The Honourable Dewan Bahadur HARILAL D. DESAI: That matter will have to be considered hereafter. It was only in connection with the Andheri college that there might be a demand and, therefore, that matter was considered. Whether there is a demand for the expenditure for a full time Arabic professor at the Elphinstone college is a matter which will have to be looked into.

There was a complaint, Sir, that the fixed grants or the datum line grants are not being given in due time and therefore, the salaries of teachers are delayed. The difficulty, Sir, is on account of something for which the district local boards themselves are responsible. Ordinarily grants in the first instance are given on a provisional basis and at the end of the year and after the audit takes place, the amount is adjusted. There are audit objections and they are sent on to district local boards for reply. They keep them over for a long time without replying to them, which delays the giving of the grants on the final basis. That is on account of the rules as they stand at present. But I feel that the greatest difficulty.....

Khan Bahadur S. N. BHUTTO: On a point of information. May I ask the Honourable Minister whether there was any delay on the part of the Larkana district local board in meeting objections? Were the replies to objections sent in time or not?

The Honourable Dewan Bahadur HARILAL D. DESAI: I am referring to the general question in a general way. I cannot off hand say what was the position with reference to the Larkana district local board. However, the rule that exists at present is one which requires to be overhauled, so that there may be no delay in the giving of grants, and I promise to look into that matter further so that there may be no delay in the local boards getting their grants in time. I may assure the honourable House that while I am in full sympathy for the advancement of the education of the backward classes and the Mahomedans, I feel bound to state that, as compared to the Mahomedan population in Sind, the Mahomedan population in the presidency proper is far in advance in the matter of education than the backward and the intermediate Hindus in the same area. That is a point which any one who

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cares to look into the administration report on public instruction will find. It was one that was even noticed by the Dewan Saheb of Junagadh who presided over the Mahomedan educational conference at Poona a short time ago. And consequently, the complaint which my honourable friend makes about the Government or the Minister for Education not taking proper care of Mahomedan education is not a right complaint. They are far in advance of the intermediate Hindus in the presidency proper, who are far more backward, and as compared to them, they are getting as much encouragement as possible. However, I do submit that whatever educational facilities are required and which are due to the communities which are educationally backward, would certainly be given to them as funds permit. But the main difficulty is the department of my honourable friend the Finance Member, and whatever I am able to get from him I am trying to provide for in the budget, and I will try my best to get as much more as I possibly can. But I feel bound to say that looking to the present financial condition of the presidency, unless the Council goes in for some special taxation, or helps me even by private advice as to the form such taxation should take, I would be very glad to bring it up and to face the odium for it. As in the case of fees, the question of taxation has to be faced, and without it nothing more is possible. As long as more money is not available, I must regretfully repeat that it would not be possible to go as far as one would desire.

Mr. B. G. PAHALAJANI: What about the Government of India's 37 lakhs ?

The Honourable Dewan Bahadur HARILAL D. DESAI: This year's 37 lakhs have altogether been used up to balance the budget. For the next year, certainly I have my eye on that amount, and I will try to get as much as possible.

Rao Bahadur B. R. NAIK: I want to know from the Honourable Minister what arrangements are being made for the transfer of education to local boards in Gujarat ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The district local boards of Gujarat have been asked to state what their objections are to their taking over the control of primary education, so that the department may consider how far they could meet those objections and make it possible for them to accept the transfer of control.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF: What about the registration of secondary schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI: As regards the registration of secondary schools, the rule exists that no secondary school could be recognised unless it levies a fee to the extent of two-thirds of the Government scale, and if they do not do that, then, owing to the existing rule, no secondary school could be recognised.

Mr. M. S. KHUHRO (Larkana District): Sir, my motion stands for the cut of a substantial amount of one lakh, and as every one of us here wishes to get as much as possible for education, I would not wish to press

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this motion. Hence, I would like to withdraw my motion. I only wanted to show our emphatic resentment at the policy hitherto followed and that object has been amply served by the speeches that have been made in this House by the different honourable members.

The Honourable the PRESIDENT: Has the honourable member the leave of the House to withdraw his motion ?

Question put and leave granted.

The Honourable the PRESIDENT: Now, I will put the total demand What is it ?

The Honourable Dewan Bahadur HARILAL D. DESAI: It will be less by Rs. 100 owing to the cut which was carried by the House.....

Mr. G. WILES: The cut has been made by the honourable House of only Rs. 100, and, as the figures in the budget are in thousands, it is not necessary to make or show that deduction of Rs. 100, I suggest.

The Honourable the PRESIDENT: There is a suggestion from the honourable member, the Finance Secretary, that as the demand is in thousands, a hundred rupees cut need not be shown, that it is a mere matter of record and if it is not shown by deduction it would not matter, unless the House wishes me to be too technical and deduct the amount. I would, however, not take the responsibility myself of not deducting the hundred rupees from the total.

Question that the demand for Rs. 1,95,81,900 be granted put and carried.

The Honourable Mr. J. E. B. HOTSON: Sir, I ask for a grant of Rs. 6,79,000 for Education, Reserved, under 31, Education.

Question proposed.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I would like to ask the Honourable the Home Member to give the House more information, with regard to the matter of fees charged for Indian students attending English schools. It was pointed out last year that certain European schools charge double the ordinary fees for Indian students wishing to attend them. That is a matter of legitimate complaint and it was fully discussed in the House last year. If my memory serves me right, I think the Honourable the Home Member said that he would make enquiries or that he would do something in the matter. But, if I am not correct, I do again ask the Honourable the Home Member whether he considers it fair that this racial distinction should be continued. I leave it to his sense of fairness to arrange this matter or at any rate assure this House that he himself is not in favour of such a racial distinction being observed in the schools in question.

The Honourable Mr. J. E. B. HOTSON: Sir, I am afraid the view which I took last year was not the view which has been represented to the House by the honourable member who has just spoken. I happen to have a report of the last year's debate here and what I said was that the action taken by the management was in no way unreasonable or

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or unfair, and I hold to that view now. The school is there for a particular class of the community. If that school opens its door to other classes of the community, it is entitled to do so on conditions which it fixes for itself and if those conditions are unacceptable to the other classes, there is not the slightest reason why any one should send his children there. If the other classes think that the education in that school is so good that it is worth while to send their children there, they will do so but not otherwise. I am afraid I cannot ask any of the European schools which come under Education, Reserved, to take any different line from what they are doing at the present time.

Question that the demand of Rs. 6,79,000 for Education, Reserved, under 31, Education, be granted put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I make a demand for a grant of Rs. 87,000 under 30, Scientific Departments. Transferred.

Question put and carried.

The Honourable Mr. J. L. RIEU: Sir, I move for a grant of Rs. 21,000 under 27, Ports and Pilotage, Reserved.

Question put and carried.

The Honourable Mr. J. E. B. HOTSON: Sir, I move for a grant of Rs. 1,61,74,000 under 26, Police.

Question proposed.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Sir, I move:

Omit Additional Police Establishment—C-2 (b)—Rs. 1,40,000.

I do not see the point of the speech of the Honourable the Home Member on the subject of the punitive police in Sholapur during his remarks on the general discussion. His words, I am confident, have not convinced the members of this House of the necessity of having a punitive police force in Sholapur. The Honourable the Home Member said that because Sholapur was naughty, why should the general taxpayer pay for that city? Am I right, Sir?

The Honourable Mr. J. E. B. HOTSON: Approximately.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: I ask the Honourable the Home Member in return, why should nearly a lakh of the general taxpayers of Sholapur city, who are innocent, be made to pay for the punitive police because of the naughtiness of a few badmashes who caused the riots in Sholapur?

The Honourable Mr. J. E. B. HOTSON: It is proposed that the assessment should be as far as possible upon those sections of the inhabitants who either took part in or were privy to the riots.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: If the Honourable the Home Member can catch the badmashes, I shall support him with all my heart. It is the poor and innocent people who suffer most

[Khan Saheb Abdul Latif Haji Hajrat Khan]

by the imposition of the punitive police in Sholapur. Rich landlords will raise their rents and thus recover the money they pay by way of the punitive police tax. I may mention here that the millhands during the riots were working in their mills and took no part in the riots. They attended their mills peacefully and quietly. Is this the reward which Government is going to give them for their peaceful behaviour? They live in hired rooms and chawls, and their landlords are sure to raise the rents of the chawls. Is it justice? In short, it is the poor innocent people who suffer most. Again, helpless widows, orphans, minors, and even those who were not in Sholapur during the riots will have to share the burden for no fault of theirs, and, Sir, there is no certainty that the culprits would not escape their legitimate share of the burden. In short, it is the poor innocent who suffer most by the imposition of the punitive police.

In the course of my remarks in the general discussion of the budget, I had proved to the satisfaction of the House that about 100 more policemen are required as the legitimate addition to the present police force of Sholapur because of the vast increase in the population in Sholapur, and other views were mentioned by me. I do not want to repeat those views again. They are known to the honourable members of this House. Most of them are very anxious to reach the Land Revenue head, and they have requested me to curtail my remarks.

Sir, it is on record that 30 honourable members of this House, from all castes and creeds, from all parties, from all parts of the presidency, from Larkana to Kanara, who are the real representatives of the general taxpayers, demand with one voice that it should not be a tax on the people of Sholapur only. With these words, I move that the grant of Rs. 1,40,000 be thrown out entirely, if the Government do not withdraw it of their own accord.

Question proposed.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I have great pleasure in supporting the motion, because the principle of imposing punitive police on an industrial town like Sholapur is a very bad principle. If Government are sure that there are certain culprits, they have got wide powers to prosecute them and to bring them to book and recover from such persons as are proved to be liable for such deeds; but for the faults of some few people not found out yet you must not punish the whole of the industrial population. I therefore think that Government will be wise in accepting this cut.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, I sympathise with my honourable friend the mover of the motion, and I wholeheartedly support him.

Mr. R. G. PRADHAN (Nasik District): Sir, I must say that I do not support the motion. It appears to me that the effect of this motion would be to shift the burden of cost that would be required for this additional police establishment at Sholapur on to the general taxpayer. It does not appear to me at all reasonable that the general taxpayers of this

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presidency should be made to suffer for what has been proved to be the excesses of the mob at Sholapur. Nothing is further from my intention than to take any side in what might have happened at Sholapur. I dare say both the parties, Hindus and Mussalmans, must have been to blame in the disturbances that had led Government to propose this additional police establishment. Both the parties are to blame. Admittedly, there have been disturbances, and if there have been disturbances, and if, owing to those disturbances, it is necessary—as I believe it is necessary —that there should be additional police establishment maintained at the city of Sholapur.....

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : We want it.

Mr. R. G. PRADHAN :.....it seems to me extremely unfair that the people of Sholapur should not be made to pay exclusively for this additional establishment, but that this burden should be thrown upon the general taxpayer.

The Honourable the PRESIDENT : I should like to know from the honourable member how he argues that. The motion is for the omission of the additional police establishment.

Mr. R. G. PRADHAN : Well, I took it to mean that the additional police establishment would be there all the same.

The Honourable the PRESIDENT : The motion is that it should be omitted.

Mr. R. G. PRADHAN : I am sorry the honourable mover of the motion has not made that clear.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : I made it clear.

Mr. R. G. PRADHAN: What I understood from his speech was that the burden of expenditure on account of the additional police establishment should be borne not by the people of Sholapur but by the general taxpayer, and I feel that I am strengthened in my view by certain remarks that fell from the lips of the honourable member Mr. Lalji Naranji.

The Honourable the PRESIDENT : I think the whole situation has been misunderstood by the honourable member. It is a motion to omit the expenditure on the additional police establishment; not only that but the argument used by the honourable mover was that in imposing this additional police on Sholapur the innocent would also be brought under the pressure of the expenditure. That was the point.

Mr. R. G. PRADHAN : Even supposing that is the argument....

The Honourable Sir CHUNILAL MEHTA : I want to understand the position a little more clearly. I think the position of the honourable mover was that there should be no extra police in Sholapur.....

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : We want extra police, but not at the cost of the Sholapur people.

The Honourable the PRESIDENT : The honourable member's interpretation of the motion which is before the House would not very much

[The President]

help the House. The motion is "Omit Additional Police Establishment—C-2 (*b*)—Rs. 1,40,000 (C. E. page 143)." That would mean, if the motion is carried, all that item goes out of the budget.

The Honourable Sir CHUNILAL MEHTA: That is the proposal What I wanted to understand was whether the House understands that if this motion is carried, there will be no extra police in Sholapur....

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: At the cost of the Sholapur people.

The Honourable the PRESIDENT: There is no such condition.

Mr. R. G. PRADHAN: I am glad that, after all, the position has been made clear. I think the honourable mover of the motion himself is responsible for the misunderstanding that has been given rise to. Even after the explanation that has been given, I must say that I oppose this motion, and for this reason.

If there have been disturbances, if people have suffered on account of these disturbances, and if damage has been done to property on account of these disturbances, it is one of the elementary duties of the Government that some provision should be made in order to punish the offenders and to prevent the recurrence of such disturbances. If the executive comes to the conclusion—as it has rightly done in this case—that additional police should be maintained at Sholapur, it is but fair that such an establishment should be maintained. It would not at all be right that this cut should be passed, the result of which will be to prevent Government from maintaining the necessary additional police establishment, the far-reaching consequences of which upon the peace and order of this presidency will be serious.

Mr. J. GHOSAL: Sir, I think the honourable mover did not fully realise what he was moving when he proposed this cut. If I know his views rightly, he is one of the first persons who would like to insist that there should be extra police at present in Sholapur, and if he wants additional police in Sholapur, I do not think he has got any right to suggest that the general revenues should bear the cost. I fully agree with the honourable member Mr. Pradhan in his remarks on that point. Whether the extra police is justified or not is quite a different matter. How the expenditure is to be met, or who are the parties who should pay for it is also quite a different point. If the honourable member wanted, he might have moved a vote of censure, but that is quite different from his present proposal. All that the honourable member has virtually proposed is to remove the extra police in Sholapur, and I do not think, knowing the facts, any one in this House would agree to this proposal.

The honourable mover urges that some innocent people might be assessed and that would be undesirable. As to this, I am sure he can rely on Government making the fullest enquiry and satisfying themselves that no particular community or no particular locality is assessed unless it has taken part in this riot. These are the few points that I wished to bring forward.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I oppose this cut. It is admitted by every one that the Bombay Police is absolutely undermanned. Only the other day one or two honourable members opposite.....

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: Sir, that is not the point before the House.

Mr. P. J. MARZBAN: Sir, this provision, I understand, is for the city of Bombay.....

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: He is making a mistake, Sir.

Mr. P. J. MARZBAN: I beg your pardon, Sir.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Sir, I rise merely to say that I support the motion for the cut.

Rao Bahadur R. R. KALE (Satara District): Sir, I want to have some information. I understand, Sir, - I think my information is correct --that there was an order by the city magistrate under section 144 prohibiting a procession on the day on which this riot is supposed to have taken place. If there was an order, then it seems to me that those who took the responsibility of moving in the procession must naturally be amenable to the consequences of their disobedience. I do not know if the order of the city magistrate was cancelled or could be cancelled by any authority. Supposing it is not possible to run in any particular persons, because it is difficult to fix the guilt on any particular persons, for having participated in the riot, still every one who was in the procession would be liable to be prosecuted for disobedience of the order unless and until that order was cancelled and was not in force. So, I would like to know from the Honourable the Home Member if the order was in force and if so why an attempt was not made to prosecute any of the people who were in the procession. Apart from that they may have taken part in the riot or not or may be guilty of rioting or not, the mere fact of being in the procession would make them punishable under the sections of the Penal Code. It seems to me, Sir, that the honourable mover aims at cutting Rs. 50,000, and not the whole of the demand at page 143. We find that the total amount is Rs. 1,40,000, but the lump provision for additional police is only Rs. 50,000. If I understand the honourable mover aright, he aims at cutting out Rs. 50,000, and not the whole Rs. 1,40,000, because from his speech it appears that he aims at dispensing with this additional provision which is only in Sholapur, and that is only Rs. 50,000.....

The Honourable Mr. J. E. B. HOTSON: Rs. 90,000 for Sholapur and Rs. 50,000 for the rest of the presidency.

Rao Bahadur R. R. KALE: So, the lump provision is Rs. 90,000 for Sholapur, not Rs. 1,40,000. I would not at all be prepared to support the reduction of the whole provision of Rs. 1,40,000, because Rs. 90,000 only is the additional provision for Sholapur. My point is that if, as a matter of fact, the police failed to prosecute the delinquents for having disobeyed the order, they cannot now come to this House and try to impose a punitive police, because it seems to me that the principle

[Rao Bahadur R. R. Kale]

is that the punitive police is imposed because it is not possible to trace the offenders and therefore all the persons who might be rightly suspected of having been responsible for the riot that took place are being indirectly hit. My question is, why was no prosecution undertaken against persons who had taken part in the procession, because they would be liable *ipso facto* by being in the procession without any further evidence being necessary to be proved against them ?

The Honourable Mr. J. E. B. HOTSON: Sir, this provision of Rs. 14,00,000, which it is proposed to omit, consists of two items, one of which is Rs. 90,000 for additional police in Sholapur. The other is of Rs. 50,000 as a lump provision for additional police which may be found necessary in other parts of the presidency during the coming year. As yet, there is no proposal to appoint any such additional police, but the occasion may arise and it is necessary for us to be prepared for it, and therefore this item of half a lakh has been put in with a view to meet eventualities.

As regards the omission of the item of Rs. 90,000, if this is omitted, the result will not be merely that the inhabitants of Sholapur will not have to pay for the police, but that the police will not be sent there at all, because there will be no provision from which the cost could be met. Now, I very much doubt whether there is any honourable member of this House who knows the conditions that have recently prevailed in Sholapur who will say that these additional police are not necessary now for the preservation of safety in the town itself.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : I do say that we want additional police but not at our cost. Government should raise the police according to the increase in the population of Sholapur.

The Honourable Mr. J. E. B. HOTSON : It is not only this year, but for several years in succession, that there have been troubles in Sholapur. Those troubles have arisen on nearly every occasion on which an important religious procession has been about to go through the town. On some occasions it has been a Hindu procession with which the Mussalmans have interfered ; on other occasions it has been a Muslim procession with which the Hindus have interfered. As I said on the last occasion, in the course of the general debate on the budget, both the great communities have been at fault, and both of them, as far as one can estimate, have been almost equally to blame in Sholapur in the last few years. But the position is this : that the force in Sholapur of regular police is doubtfully sufficient for the preservation of the peace there in ordinary times. We have explained on more than one occasion, and on the last occasion I spoke I quoted a speech made by my honourable friend the Leader of the House. that our policy has been during this present time of financial stringency to trust to the people of the presidency to keep the peace for themselves, to behave in a reasonable manner, not to pick quarrels with their neighbours. On the whole our trust in them has been very well repaid. There have been occasions in Sholapur and elsewhere where hot blood has been aroused, where troubles have occurred, and it

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has been found unfortunately that the reductions in the police which were forced upon us by the need of retrenchment all over the presidency and in every department of the administration, these reductions dating from 1922 and continued in subsequent years, have been so great that the police are scarcely able now to meet the stress of any sudden emergency. In the case of Sholapur in particular I quoted the figures on the last occasion. I do not remember the figure at the moment, but I think I am right in saying that something like 300 extra police were sent to Sholapur, when these riots occurred and before they came to an end, from every district in the Deccan and from every district in the southern part of the presidency. It was only by sending a very large force of extra police, by keeping those men on almost continuous duty day and night for several days successively, that peace was finally restored in Sholapur. If we take away this extra police, I am afraid there is no doubt that on the next occasion of a big procession, there will be further trouble. Some of the people who have suffered in the several riots during the last two years will almost certainly try to get their own back. It is, therefore, absolutely necessary for the maintenance of peace that there should be an additional police force in Sholapur. I hope this need will be temporary and I trust that the people will realise that they have been very foolish indeed and that in the course of a few months the advice of the officials and the advice of the wiser heads among the leaders on both sides will be effective and it will be possible to withdraw this additional police and to resume the trust in the commonsense of the people of Sholapur, which we formerly had. But so far we cannot say that complete reconciliation is in view. Our local officers tell us that the atmosphere is still heated and that at any moment, on the slightest provocation, or even an accident might be enough, there might be riots. We must, therefore, keep this force there. It is primarily in the interest of the city of Sholapur, the inhabitants of Sholapur—Hindus and Muhammadans, merchants and labourers—that we should have a sufficient force to keep the place in order and to prevent further troubles.

I shall now refer to a very important point raised by my honourable friend, Rao Bahadur Kale. I will tell the honourable House exactly what happened. The city magistrate issued an order prohibiting a certain procession. The district magistrate himself was in Poona when this order was issued. As soon as he heard that troubles were likely to take place in Sholapur, he went back to Sholapur. Before the day fixed for this procession, he was approached by the leaders of the Hindu community, namely, Dr. Mulay, Mr. Majmudar, who is a member of this Council, and Mr. Abdulpurkar who was formerly a member of this Council. They proposed to the district magistrate that the Ganpati procession should be allowed under certain conditions. They told him that if he would cancel the order of the city magistrate prohibiting the procession, there would be no trouble at all. The district magistrate believed that they were in a position to speak for the inhabitants of the town and that they would be able to make good the promise that there would

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not be any trouble. He, therefore, cancelled the order prohibiting the procession.....

Rao Bahadur R. R. KALE : May I know if this is within his jurisdiction to cancel the order issued by the city magistrate ?

The Honourable Mr. J. E. B. HOTSON : Yes, the district magistrate has power to do so. There was nothing illegal or irregular in his action. So, as I said, he listened to the request of the leaders of the Hindu community and he allowed the procession to go on. As a result of this, unfortunately riots did occur and lives were lost.

Nobody can be prosecuted for the breach of an order which was no longer in force. However prosecutions have been undertaken for the breaches of the peace which occurred. I have not got the details with me at the present moment to quote, but the charges were brought against members of both communities. Some of the cases have ended in convictions.....

Now, what we have to do is to levy an assessment from the people to make up the cost. What Government propose to do is to levy this assessment as fairly as possible. We cannot lay the responsibility for these riots on any particular individual. We are not allowed by law to say that such and such individual must pay the whole of the cost. If we were allowed to do that, we could certainly have made one particular individual pay quarter of a lakh, and another quarter of a lakh more and so very speedily and fairly have made up the whole amount. But we cannot do so. Therefore, the only way is to tax the people of the place where the riots occurred.....

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : You want to tax innocent people.

The Honourable Mr. J. E. B. HOTSON : No, we do not want to tax innocent people. Unfortunately the law does not allow us to place the whole burden on individuals. We have to assess the tax upon the inhabitants of parts of the town or of the whole town. It is inevitable that in doing so, some innocent people will have to suffer.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : About 99 per cent. of the people will have to suffer.

The Honourable Mr. J. E. B. HOTSON : I do not think that 99 per cent. of the people will unjustly suffer. But I do admit that some innocent persons will have to suffer. The district officers have sent in certain proposals in which they advise that the town should be further sub-divided and that the inhabitants of certain wards and the inhabitants of certain gullis should pay this tax and the inhabitants of other wards, who did not take part in the riots, should not pay anything. We have sent back these proposals because we are not entirely satisfied with them. Since then, we have not yet had a further report from the local officers. This explains why we have not yet been able to comply with the requirements of the Pistrict Police Act, as recently amended, which deals with the recoveries of such charges from local areas. The directions which

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Government will issue will be placed on the table of this Council and then it will be open to all honourable members to suggest changes. But the time has not yet come for that. We hope that before the next session of the Council, we shall be able to place our directions on the table of the Council and it will then be open to the members to say not whether the police force should be sent to Sholapur, but whether the people of Sholapur should or should not pay for the police, and whether the expenses should or should not be met from the general revenues. I do not know what other honourable members will think of the latter suggestion, but I think honourable members like my friend, Mr. Pradhan, would want to know why the general taxpayers should be charged because of the misdeeds of the inhabitants of one town. But as I have said that the time has not yet come for the consideration of that point. At present we have to consider whether, in order to preserve peace and good order in Sholapur, it is not necessary to have additional police at Sholapur. That is the question before us to-day. I think that there is not the least doubt in the minds of honourable members that the necessity for such police does exist at the present moment.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, after the lucid explanation that has fallen from the lips of the Honourable the Home Member and further explanation that has come from the honourable the Commissioner for the Central Division, perhaps it would be doubtful policy to support this motion in its entirety. But, Sir, I would like to make a few remarks as to the principle. Now, I think the Honourable the Home Member went so far as to say that even 98 per cent. of the people could not be charged with this.....

The Honourable Mr. J. E. B. HOTSON: No; I did not say that.

MOULVI RAFIUDDIN AHMAD: Approximately; a very large portion?

The Honourable Mr. J. E. B. HOTSON: I think I would not say that; I would say perhaps 15 per cent. would be not guilty.

MOULVI RAFIUDDIN AHMAD: 15 per cent. not guilty, and 85 per cent. guilty! Well, Sir, I am very sorry to hear such an expression of opinion from the Honourable the Home Member, because it shows how little credit it gives to the peaceful citizens of Sholapur who have built up its trade and industry. Now, I want to bring to the notice of Government one maxim that, if you want to prevent a person committing suicide, you must not kill him yourself. I think the case here is very nearly similar to the maxim, you are adding fuel to the troubles of the people of Sholapur, and you are injuring them yourself. I myself think that about 80 or 90 per cent. of the people of Sholapur are entirely innocent and about 10 per cent. possibly may be guilty. But, if 90 or 95 per cent. of the people are to be charged with this punitive police for the sake of the 5 or 10 per cent. why should not the whole of the Central Division be charged? Because the principle would be just the same. You charge 95 per cent. innocent for the sake of the 5 per cent. guilty!

[Moulvi Rafiudin Ahmad]

Why should you not charge the whole of the Central Division, or for that matter, the whole of the presidency ? I, therefore, say it is wrong in principle. I do not know what ingenuity the Honourable the Home Member will use or the police will use in finding methods of catching the right people and bringing their guilt home to them. But my experience about Malegaon is quite different. Sir, I am very sorry to say that all the people who helped the Government loyally in that riot, that came to the magistrate and gave information, all those persons had to pay this penalty with the knowledge of the Collector, and the whole of the town is ruined ; its trade crippled. Then, Sir, it passes the wit of man to understand how the rioters will now be arrested. There are people worthy of your consideration as the Honourable the Home Member himself will recognise. I would rather see that those 5 per cent. guilty should go without any punishment than that the 95 per cent. innocent should be punished. I would, therefore, ask the Honourable the Home Member to consider this. I am not going to support, as I said, this motion in its entirety, because there would be time yet for us to consider that, but I would certainly ask him to take this aspect of the question into serious consideration and, if possible, not to charge Sholapur at all.

Mr. J. W. SMYTH : Sir, the honourable member who has just spoken, said something about what happened at Malegaon. So far as I understand, he said that the people who helped Government were the people who were made to pay. Well, Sir, as the District Magistrate of Nasik at the time that the compensation money was being recovered, I am afraid that I must contradict that statement. There is very little doubt that the real people to blame in connection with the Malegaon riots were the Momins, and it was the Momins who ultimately paid the six odd lakhs which we recovered as compensation for the damage done by the rioters.....

MOULVI RAFIUDDIN AHMAD : Did not the minority at the moment support you ?

Mr. J. W. SMYTH : I was not there at the time of the riot, Sir, but I very much doubt whether any appreciable number of Momins did support Government. All the Momins were stirred up to such a state of mind that it resulted in those riots, and for those riots they collectively paid the full price.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, as the Honourable the Home Member wanted to know the principle from this side of the House, I may as well inform him, on behalf of myself and many others, that this kind of vicarious levy is unacceptable to many of us.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : I have nothing to say, Sir, because most of the members have supported me.

The Honourable the PRESIDENT : Does the Honourable the Home Member wish to make a reply ?

The Honourable Mr. J. E. B. HOTSON : I think there are still several points, Sir, which it is necessary for me to deal with.

The Honourable the PRESIDENT: The honourable member has, of course, a right of reply. But I thought that, in view of his statement he would not need much time to give a reply. But if he wants time, I must adjourn the House till after tea. The House will now adjourn for tea till 4 o'clock.

(*After Recess.*)

The Honourable Mr. J. E. B. HOTSON: Sir, before the tea interval I spoke mainly on the particular merits of what happened at Sholapur and the action which Government is proposing to take in that particular instance. It was because I thought from what had fallen from the lips of several honourable members that it was necessary to speak a little more on the general question that I asked your forbearance, Sir, in order that I might have a few more minutes at my disposal to speak now.

One or two honourable members—my friend the honourable member from Sukkur in particular—suggested that the steps which Government were about to take amounted to what he called vicarious punishment and that, when coupled with the suggestion of my honourable friend, the Moulvi, that the area over which the recovery should be spread should be widened, leads me to think that it might be well to point out that what Government is attempting to do and what the law empowers them to do is to recover the costs of the additional police from the local areas, the conduct of the inhabitants of which has made the imposition of those special police necessary. What we want to do in this and in every other similar case is, as far as possible, to prevent the punishment from being vicarious, to put the charges as far as we can upon the shoulders of those who were responsible for the trouble and not upon the shoulders of other persons who have been in no such way responsible. My honourable friend, the Moulvi, said that he thought that it would be fair that the charges should be imposed upon the whole of the Central Division. Now, that is a suggestion which Government might possibly be prepared to accept if we thought the honourable House would approve of it, but, unfortunately, I do not think that an order of that sort could be brought within the four corners of the Act as it now stands. The District Police Act, section 25 (1), says:

"Government may, from time to time, by notification, direct the employment of additional police for such period as it shall think fit in any local area which shall appear to be in a disturbed or dangerous state, etc., etc."

I do not think any member of this honourable House would allege that the whole of the Central Division is in a disturbed or a dangerous stage, and I do not think any lawyer would consider that the Central Division, 99 per cent. (to recall the figure recently suggested) of which is entirely innocent of complicity in the present trouble, could be properly described as a local area. The local area is either the whole of the town of Sholapur or a part of the town of Sholapur. That I think is the only interpretation of the law which could be considered to be correct.

Now on the general principle, it is probably within the memory of this honourable House that Mr. A. N. Surve, who is no longer with us in this House, introduced a bill, the object of which, in its original form,

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was to take away from Government the power of recovering charges from local areas and to impose those charges, as a general rule, upon the general revenues of the presidency. That bill did not, in the form in which it was introduced, meet with the assent of this House, and was considerably amended, with the result that, under the Act as it now stands, Government retain the power of imposing the additional police and of assessing the charges upon the inhabitants of the local area, subject to the provision that a copy of every direction given by Government regarding the assessment of the charges shall be sent forthwith to each member of the Bombay Legislative Council, and shall be laid on the table of the Bombay Legislative Council at the next session. The question whether the cost shall be defrayed in the manner directed by Government or from the general revenues may be raised by any honourable member. I think from these facts it is only reasonable to assume that this honourable House approves of the general principle that the power should be vested in Government to charge the local area concerned, in the first place, subject to the revising power of this House, if it thinks proper, to direct that the local area shall be exempted and the general revenues shall be charged.....

Mr. LALJI NARANJI: How will they revise it? By a resolution?

The Honourable Mr. J. E. B. HOTSON: That, Sir, is provided in the recent amendment of the Act. It says that this question 'shall if so required by due notice given at that session by any member, be decided by a resolution duly passed in this behalf by the said Council; and recoveries shall be suspended pending the consideration of such resolution if any at such or the next succeeding session. That is the law as it stands now, and that is the general principle, and it appears to me that it is an extremely sound general principle, which this House were well advised to adopt in 1925. If the motion that is before the House to-day were to be carried, it would mean that Government were deprived not only of the power of charging the local area concerned, but of the power of posting the additional police to this particular town. Now, I have pointed out, I am afraid almost with wearisome iteration that Government have cut down their police estimates year after year. They have left out many essential items; they have reduced the number of the police not only in the towns but in the talukas in every district of this presidency down to the lowest possible limit, down to a level which, in the opinion of many sensible and reasonable men, is below the minimum required for safety, and Government can only do that in the belief that the presidency is going to support them by itself keeping the peace. If we are prevented from sending additional police to any area, for a strictly limited period, to be withdrawn as soon as Government are satisfied that the conditions in that area are once more normal and that they can, without prejudice to that area and to its inhabitants and its trade, withdraw those police; if Government does not have this power, I do not see any alternative but to ask for a very large increase in the police in every district throughout the whole presidency. That would mean an enormous increase in the charges

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for the police, and I know that this honourable House would be very reluctant to face the bill. At the same time, I do not think that if you look at the question fairly and straightly, there is any other way of doing it. We must either have a sufficiently large force everywhere at all times, to be able to meet any emergency that may occur, or else Government must have the power to send extra men to such places and at such times as they may be required. This is not a question of the reserved side of Government or the transferred ; it is not a question of the official benches against the un-official benches ; it is a question of the peace and the prosperity of the presidency as a whole, with which every businessman, every agriculturists, every house owner, and every woman and child is most vitally concerned.

Well, in the present case, the motion, I believe, goes considerably further than the honourable member himself intended. It asks this House not only to take away the provision of Rs. 90,000 for Sholapur, but to take away the remaining provision of Rs. 50,000, which is there in reserve, in case similar unfortunate occurrences should take place in any other part of the presidency. It means that during the whole of the year 1928-29, if there was any such disturbance, Government could do nothing to restore peace in that area. It could, for the moment, send a few police from this district or from that district, but it could not keep them there ; it would have to remove them in, at the outside, a few days, 10 days, or a month. But we see, from the history of Sholapur itself very particularly, that, after some trouble of this sort, peace is not restored within a few days, or even within a month. The ill-feeling which has been aroused continues to exist, and there is a danger, for a very long time afterwards, that there may be another outbreak of a similar kind. It is only by keeping an adequate police force at the particular place in danger that it is possible to prevent an outbreak even more serious than the one which has just taken place and which has been stopped. I think, therefore, that the House would be very well advised to think twice before it takes away the whole of this grant from Government.

Now, there is, as I have already mentioned, a further opportunity that will be offered to the honourable members of this House. If they pass this grant now, the charge will, in the first place, be met from the general revenues of the presidency. Then, in accordance with the law, Government will decide from what parts of the town of Sholapur, from what sections of its inhabitants, and at what rates these charges should be recovered, and the direction which Government will issue in due course will be placed upon the table of this House, and it will, as I have already brought to the notice of the House, be within the power of the present mover of this cut or of any other member who feels himself or his constituents to be prejudicially affected, to move a resolution to say that the local inhabitants shall not pay, but that the general revenues shall pay. Now, I ask even those who are most closely interested in the present motion whether that is not really the better way of achieving their object than the one now before the House, which is to take away the power of imposing the additional police in Sholapur altogether. If the House is

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willing to allow this cut to be withdrawn, I can assure them that Government will do, as it is already doing, everything in their power to assure themselves and this House that the charges are levied as fairly as possible. We cannot pretend so to levy them that no innocent person suffers. That is impossible, I am afraid ; but we can, and we hope so to levy them that it will only be the inhabitants of the particular areas in which the rioting occurred, or from which the rioters issued, or in which the instigators of the riot live that will have to pay, and that those who are innocent will, as far as we can arrange it, not have to pay.

That is the farthest I can go in meeting the wishes of the honourable member from Sholapur, and I am sure he may be confident that Government will act to the full upon the promise which I now give.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Sir, in view of the explanation given us by the Honourable the Home Member and his promise to reconsider the whole thing again, I do not press it.

Question put and leave refused to the withdrawal of the motion.

Question was then put and lost.

Question that the demand for a grant of Rs. 1,61,74,000 under 26, Police be granted put and carried.

The Honourable Mr. J. E. B. HOTSON : Sir, I move for a grant of Rs. 24,14,000 under 25-Jails and Convict Settlements (Reserved).

Question put and carried.

The Honourable Mr. J. E. B. HOTSON : Sir, I move for a grant of Rs. 64,12,000 under 24-Administration of Justice (Reserved).

Question put and carried.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to move for a grant of Rs. 1,58,000 under 22-General Administration (Transferred).

Question put and carried.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to ask for a grant of Rs. 1,01,71,000 under 22-General Administration (Reserved).

Question proposed.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I beg to move :

Reduce by Re. 1 (4) Revenue Department—Total Voted—Rs. 2,21,000.

Now, Sir, I do not want to take up the time of the House by inflicting a speech, but I must make my position clear as to the object with which this cut is moved. This is moved with a view to have a vote of censure against the Government of Bombay for their revenue policy which has drifted the people of certain parts of the presidency to adopt a no-taxation campaign. There is only half an hour left and I want honourable members on the other side to play the game manfully and like true sportsmen. I am going to request them not to play what we call in cricket a cowardly game and play for a draw. Let them play the game. There is half an hour yet, and there is an opportunity for both sides. If you want the verdict of the House on your policy, do not utilise this half an hour by inflicting speeches. Both sides know the facts very well. I say again,

[Mr. K. F. Nariman]

if you take this opportunity, this eleventh hour opportunity, of obtaining the verdict of this honourable House, there are even chances. "Do let this matter go to the division. Do not play a cowardly game, do not play for a draw. Play at the wickets till the last moment." I appeal thus to the honourable members on the other side. If they do not, by inference, by default the verdict will be construed as against them not only in this House but outside the House; it will be considered that an opportunity was given to them to have a verdict but that it was not taken and therefore the verdict was certainly against them. I hope this appeal will not go in vain and that the opportunity will not be lost.

Question proposed.

Mr. F. G. H. ANDERSON: Sir, I wanted to respond to some of the remarks made by the honourable mover, but as I find no details I would rather defer my remarks for some time.

The Honourable the PRESIDENT: The honourable member has stood up to speak and if he likes to speak, he may do so now. I do not want any explanation from him at all.

Mr. F. G. H. ANDERSON: Sir, after having waited for a long time to get an opportunity for giving replies to the several allegations made with regard to the resettlement of Bardoli, I got an opportunity to-day, but I am afraid the time is very limited for me to deal with the question fully. I shall, however, do my best to deal with the salient features. The leading points are these. It has been stated that the assessment levied is very high, the people are very poor and they find it very difficult to pay the revenue. The rental basis of the assessment is absolutely wrong and misleading. We are also charged of having deprived the people of their ancient rights, which as a matter of fact is not correct.

The Honourable the PRESIDENT: Will the honourable member state as to where this has been said?

Mr. F. G. H. ANDERSON: These are the points I have taken down from the speech of the honourable member from Surat, which he delivered at the time of the general discussion on the budget; these are also the points which have been widely raised in public correspondence in the press. I shall now give a short sketch of the history of the revenue assessment. I find that it will not be possible for me to give details in such a short time, and I shall, therefore, confine myself to the conclusions. I find from a careful study of the situation that was prevailing right back as far as 1802, that the system of the British Government in Bardoli has not been harsh or oppressive. If you look to that period, and then the first British Settlement of 1833 and the three subsequent revisions, what do you find? I have got here the figures ready with me to prove what I say just now, but I have not got sufficient time at my disposal to give all the details. If you go back to the period of 1802, you will find that the present assessment is only two-thirds of what it was in 1802. If we discard that period when the Peshwa's rates were in force and come to the first settlement by the British Government, that is, 1833, before which year

[Mr. F. G. H. Anderson]

there had been a great expansion of cultivation, we find that the assessment which is being levied from the present year stands, as compared with the revenue levied in 1833, at the ratio of 117 to 100. That is to say that there is an increase of only 17 per cent. over the rates which were in force about a century ago. Some honourable members will say at once that of course the revenue derived from Bardoli is now very much larger. I do not deny that fact. But I would point out that if a man has got about 1,000 acres of land, and if he demands Rs. 5 per acre, but nobody takes up any of it, his revenue will be nil. But if you demand only Rs. 2 per acre and all the acres are then occupied, then the revenue will be Rs. 2,000 and will be enormously greater than it was before. So, from that point of view you will find that the ratio comes to 117 to 100 per cent. which was levied in 1833. There is another well recognised fact, thoroughly recognised not only in this presidency but throughout India, that if too high a land revenue is demanded, land will be resigned.

It is an axiom of all settlements that the first warning that the revenue demand is in excess of, or even approximating to, the total rental value is that resignations occur. Our land revenue system is more generous than that accorded by almost any other type of landlord. Every person who holds land under Government is at liberty, complete liberty, to resign it and cease to pay any revenue for it the moment he finds that its rental is lower than the revenue demand. It is a safety valve which operates automatically. No Government can control it. What has been the operation of this law in Bardoli during the last 30 years ? There has not, Mr. President, been a single case of resignation during the whole period. So far from resignations there has been a great expansion in the occupied area.

We know that in 1833 the area under cultivation and occupation was about 30,000 acres ; we have documentary historical evidence to show this. By 1840 it had risen to 41,000. Then in the second revision settlement we find that the area has risen to over 1,15,000. That was in 1896. Then in the last 30 years, it has risen to the neighbourhood of 130,000. Thus under British Administration prior to 1896 over 100,000 acres have come under the plough, and within the last expiring settlement the occupied area taken up from waste exceeds 14,000 acres, and to put it more picturesquely we can say that it is 23 square miles of land. Now that land has been taken by the people voluntarily under no sort of compulsion—but on the contrary they have paid good money for this waste land—just think of it : 23 square miles one mile by one mile taken voluntarily, from what was previously jungle into cultivation subject to our assessment. There could be no clearer proof than that assessment was just and easily payable.

I will now take the last settlement period. I shall deal with that only. I will not go back to the previous settlements. During the five years I was myself Collector of Surat District I think there is scarcely any village in the Bardoli taluka the land of which I have not walked through on foot, and I can say that there are very few talukas of which it could be said that there is so little sign of empoverishment

[Mr. F. G. H. Anderson]

or less complaint of the weight of assessment. There is another test. When land revenue is not paid we first issue a notice of demand. That is more or less a formality and common to every species of tax collection. If it is not then paid, we have power to attach movable property and to sell it, and if that does not succeed in recovering the demand we can next proceed to attach and sell the occupant's right title and interest in the land, and if the land is unsaleable, we can even forfeit it and as a last resort, if the refusal to pay is wilful and not due to economic causes we can put the defaulter in jail. Everyone knows that the extent and severity of the coercive processes that have been necessary is a just and true measure of the burden of the assessment. What then has happened in Bardoli during the last 30 years ? Mr. President, during that period, none of these coercive processes have been resorted to, none have been necessary. And yet we are told that the assessment is too heavy !

Again, since the settlement was made in 1896-97 there have been two outstanding, two tremendous, events which have taken place, events which justify not the 22 per cent. increase of the revenue which we have now imposed, but in my opinion substantially more. In the early period of settlement, about 1896-97, it is true that the assessment was not too high ; but still it was higher than our general standard has usually been. In view of the fact that there were grounds for complaint in the earlier period of settlement, I advised Government, and they accepted the advice, that the assessments should not be pressed up to the level suggested by the Assistant Settlement Officer far short of the full limit which the rental value would admit, but should be kept to the very modest limit of the 22 per cent increase.

Mr. B. G. PAHALAJANI : Is the honourable member giving us the policy of the department on revenue settlements, or will the Honourable the Revenue Member himself do it ?

Mr. F. G. H. ANDERSON : Then, another point that has been made .....(Interruption.)....

The Honourable the PRESIDENT : The honourable member may proceed. These interruptions, of course, are very uncalled for.

Mr. F. G. H. ANDERSON : One of the arguments which has been used in this House by an honourable member from Surat,—although he is not present this afternoon,—is that the rental values upon which we base our rents are rentals which are not what might be called economic, they do not represent market values. It is said that they represent the interest on debts, or loans given by sowkars and extorted under severe pressure by the money lenders from unwilling tenants. I have had before me a case of an actual village in that taluka in which the *whole* of the lands are said to be held by sowkars of the worst variety, and it is said that the rentals in that village are so high that they ought not to be taken as a standard for the land revenue. I do hope the House is following this point. It is said, when sowkars are in possession of the land and take a high rental, we should not be guided by those rentals,

[Mr. F. G. Anderson]

but we should take a much lower pitch of assessment. In short, Mr President, it is said that, when the land has passed into the possession of non-agriculturist, rent-receiving landlord, those landlords who pay the assessment, should be let off, while the tenants who pay these exorbitant rents should not be called upon to have one anna rebate in the rents they pay to those landlords. Of course, as regards the tenants, the rentals are high. But, nevertheless, it is the sowkars who have to pay the assessments and not the tenants. I fortunately, lately, was passing through the Surat district and I will tell the House one rather interesting fact about the rise in rentals in Chorasi taluka, which is close upon the borders of Bardoli, and wherever new assessments are calculated on the same basis as those in Bardoli and have been now introduced and are being paid this year for the first time. I, therefore, went through a large area of land to see what the present rentals were as compared to the new assessments, and I found in a number of cases the incidence was very reasonable. When I say "very reasonable," I mean that our assessments were taking approximately one-third, about 33 to 35 per cent. of the gross rental which was being collected actually in cash by the landlords. But I came to another case in which the rents were very much higher, and immediately it struck me that here we had a case of sowkar's rent, a case of rack-renting which cannot be made use of in calculating the ordinary level of rents. I remarked that this was a high rent, and found the tenants who came forward and said. "No, there was no moneylending, this is a market rate." I asked, "Who is the landlord?" He came forward and said "the land is in my name, but I am not really the landlord, though it was entered in my name as trustee, because the land is held in trust for and by the whole village community and this rental is used by them for village expenses, religious purposes." Therefore, they hold every five years or so a sort of village auction and it was divided amongst seven or eight tenants on the recorded rentals, and when I said "these rents are very high," the reply was "Oh, no; not at all. We can get these rents from anybody." And these rents, Mr. President, were higher than the general pitch of rents that we rely upon, and they were the fair rents in the opinion of the village people themselves, in a case where the village community was renting its own land to some of its own inhabitants.

I will not waste the time of the House by dealing with another argument that the years that we have selected for computation of these prices and values has been years since the war. We are told that we should go back to years before the war in order to get true values. But in a House where there are representatives of many other commercial interests, especially the great cotton interest, which is the leading product of Bardoli, will such an argument weigh for a moment that "future contracts" or present engagements should be guided by prices which ruled before the war? Properly the idea is so ridiculous that it is not even worth consideration, and yet it figured very prominently in many of the arguments that were used as regards Bardoli.

[Mr. F. G. H. Anderson]

There is one great event which has happened since 1896-97. That is the world war, which, as we know, has had effects on prices throughout the world. We never can go back on that. But another important thing that has happened peculiarly to Bardoli is that there has been built right through the heart of that taluka, through the very axis of its lands, a new railway,—the Tapti Valley Railway,—the cost of which, the capital for which, gathered together under the auspices of the Government, represents many year's revenue of those lands of Bardoli. And yet, while all that money has been spent directly and obviously for the benefit of every landlord in that taluka, the argument advanced is that we cannot now raise the revenue even by one rupee ! That railway line, as every one knows, is fringed with cotton gins, cotton presses, and all the industries associated with cotton and other trades in the taluka, and it affords ample communications east and west, and also to the main B. B. & C. I. Railway line from Surat to Bombay. And yet we are told that it is not possible for these land-holders to meet a modest increase in the assessment they paid without difficulty in the closing years of last century.

Another point which I wish to make in the few minutes at my disposal is that we have often listened in this House to speeches on the subject of Prohibition. We have been told that there was no real fiscal difficulty as regards Prohibition ; that, if it involved a loss of revenue, then the additional resources that would be put into the pockets of the people by stopping expenditure on drink would be available for other taxes of a less demoralising kind. I appeal to the House whether I am not stating a fact that these have been in the fore-front of the arguments in favour of Prohibition. What are the facts, if we apply that theory to Bardoli ? During the last seven years, under the influence of the rationing policy (in which I take a step-fatherly interest), the consumption of country liquor in the Bardoli taluka has been so reduced that the expenditure of the people is now Rs. 2,25,000 less than the annual expenditure in 1920. Mr. President, that is what we have taken off the expenditure under the head of Drink. And what are we putting on under the head of Land Revenue ? It is only Rs. 155,000 or about $\frac{2}{3}$rds of what we have saved their pockets under the head of drink.

There are a number of other points that I am most anxious to make but I cannot touch upon them in the time at my disposal, but I may say that I am prepared to publish a number of these facts in detail which I am not at present able to give for reasons of which you, Sir, and the House are aware. I will tell the gentlemen who are leading and championing the movement of resistance to the payment of revenue in Bardoli, that it will all be futile. They know perfectly well that the rental value of this land is just as high or higher than we have ever known it to be. I know it ; Government knows it and Government also knows that it is right, that its cause is just. There is no likelihood that Government will quake and falter in this matter. Their strength is as the strength of "ten" because their cause is just. I would appeal to those gentlemen opposite not to commit political suicide in full view of their sorrowing countrymen

[Mr. F. G. H. Anderson]

by once more resorting to that worn out process of bluffing on an absolutely empty hand. We have been told that Bardoli has become famous throughout the world for its splendid gesture in civil disobedience a few years ago. Mr. President, I admit that it did become famous but it is not a fame most of us would covet or care to attain, the fame of having been supremely futile and ridiculous. I say let those who are now conducting this campaign know quite well that as soon as the time comes for selling those lands there will be plenty of people to come forward to buy them up. Neither violence nor the absence of violence can prevent people coming forward to take up the good property what it is going. I beseech them therefore to think twice lest in marching to what they are pleased to call their Thermopylæ they do not by mistake find themselves at Panipat.

The Honourable Mr. J. L. RIEU: Mr. President, the honourable mover of this cut has challenged us to accept a decision of this House. We have taken up the challenge, although, in a manner that is altogether unprecedented, we have been faced with no accusation whatever. This is the first time that I have heard that an accused person has been put on his trial without even the semblance of an accusation being brought forward against him. However, we have taken up the challenge, but at the same time I would inform this House that we shall not accept the verdict whatever it may be as being the final verdict of the House or as being binding on Government. It is obvious that on an important question like this it is impossible to bring forward all the arguments for or against in the space of about half an hour. This is a question which is of a far reaching character, which is most complicated, and which has been the subject of lengthening controversy; it is not a question which can be disposed of in a few minutes. However, there are just a few facts which I wish to place before this House.

The broad issue in this case is simply whether or not Government are justified in raising the assessments which have been in force in Bardoli taluka during the last 30 years by 20 per cent., that is to say, by one-fifth. That is the broad issue that is before us. It is true that in certain cases individual villages have been raised beyond that 20 per cent., this being due to the fact that although the rates in each group have only been raised by 20 per cent., they have been promoted from one group to a higher group. I wish to state to the House that in the 32 cases where this raising of villages from one group to a higher group has proceeded further than the original recommendations made by the Assistant Settlement Officer, Government are still prepared to consider the individual circumstances of such villages. Notifications have been issued inviting objections to the assessments in the case of these 32 villages and the objections have not yet all been received, but I undertake that, when they are received, they shall receive my most careful and personal consideration. I have already given consideration to the question of those villages but I am only waiting to receive the objections that are still outstanding and the Collector's report upon them, and then I shall come to a decision regarding these 32 villages. But on the general issue

[Mr. J. L. Rieu]

whether or not Government are going to raise the assessments by 20 per cent. in each group, Government have come to a final decision on the question and there is no opening for its reconsideration. And here I wish to give the House very briefly a few figures which I consider justify Government in making this rise of 20 per cent. As the House knows, the Assistant Settlement Officer has collected a large mass of statistics in the shape of leases and their rents, and from them he has calculated what is called the average index figures for three successive periods during the last settlement, *viz.* :—

(1) from 1900 to 1910,
(2) from 1911 to 1916,
(3) from 1917 to 1925.

This index figure shows for each period what is the admissible rate of assessment based on 50 per cent. of the average rental. Now, for the first group which is at present being assessed at a maximum rate of Rs. 6, the index figure is Rs. 6-1-5. For the second period this figure rose to Rs. 8-4-0, an increase of 33 per cent., and for the third period to Rs. 10-5-2, an increase of 69·3 per cent. These index figures are not taken on any small area selected here and there, but over very large areas. The area rented during the first period was 8,333 acres ; for the second period 14,800 acres and for the third, 12,993 acres. Now you have to compare these index figures with the present rates and the rates which Government are now introducing. As I said. the index figure for the first period is Rs. 6-1-5, compared with a then existing maximum assessment rate of Rs. 6, therefore the assessment rate in that first period was very close to the admissible figure, falling short of it by only Re. 0-1-5. But in the second period the admissible figure rose to Rs. 8-4-0 and so gave a large margin not only over their current rate of assessment of Rs. 6, but also over the rate now introduced of Rs. 7-4-0.

I will now take honourable members briefly through the figures for the other groups. In the case of the second group, we start off with an index figure of Rs. 5-12-0 as against an assessment rate of Rs. 5. I have no time, unfortunately, to give all the figures that I have before me, but I may briefly say that the increase of the index figure of the last period over the first index figure is, in the case of the second group 39·9 per cent., in the case of the third group 37·1 per cent., and in the case of the fourth group 70 per cent., and that these percentages have to be compared with the increase in the revised assessment of only 20 per cent., ordered by Government.

Question put. House divided. Ayes 35 ; Noes 44. Motion lost.

Division No. 4.

Ayes

AMIN, Mr. H. J.
BECHAR, Mr. N. A.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
JAIRAMDAS DOULATRAM, Mr.

Ayes—*contd.*

JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED.
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
LAIJI NARANJI, Mr.
LALLJEE, Mr. HOSEINBHOY ABDULLABHOY.
MARZBAN, Mr. P. J.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
PAHALAJANI, Mr. B. G.
PATEL, Mr. J. R.
PETIT, Mr. J. B.
RAJMAL LAKHICHAND, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.

Tellers for the Ayes: Rao Bahadur B. R. NAIK and Mr. LALJI NARANJI.

Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb.
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
ANDERSON, Mr. F. G. H.
BALAK RAM, Mr.
BHUTTO, Khan Bahadur S. N.
BRANDER, Mr. J. P.
BROWNE Mr. D. R. H.
DABHOLKAR, Sir VASANTRAO
DESAI, the Honourable Dewan Bahadur HARILAL D.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JONES, Major W. ELLIS
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAINTER, Mr. H. L.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RIEU, the Honourable Mr. J. L.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

Tellers for the Noes: Mr. C. G. Freke and Mr. J. ADDYMAN.

Question that the demand for a grant of Rs. 1,01,71,000, under 22, General Administration be granted put and carried.

The Honourable Sir CHUNILAL MEHTA: Sir, I beg to ask for a grant of Rs. 20,000 under "Interest on Ordinary Debt (Reserved)."

Question put and carried.

The Honourable Sir COWASJI JEHANGIR: Sir, I beg to ask for a grant of Rs. 79,12,000 under "Irrigation (including Working Expenses)—Reserved."

Question put and carried.

The Honourable Mr. J. L. RIEU: Sir, I make a demand for Rs. 27,000 under 9-A—Scheduled Taxes (Reserved).

Question put and carried.

The Honourable Mr. G. B. PRADHAN: Sir, I beg to make a demand of Rs. 6,99,000 under 9-Registration (Transferred).

Question put and carried.

The Honourable Mr. G. B. PRADHAN : Sir, I make a demand of Rs. 2,98,000 under 8-A—Forest Capital Outlay (Transferred).

Question put and carried.

The Honourable Mr. G. B. PRADHAN : Sir, I make a demand of Rs. 38,01,000 under 8-Forest (Transferred).

Question put and carried.

The Honourable Mr. J. L. RIEU : Sir, I move for a grant of Rs. 6,01,000 under 7-Stamps (Reserved).

Question put and carried.

The Honourable Mr. G. B. PRADHAN : Sir, I make a demand of Rs. 56,28,000 under 6-Excise (Transferred).

Question put and carried.

The Honourable Mr. J. L. RIEU : Sir, I make a demand for Rs. 53,27,000 under 5-Land Revenue (Reserved).

Question put and carried.

The Honourable the PRESIDENT : That concludes the budget. As to to-morrow, would the Honourable the Leader of the House enlighten the House again as to what definitely would be taken up ?

The Honourable Sir CHUNILAL MEHTA : Sir, as explained yesterday, we will proceed to-morrow with the supplementary demands. There is one supplementary demand that is yet unfinished. That will be taken up first. The next one will be the demand for the Harvey-Nariman case. I understand that the Council desire that that should be taken before the other demands.

The Honourable the PRESIDENT : Some honourable members approached me and were anxious to know as to when the resolutions about the appointment of the committees will come up.

The Honourable Sir CHUNILAL MEHTA : Directly after the supplementary demands are finished, then the various resolutions that are in the name of my honourable colleague Mr. Rieu will be taken up. I cannot tell whether the resolution about the railway committees will be taken to-morrow. That will depend upon how much time is taken in supplementary demands. But, as I explained, Sir, it is proposed that if we do not finish Government business—by to-morrow, then we will go on with Government business the day after. There will be Government resolutions and there will be the University Bill which will be taken up, and then two days will be given for private business. The election to the Finance Committee will come day after to-morrow unless we finish quickly to-morrow, which I do not think is likely.

The Honourable the PRESIDENT : That was the point honourable members wanted to know. The election to the Finance Committee and the Railway Committee. That, as I understand from the Honourable the Leader of the House, will be before the House, if time permits, to-morrow ; otherwise the day after.

The Honourable Sir CHUNILAL MEHTA : Yes.

Mr. B. G. PAHALAJANI : Statutory motions ?

The Honourable Sir CHUNILAL MEHTA : The Statutory Motions relating to the department of which my honourable friend Sir Ghulam Hussain is in charge will be taken before the University Bill.

The Honourable the PRESIDENT : The House is adjourned to 1-30 p.m. to-morrow, Wednesday, the 14th March 1928.

MO *Hb* 263—6

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Wednesday, the 14th March 1928

The Council reassembled at the Town Hall, Bombay, on Wednesday, the 14th March 1928, at 1-30 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
Brander, Mr. J. P.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE

ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
MAJMUDAR, Mr. N. G.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
Mulla, Mr. D. F.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.

SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORAT, Sardar S. B.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order.

Swearing in of new members.

Mr. Dinshaw F. Mulla then made the prescribed oath of allegiance to His Majesty the King Emperor and took his seat in the Council.

The Honourable the PRESIDENT: Questions.

INDIAN STORES DEPARTMENT: PURCHASES OF ARTICLES AND MATERIALS

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) whether it is a fact that all materials required for the Public Works Department and all medical stores are purchased through the Indian Stores Department;

(*b*) whether it is a fact that a percentage is charged on all goods purchased through the department over and above the price; if so, what the rate of the percentage charged is;

(*c*) the amount they have to contribute for the maintenance of the establishment of the said department every year;

(*d*) whether they are aware of the fact that the rates for articles and materials purchased through the department are higher than the rates for the same articles if purchased locally;

(*e*) if so, what the advantage in purchasing through the Indian Stores Department is;

(*f*) whether it is a fact that they have received representations from their officers that they should be allowed to make purchases locally on the ground that the local rate is lower than the rate charged by the Indian Stores Department;

(*g*) if so, from whom they have received the representations and whether they will be pleased to place them on the Council Table.

The Honourable Sir COWASJI JEHANGIR: (*a*) The attention of the Honourable Member is invited to rules 4, 5, 7, 9 and 10 of the Provisional Stores Purchase Rules published in Government Notification No. 356, dated the 16th December 1926, printed at pages 2748-2773 of Part I of the *Bombay Government Gazette* dated the 23rd December 1926.

(*b*) A charge of 2 per cent. is levied by the Indian Stores Department on the value of goods purchased through its agency. This charge consists of 1 per cent. commission for the purchase of the goods and 1 per cent. for

their inspection before purchase by the expert technical staff of the Department.

(*c*) No contribution is made.

(*d*) and (*e*) Attention is invited to rule 9 of the Provisional Stores Purchase Rules published in Government Notification No. 356, dated the 16th December 1926, which permits officers to make purchases, independently of the Indian Stores Department, in cases where they can do so more cheaply or (in a case of urgency) more expeditiously. It has been found generally that purchases can be made through the agency of the Indian Stores Department, with the vast resources at its command, at more favourable rates than through any other similar agency.

(*f*) and (*g*) The question does not arise as officers have already been empowered to make purchases locally in cases where this can be done more cheaply or more expeditiously [*vide* reply to parts (*d*) and (*e*) above].

KRISHNA CANAL: SATARA DISTRICT

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased—

(*a*) to lay on the table a copy of the Government Order sanctioning the insertion of the conditions stated on page 761 of Volume XX of the Council Debates of 1927;

(*b*) to state whether they have looked into the validity of the insertion of such conditions in the printed application as assured in reply to a question printed on page 1081 of Volume XXI;

(*c*) to state whether they have sanctioned the insertion of any other conditions in the printed application?

The Honourable Sir COWASJI JEHANGIR: (*a*) Conditions Nos. (1) and (2) have been sanctioned in Government Notification No. 1556, dated 1st April 1927, a copy of which is kept on the Council Table. Conditions Nos. (3) and (4) are only explanatory details of section 61 of the Bombay Irrigation Act, 1879, and rule 5 (1) of the Bombay Canal Rules, 1922, and have been inserted with the object of bringing them home to the irrigators.

(*b*) Yes. The intention of the condition, *viz.*, "No complaint shall be made if there be an insufficiency of water in the canal" is that the supply of water being fitful is not guaranteed to the applicant. It does not debar the applicant from getting such remission of the water-rate payable by him as may be authorised by the Governor in Council if he suffered loss from any stoppage or diminution of water supply due to causes mentioned in section 31, (*d*) of the Bombay Irrigation Act. Government are, however, considering steps to make this intention clear.

(*c*) Yes. The additional conditions sanctioned in respect of canals having a precarious supply in the Central Circle are given in the Government Notification referred to in reply to clause (*a*).

PUBLIC WORKS DEPARTMENT

Bombay Castle, 1st April 1927

No. 1556.—In exercise of the powers conferred by section 70 of the Bombay Irrigation Act, 1879 (Bom. VII of 1879), the Governor in Council is pleased further to amend the Bombay Canal Rules, 1922, published in Government Notification in the Public Works Department, No. 1556, dated the 19th December 1922, in respect of canals having a precarious supply of water and specified in the schedule hereto annexed, as follows, *viz.* :—

(1) For note 4 of the notes on the back of duplicate Form I appended to the said rules, the following note shall be inserted, namely :—

"4. After an application has been sanctioned full water rates shall be payable for the sanctioned area entered in column 10 for the period entered in column 9 whether the area is irrigated or not. No assessment will be charged in the case of perennial crops when the applicant gives a written intimation to the Executive Engineer within one month from the date of sanction to the application that water is not required."

(2) The following additional notes shall be inserted on the back of duplicate Form I appended to the said rules, namely :—

"10. No complaint shall be made if there be an insufficiency of water in the canal or canals.

"11. Water will be given for the whole season or for as many waterings as can be given.

"12. Full water supply is not guaranteed but intimation of the possibility of shortage of water during the season for which application is made will be given.

"13. Water will be allowed to be given to the lower irrigators by a water channel aligned by the Executive Engineer."

SCHEDULE

Names of the Tanks or Canals

Bhatodi Tank.
Asthi Tank.
Koregaon Tank.
Pathri Tank.
Jamda Canals.
Hartala Tank.
Mhaswa Tank.
Lower Panjhra River Works.
Shahada Channel.
Krishna Canal.
Rewari Canal.
Upper Man River Works.
Yerla River Irrigation Works.
Chikhli Canal.
Maini Tank Canal.

By order of the Governor in Council,

R. T. HARRISON,
Secretary to Government.

Mr. L. M. DESHPANDE : It appears that only the Conditions Nos. 1 and 2 have been sanctioned in Government Notification referred to in the answer given to (*a*). Is it a fact that Conditions Nos. 3 and 4 have not been sanctioned ?

The Honourable Sir COWASJI JEHANGIR : The answer is given in the printed list.

Mr. L. M. DESHPANDE : Last time the Honourable the General Member told us that the Government issued orders on the point. From the answer now given am I to infer that the Conditions Nos. 3 and 4 have not been sanctioned in the Government Notification ?

The Honourable Sir COWASJI JEHANGIR : Those Conditions have been definitely put in the Government sanction. The explanation is given in the answer.

Mr. L. M. DESHPANDE : Under whose instructions ?

The Honourable Sir COWASJI JEHANGIR : The Conditions Nos. 3 and 4 are only explanatory details of section 61 of the Bombay Irrigation Act, 1879, etc. You will find this answer given to your question.

Mr. L. M. DESHPANDE : That is true. But under whose instructions were these inserted in the application form ?

The Honourable Sir COWASJI JEHANGIR : Superinterding Engineer.

Mr. L. M. DESHPANDE : Is the Superintending Engineer authorised to insert any Conditions ?

The Honourable Sir COWASJI JEHANGIR : No.

SUB-JUDGES' COURTS, SATARA DISTRICT : RECESS

Mr. SYED MUNAWAR on behalf of Mr. S. C. JOSHI : Will Government be pleased to state —

(*a*) whether, and if so, which of the Sub-Judges in the Satara District take recess every day, and if so, when and how long ;

(*b*) the actual closing hours of courts where recess hours are observed and where they are not according to Mr. Barlee's Circular ?

The Honourable Mr. J. E. B. HOTSON : (*a*) A large measure of discretion as to the exact hours of work is left to the presiding officer of each court, under the general control of the District Judge. So long as there is no reason to believe that that discretion and that control are not wisely exercised, Government are not prepared to interfere in these details.

(*b*) The actual closing hours no doubt depend upon the business coming before the Court on each day.

WATER CESS, KOREGAON

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) whether their attention is drawn to the fact that Bagait water cess is being recovered from the cultivators of Koregaon in Satara District this year, even when the people have not availed themselves of the dam water, and even though the dam was not in a working order ;

(*b*) whether complaints in this connection have reached Government ;

(*c*) if so, whether Government proposes to remit the cess so recovered ?

The Honourable Mr. J. L. RIEU : (*a*), (*b*) and (*c*) There is only one bandhara in the village. An application for remission of the water rate on it was received from the landholders, but was rejected. The water rate was duly recovered. The applicants did not carry out the usual repairs to the bandhara.

Rao Bahadur R. R. KALE : May I know if the application was rejected on account of usual repairs not being carried out ?

The Honourable Mr. J. L. RIEU : No, that is not strictly speaking the reason. The reason why the water rate was recovered was that there was no water in the *pat*.

Rao Bahadur R. R. KALE : May I know if the water rate is recovered even though there was no water available ?

The Honourable Mr. J. L. RIEU : There was water in the *pat*, and water would have been available but for the omission on the part of the cultivators to dam it up by replacing the bandhara.

PRINCE OF WALES SEAMEN'S INSTITUTE

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Will Government be pleased to state—

(*a*) whether Indian seamen are admitted to the Prince of Wales Seamen's Institute in Bombay ;

(*b*) if so, the number of Indian seamen admitted to that institute during the last two years ;

(*c*) whether the building of the Prince of Wales Seamen's Institute was raised out of public subscriptions and whether the Indian public subscribed a large sum towards that building fund ;

(*d*) if the answer to (*c*) be in the affirmative, whether any Indian has ever been appointed to the Committee of that institute ;

(*e*) if the answer to (*d*) be in the negative, whether they intend to appoint an Indian gentleman to that Committee ;

(*f*) whether any separate annexes for the Indian seamen are attached to the Prince of Wales Seamen's Institute, as was contemplated at one time ;

(*g*) if the answer to (*f*) be in the negative, the reasons therefor ?

The Honourable Sir COWASJI JEHANGIR : (*a*) and (*b*) The Institute, though undenominational in character, does not cater specially to the needs of Indian seamen. They do not accordingly resort to it.

(*c*) Yes. Certain sums were received from Indians, but the majority of the subscriptions came from the Western India Turf Club, European Firms and Europeans.

(*d*) No.

(*e*) According to the Rules and Regulations of the Institute, the Members of the Society consist (for the time being) of the Committee and also any person, firm, company or public body who have paid a subscription or contribution of Rs. 30 or upwards to the Society in the year expiring on the previous December. The Committee consists of nine persons elected by members of the Society and eight ex-officio Members. The nine members to be elected by the subscribers of whom two-thirds shall belong to the Church of England, are elected annually at the Annual General Meeting of the Society. No Indian has so far been elected by the subscribers.

(*f*) No.

(*g*) Certain monies subscribed for the purpose of erecting a Lascars' Memorial Home have been kept apart and have accumulated. A Committee has recently been appointed by Government to examine the question of the proposed Indian Sailors' Home in Bombay and its report is awaited.

Mr. LALJI NARANJI : As regards the reply given to (*a*) and (*b*), it is stated there that the Indian seamen do not resort to it. May I know if they will be admitted if they resort to it ?

The Honourable Sir COWASJI JEHANGIR: Yes. They will be admitted according to the rules and regulations of the Institute.

Mr. LALJI NARANJI: Are the rules and regulations such that the Indians will be able to go there?

The Honourable Sir COWASJI JEHANGIR: I have already given an answer "that the Institute, though undenominational in character, does not cater specially for the needs of Indian seamen." It is undenominational in character.

Mr LALJI NARANJI: As regards (*c*) it is stated that the majority of the subscriptions came from the Western India Club, European Firms and Europeans. Is the majority taken including the Western India Turf Club? Do Government regard the Western India Turf Club as a European body?

The Honourable Sir COWASJI JEHANGIR: Government express no opinion on that point. The question was asked by the honourable member and the answer is given.

Mr. LALJI NARANJI: I want to know from Government whether the majority of subscriptions is arrived at including the subscriptions of the Western India Turf Club?

The Honourable Sir COWASJI JEHANGIR: I have not seen the figures, but I can say that the Western India Turf Club must have contributed a substantial amount.

Mr. LALJI NARANJI: Is this majority of subscriptions arrived at including the subscription of the Western India Turf Club, considering it to be a European body?

The Honourable Sir COWASJI JEHANGIR: I am afraid I cannot definitely answer that question, because I will then have to look at the subscription lists of the Institute. The Western India Turf Club is not a European institution, as my honourable friend knows; it is cosmopolitan.

Mr. LALJI NARANJI: What I want to know is, this is included here as if it was a European body, and.....

The Honourable Sir COWASJI JEHANGIR: I follow the honourable member's question. In that case, I shall have to ascertain what were the subscriptions from the Western India Turf Club and others.

Mr. LALJI NARANJI: Cannot Government have some voice in this matter?

The Honourable Sir COWASJI JEHANGIR: Government are not concerned with the management of the institution. It is managed, as described later on, according to the rules and regulations. Government have no voice in the matter. If the honourable member sees the answer to (*e*), he will see how the institution is managed.

Mr. LALJI NARANJI: I will come to (*e*) later, but before that, Government seem to be under the impression that the majority of subscribers to the Western Indian Turf Club are Europeans?

The Honourable the PRESIDENT : Where does the answer infer that the majority of the subscribers are Europeans ?

Mr. LALJI NARANJI : Answer to (*c*).

The Honourable the PRESIDENT : It says " Certain sums were received from Indians " but the majority of the subscriptions came from so many sources.

Mr. LALJI NARANJI : When you consider (*c*), (*d*) and (*e*) together I believe that Government take it that because the majority of the subscribers are Europeans, Indians are not admitted on that committee.

The Honourable Sir COWASJI JEHANGIR : If the honourable member will see, he will see the constitution of the committee from the answer to (*e*) in which Government have no voice.

Mr. LALJI NARANJI : Then, how was the voice of subscribers given that two-thirds shall belong to the Church of England ?

The Honourable Sir COWASJI JEHANGIR : I have not the remotest idea. It is not done by Government. It is an institution independent of Government.

Mr. LALJI NARANJI : As to (*g*), who are the members of the committee ? What are their names ?

The Honourable Sir COWASJI JEHANGIR : I speak from memory ; different institutions have been asked to send their representatives, and I believe the honourable member's Chamber has also been asked to send a representative to this committee.

Mr. LALJI NARANJI : The honourable member does not know the names of the members ?

The Honourable Sir COWASJI JEHANGIR : No ; I cannot recollect them.

Mr. LALJI NARANJI : How many Indians are there on that committee ?

The Honourable Sir COWASJI JEHANGIR : I ask for notice ; I cannot recollect it just now. It is a representative committee, which is constituted by asking representative bodies, to send their representatives, so far as I remember now.

Mr. SYED MUNAWAR : As to (*f*), I wish to know from the Honourable the General Member whether a part of the institute could not have been set apart for the Indian seamen ?

The Honourable Sir COWASJI JEHANGIR : As I have already stated, the institution is managed by a committee over which Government have no control. Under the circumstances, I regret I am unable to follow the question.

MOULVI RAFIUDDIN AHMAD : Then, would the Honourable the General Member make enquiries from the managers of the institution whether Indians cannot be provided with a separate part as suggested ?

The Honourable Sir COWASJI JEHANGIR : I may be able to make enquiries if the honourable member will give me notice.

MOULVI RAFIUDDIN AHMAD: This question was put for that purpose ?

The Honourable Sir COWASJI JEHANGIR: The question was very clear and the answer has been given. If the honourable member wants further action to be taken, Government will make enquiries. But they have no control over the institute.

Mr. SYED MUNAWAR: Does not Government pay any contribution towards this institute ?

The Honourable Sir COWASJI JEHANGIR: Yes; we do pay a contribution.

MOULVI RAFIUDDIN AHMAD: How much ?

The Honourable Sir COWASJI JEHANGIR: I will just find out and let you know.

MOULVI RAFIUDDIN AHMAD: But inasmuch as Government does pay something, does not the Honourable the General Member think Government is entitled to say something in the matter ?

The Honourable Sir COWASJI JEHANGIR: I see the Seamen's Institute is down for Rs. 1,200. I do not know whether it is the same institute as this. I cannot be dead certain.

MOULVI RAFIUDDIN AHMAD: Dead or alive, will the Honourable Member make it certain ?

The Honourable Sir COWASJI JEHANGIR: Yes.

Mr. SYED MUNAWAR: So far as I know, that is the only Seamen's Institute which gets a grant from Government. There is no other institute.

The Honourable Sir COWASJI JEHANGIR: No, no. So far as I know, the Prince of Wales Seamen's Institute is not the same as the Seamen's Institute. There are two. There is another Seamen's Institute, in addition to the Prince of Wales Seamen's Institute. The Prince of Wales Seamen's Institute is the one which is in the Sailor's Home, which will now go.

MOULVI RAFIUDDIN AHMAD: Is it so very difficult to find out to which institute Government pays a grant ?

The Honourable Sir COWASJI JEHANGIR: No.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: May I know whether the majority of the Indian seamen are Mahomedans ?

The Honourable Sir COWASJI JEHANGIR: I am afraid I cannot answer that question straight off.

PERSIAN LECTURERS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) whether it is a fact that the number of Persian students in all Government Colleges in the presidency is smaller than that of Sanskrit students;

(*b*) whether the pay of Persian lecturers was brought a few years back on a par with that of Sanskrit professors on the ground that the mental strain involved in teaching was the same in both instances ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The answer is in the affirmative.

(*b*) The pay of lecturers and professors in the Educational Department is fixed not with reference to the subject they teach but with reference to the Service (Indian Educational Service or Bombay Educational Service) to which they belong and the number of years which they may have served in it. The allocation of the present posts in Sanskrit and Persian to particular Services was effected after a consideration of their importance and of the academic qualifications and experience of the men who held the posts at the time. The question of mental strain involved in teaching has nothing to do with the matter.

A. V. SCHOOLS IN SANAND AND GODAVI

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) the total population of Sanand ;

(*b*) the total population of the village of Godavi near Sanand ;

(*c*) the number of recognised Anglo-vernacular schools in Sanand and Godavi separately ;

(*d*) the number of pupils in each such school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) 6,979.

(*b*) 1,946.

(*c*) None at Sanand ; one at Godavi.

(*d*) None at Sanand ; 46 in the Godavi school on 31st March 1927.

Khan Saheb A. M. MANSURI : Is it not a fact that Government have refused to recognise the existing Anglo-vernacular school at Sanand, which is a taluka town and which has a population of 6,979, while they have given recognition to the one at Godavi, which is only a small village with a population of 1,946, and that two-thirds of the students who attend the Godavi school are from Sanand and they have to walk all the distance from Sanand to Godavi ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The discretion is with the Director of Public Instruction, and I will require notice of the very important question of my honourable friend.

EXCISE DEPARTMENT : GUJARATI-SPEAKING INDIAN CHRISTIANS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) the number of clerks in the Excise Department from the Gujarati-speaking Indian Christian community ;

(*b*) why a larger number of clerks from the community are not appointed even though there are many graduates and matriculates amongst them ?

The Honourable Mr. G. B. PRADHAN: (*a*) One.

(*b*) Because only three applications were received during the last three years.

REGISTRATION DEPARTMENT

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(*a*) whether the Revenue Department has any control over Registration matters in their administration in the Secretariat and in the mofussil;

(*b*) if so, in what respects and for what reasons?

The Honourable Mr. G. B. PRADHAN: (*a*) and (*b*) The Honourable Member is referred to No. 6 of the Devolution Rules made under sections 45-A and 129-A of the Government of India Act and item No. 13 in Schedule II annexed thereto, under which Registration is a transferred subject. It is administered by the Honourable Minister for Forests and Excise. The papers of this Department pass (in the Secretariat) through the Secretary, Revenue Department, and in the districts the Collectors have also been appointed District Registrars in addition to their duties as Revenue officers.

REVENUE ASSESSMENT: SURVEY NO. 299 OF PAL

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state—

(*a*) whether in survey No. 299 of Pal, taluka Chorasi, district Surat, there are houses built in 1861 before the Land Revenue Code was passed;

(*b*) whether it is a fact that survey No. 299 was subsequently included in the village site of Pal in 1914 and assessment levied from the people;

(*c*) whether it is a fact that Government had agreed to forego the assessment after revision settlement;

(*d*) whether it is a fact that the assessment was not remitted at the time of revision settlement;

(*e*) whether it is a fact that the request of the people to the Collector and Commissioner to remit the assessment after the revision was rejected;

(*f*) whether the people have appealed to Government in this matter;

(*g*) if so, what steps they intend to take in the matter to redress the grievances of the people.

The Honourable Mr. J. L. RIEU: (*a*) There is no proof that the houses in survey No. 299 of Pal were of a date anterior to 1879, the year in which the Land Revenue Code was passed.

(*b*) The survey number stood in the name of one Ranchhod Dahya in the year 1911-12; in August 1912 he resigned it absolutely in favour of Government. It was then entered in the Government records as Government waste. From then onwards the villagers, whose houses

stand on the site, have been paying direct to Government the Kiraya equal to the annual assessment, *i.e.*, Rs. 32 *plus* the local fund cess.

(*c*) and (*d*) No.

(*e*) and (*f*) Yes.

(*g*) As the survey number has been entered as Government waste, Government are entitled to charge kiraya calculated at the rate of 2 pies per square yard, as they do for other similar lands. The full annual kiraya amounts to Rs. 110, but only Rs. 32 are being charged at present. As the villagers have been treated leniently, Government did not consider that they had a grievance.

Rao Bahadur B. R. NAIK : Is the honourable member aware that statements have been made by some very old persons residing in the village that the houses in question were built on this survey number before 1879 ?

The Honourable Mr. J. L. RIEU : I am not so aware.

Rao Bahadur B. R. NAIK : As to (*c*), is the honourable member aware that there is a remark in the *Panipatrak* of the village of Pal that permanent remission will be given for this survey number when the revision settlement takes place ? My question in (*c*) was whether it is a fact that Government had agreed to forgo the assessment permanently after revision settlement. The honourable member's answer is " No. " My supplementary question now is this : Is the honourable member aware that a remark has been made in the *Panipatrak* of the village of Pal that permanent remission will be given to the people when the next revision settlement takes place ?

The Honourable Mr. J. L. RIEU : I am not aware of any such remark in the document referred to and it is extremely unlikely that Government would have given any such undertaking.

Rao Bahadur B. R. NAIK : But is it not a fact ?

The Honourable Mr. J. L. RIEU : I must have notice to find out whether the remark referred to by the honourable member exists in that document, the " *Panipatrik.*"

EXECUTION PROCEEDINGS : SALES OF LAND

Mr. L. M. Deshpande on behalf of Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state whether they are aware—

(*a*) that Darkasts, transferred to the Collector for sale of immoveable properties are kept pending for a considerable time as compared with Darkhasts in which sales are effected through the civil court itself ;

(*b*) that they are in many cases returned unexecuted to civil courts on the ground that the properties do not fetch at an auction a price up to the amount fixed by the Collector as upset price ;

(*c*) whether they propose to take any steps to amend the departmental rules so as to remove these evils and expedite the proceedings before the Collector in execution matters.

The Honourable Mr. J. E. B. HOTSON : (*a*) It is probable that execution proceedings in cases transferred to Collectors occasionally take longer than proceedings executed through the Civil Courts themselves, but Darkhasts are not kept pending unnecessarily by the Collectors.

(*b*) Darkhasts are seldom returned to Courts unexecuted on the ground that the upset price fixed is not reached in auction.

(*c*) No. Government do not consider that there is any need to amend the rules.

LEGISLATIVE COUNCIL OFFICE : SEPARATE ORGANIZATION

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether they have received from the Honourable the President of the Legislative Council any proposals for a separate organization for the office of the Legislative Council ?

The Honourable Mr. J. E. B. HOTSON : The answer is in the negative.

PENSIONS : PAYMENTS AT NASIK

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that there is a clerk called the Pensions Clerk in the office of the Head Accountant at Nasik, whose main duties are connected with the payment of pensions ;

(*b*) whether it is a fact that the system of accounts and the working of treasuries in the matter of payment of pensions have become much simpler owing partly to the establishment of branches of the Imperial Bank where payments of pensions are made ;

(*c*) if the answers to (*a*) and (*b*) are in the affirmative, why it is necessary in a comparatively small town like Nasik to fix five different dates for the payment of pensions, and whether it is possible to curtail the period so as to enable pensioners drawing pensions over Rs. 22 to draw their pensions earlier than at present ?

The Honourable Sir CHUNILAL MEHTA : The information has been called for.

PENSIONS : PAYMENT AT NASIK

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) how many pensioners draw their pensions at the treasury at Nasik ;

(*b*) how many of them draw up to Rs. 7 ;

(*c*) how many of them draw from Rs. 8 to Rs. 13 ;

(*d*) how many of them draw from Rs. 14 to Rs. 22 ;

(*e*) how many of them draw from Rs. 23 to Rs. 40 ;

(*f*) how many of them draw from Rs. 41 and above ?

The Honourable Sir CHUNILAL MEHTA : The information has been called for.

FOREST TREES, MANDVI : MALARIA

Mr. H. B. SHIVDASANI (Surat District): Will the Honourable the Minister in charge of the Department of Agriculture be pleased to state—

(*a*) whether it is a fact that the climate of Mandvi, district Surat, is very malarious ;

(*b*) whether it is a fact that the proximity of the Forest area is the chief cause of Mandvi being so malarious ;

(*c*) whether the Collector of Surat has recommended the cutting down of all forest trees within a radius of five miles from Mandvi ;

(*d*) whether Government have considered this recommendation and if so, what decision they have arrived at ;

(*e*) when will the forest trees round about Mandvi be cut ?

The Honourable Mr. G. B. PRADHAN : (*a*) Yes.

(*b*) No.

(*c*) The Collector of Surat recommended that the residents of the town should be allowed to cut and clear the undergrowth within a radius of half a mile of Mandvi.

(*d*) Does not arise.

(*e*) The residents of Mandvi have been permitted to cut the undergrowth within half a mile of Mandvi town and keep it clear afterwards. They have not availed themselves of this concession yet, but it is open to them to do so whenever they like.

PLATFORMS AT KAYAM TALAO, AMALSAD

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether one Jhinabhai Lalbhai had built a pucca platform in Kayam Talao Falia of Amalsad, village of Jalalpore Taluka of the Surat District ;

(*b*) whether this platform is about 20 feet across ;

(*c*) whether this platform is being used for keeping free drinking water and for sitting by people ;

(*d*) whether this gentleman has been ordered to remove this platform ;

(*e*) whether it is the policy of Government to discourage people from providing conveniences for the public ;

(*f*) if not, what object of Government is in ordering the gentleman referred to, to remove the platform ?

The Honourable Mr. J. L. RIEU : (*a*) Yes ; but the platform was built upon Government land forming part of a public road and without the previous permission of the Collector.

(*b*) It is 15 feet in diameter.

(*c*) It is used by the people for sitting only.

(*d*) Yes.

(*e*) No.

(*f*) The order of removal was passed as the person concerned had occupied Government land without permission.

Mr. H. B. SHIVDASANI : Is it because there was any objection to allowing the platform to remain there ?

The Honourable Mr. J. L. RIEU : I cannot say, but that was not the point for consideration.

Mr. H. B. SHIVDASANI : Is it because it was built on Government land that Government want it to be removed ?

The Honourable Mr. J. L. RIEU : It was an encroachment on Government land. That is why orders have been issued to have it removed.

Mr. H. B. SHIVDASANI : Is it an encroachment by a private person for his own use ?

The Honourable Mr. J. L. RIEU : It is an encroachment, whether it is for his own use or for the use of any other person.

Mr. H. B. SHIVDASANI : Has not that person done what Government ought to do, namely, provide a convenience wanted by the people ?

The Honourable Mr. J. L. RIEU : It is no part of Government duty to provide such platforms.

Mr. H. B. SHIVDASANI : Is it not the duty of Government to provide such a convenience for the people ?

The Honourable Mr. J. L. RIEU : That is the duty of the local authorities.

Rao Bahadur B. R. NAIK : Is it not a fact that in certain instances such encroachments have been allowed by Government on payment of a nominal occupancy price ?

The Honourable Mr. J. L. RIEU : There have been a few cases of that sort where there were special circumstances.

Rao Bahadur B. R. NAIK : Cannot this case be treated on the same basis ?

The Honourable Mr. J. L. RIEU : I should think not : evidently not.

GAMTALAO TANK, SITHAN VILLAGE

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the Gamtalao tank in the village of Sithan in the taluka of Olpad in the Surat District—

(*a*) the area of the tank ;

(*b*) the area of the land assessed to it for himayat ;

(*c*) the himayat assessment on the tank ;

(*d*) whether the embankment of the tank is in good condition ;

(*e*) the number of pipes on the tank and the condition in which each is at present ;

(*f*) whether the tank is at present deep enough ;

(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs ;

(*h*) what is the condition of the tank at present ;

(*i*) whether complaints have been received from the people about this tank ;

(*j*) whether Government have decided to put this tank in a good state of repair ;

(*k*) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR : (*a*) 4 acres and 30 gunthas.

(*b*) 21 acres and 34 gunthas.

(*c*) Rs. 31-12-3.

(*d*) This has sunk at some places.

(*e*) The tank has three outlets which require petty repairs, such as renewing the head walls, etc.

(*f*) The tank has silted up to some extent but still holds sufficient water for irrigating the greater portion of the area commanded by it ;

(*g*) The tank was last repaired in the year 1907-1908 at a cost of Rs. 598. The repairs consisted of putting the outlets in workir g order, strengthening the bund and constructing a masonry inlet.

(*h*) The tank is generally in fair working order, but does not irrigate the whole of the land assessed under it as explained in answer to (*f*) above.

(*i*) Yes.

(*j*) Yes.

(*k*) Repairs costing about Rs. 1,325 and consisting of (1) raising the bund to a uniform level, (2) petty repairs to the outlets and (3) raising the F. S. L. of the tank will be taken in hand after the plans and estimate, which are under scrutiny, are sanctioned.

RECORD OF RIGHTS : SAHIJPUR BHOGA

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether it is true that though the record of rights of Sahijpur Bhoga, a village in North Daskroi Taluka of Ahmedabad District, being a Government document should be kept in the possession of a Government servant, the talati of the inamdar of that village is allowed to keep the record in his possession ;

(*b*) if the answer to (*a*) is in the affirmative, what precautions have been taken against the said record being tampered with by the inamdar against the interests of the cultivators ;

(*c*) whether they intend to keep the said record in their possession in order to safeguard the interests of the cultivators against the encroachments of the Inamdar ?

The Honourable Mr. J. L. RIEU : (*a*) Yes. As the survey has been made for the first time, the record has been kept in the village for current reference and it will be removed to the Taluka Record Room after some time. The record has been allowed to be in charge of the inamdar whilst it is in the village.

(*b*) The Circle Inspector, the Mamlatdar, and the Prant Officer, when visiting the village, inspect the record and verify every new mutation before it is incorporated in the Index of lands. Disputed cases, if any, are decided by these officers according to the rules. This procedure is considered to be a sufficient safeguard against any tampering with the record. Besides this, the inamdar's talati has been appointed a village accountant under section 16 of the Land Revenue Code so as to give him the status of a subordinate revenue officer.

(*c*) No.

HOUSING LOAN TO BAWA JHINABHARATI MOTIBHARATI

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the houses of Bawa Jhinabharati Motibharati, situated in Nada's Bhagol of Sanand Town, were heavily damaged by the stormy rainfall in July 1927;

(*b*) whether the said Bawa Jhinabharati Motibharati applied to the Mahalkari of Sanand Mahal for a housing loan for the purpose of reconstructing his houses;

(*c*) if so, the amount of housing loan paid by Government to the said Bawa Jhinabharati Motibharati?

The Honourable Mr. J. L. RIEU: (*a*) One of the two houses owned Bawa Jhinabharati was partially damaged.

(*b*) No.

(*c*) As the Bawa has neither security to offer for a loan nor capacity to repay one, his case has been recommended to the Relief Committee for a free grant.

LAND REVENUE, VIRAMGAM: DEMAND AND REMISSION, 1921-1927

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state in a tabular form separately for each of the years 1921, 1922, 1923, 1924, 1925, 1926 and 1927—

(*a*) the total revenue demand in each of the villages of the Viramgam Taluka in each year giving the actual revenue demand and arrears in each case;

(*b*) the supension or remission of land revenue, granted by Government to each of the villages of the Viramgam Taluka in each year;

(*c*) the total revenue demand and the total suspension or remission granted by Government in the whole of the Viramgam Taluka in each year?

The Honourable Mr. J. L. RIEU: (*a*), (*b*) and (*c*) A statement containing the information required by the honourable member is placed on the Council Table.

Land Revenue, Viramgam : Demand and Remission, 1921-1927

Serial No.	Name of Village	1921-22			
		Demand	Arrears	Suspensions	Remissions
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1	Dumana	7,125 13 4	....	..	....
2	Hansalpur S.	8,713 12 10	....	..	15 13 8
3	Junapadhar	2,143 5 8	....	..	....
4	Kokta	3,828 4 6	....	..	257 11 0
5	Mandal	14,867 10 9	....	..	82 14 11
6	Navagam	3,800 11 7	....	..	330 8 11
7	Nilki	1,799 4 0	....	..	....
8	Rakhiana	1,784 9 10	....	..	124 14 4
9	Ramalpur	5,526 6 0	....	..	4 4 0
10	Sher	1,911 14 0	....	..	142 5 9
11	Sokli	2,439 11 5	....	..	259 2 8
12	Valana	3,505 10 8	....	..	331 11 9
13	Viramgam	17,865 13 11	....	..	38 4 0
14	Bhadana	4,591 9 8	....	..	326 10 3
15	Bhawda	1,738 0 7	....	..	350 15 8
16	Boska	1,674 9 6	....	..	366 7 6
17	Dalod	4,768 2 3	....	..	26 8 2
18	Dhakdi	2,203 12 0	....	..	126 8 1
19	Dhedasana	1,459 5 2	....	..	103 12 8
20	Dediasan	2,477 5 3	....	..	194 10 2
21	Detroj	7,785 3 4	34 3 2	..	2 2 0
22	Gheida	1,510 14 4	....	..	....
23	Indrapura	538 6 0	....	..	....
24	Jakshi	2,099 0 7	....	..	160 0 5
25	Jakhwada	5,111 9 1	....	..	....
26	Jalisana	3,963 1 6	....	..	....
27	Kadipur	1,416 4 8	....	..	416 9 3
28	Kankrawali	1,741 2 6	....	..	840 0 0
29	Kaliana	5,100 9 8	....	..	....
30	Kalyanpura	1,970 11 11	....	..	....
31	Kariala	2,488 1 3	....	..	549 14 10
32	Kharaghoda	1,690 10 0	....	..	....
33	Kudad	4,826 0 3	....	..	867 6 1
34	Kunpur	3,377 9 2	....	..	....
35	Marusana	977 1 1	....	..	....
36	Memadpur	1,378 12 2	....	..	138 13 1
37	Melaj	4,308 12 3	....	..	879 13 8
38	Moti Kumad	3,383 11 0	....	..	402 6 9

1922-23				1923-24			
Demand	Arrears	Suspensions	Remissions	Demand	Arrears	Suspensions	Remissions
Rs. a. p.	Rs.a.p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs.a.p.	Rs. a. p.	Rs. a.
7,018 10 0	..	..	....	7,224 2 0	..	3,303 7 0	....
8,599 0 8	..	..	444 10 6	8,646 1 8	..	3,635 11 2	406 9 5
2,147 1 5	..	..	17 11 1	2,141 4 3	..	985 5 1	16 10 6
3,815 7 9	..	..	266 4 1	4,891 14 3	..	1,610 4 6	6 3 0
15,680 1 0	..	..	82 14 11	15,046 6 7	..	12,409 7 8	77 12 1
3,791 9 7	..	..	330 13 7	3,792 0 11	..	3,533 8 6	....
1,790 3 5	..	..	....	1,777 11 9	..	809 1 0	....
1,785 2 4	..	..	124 14 4	1,784 9 10	..	1,643 1 3	....
4,351 4 6	..	..	4 4 0	8,685 10 2	..	1,862 3 0	4 4 0
1,910 13 0	..	..	142 5 9	1,919 13 8	..	1,788 14 2	....
2,438 2 5	..	..	299 2 11	2,440 2 6	..	1,097 4 0	36 3 2
2,984 10 3	..	..	347 2 1	4,282 2 3	..	1,176 3 6	62 12 8
18,867 4 2	..	..	365 5 5	16,583 8 0	..	4,729 2 4	410 12 0
4,133 0 11	..	..	328 10 6	4,186 6 0	..	1,758 12 10	11 0 3
1,440 4 3	..	..	350 15 8	1,494 4 3	..	585 12 0	44 2 7
1,677 9 4	..	..	366 6 6	1,674 6 4	..	1,571 0 7	....
4,824 7 10	..	..	26 8 2	4,791 9 8	..	4,330 5 5	26 8 2
2,261 4 4	..	..	126 8 1	2,203 7 2	..	2,053 8 0	....
1,469 5 2	..	..	103 12 8	1,459 5 2	..	1,361 13 3	....
2,504 9 9	..	..	194 10 2	2,479 11 6	..	2,318 4 0	....
7,768 2 5	..	..	2 2 0	7,807 5 7	..	7,061 6 7	2 2 0
1,608 9 6	..	..	....	1,538 4 8	..	1,417 14 3	....
540 12 3	..	..	....	540 12 3	..	506 12 0	....
2,090 2 4	..	..	161 0 4	2,082 10 9	..	861 13 11	....
5,065 12 9	..	..	157 3 5	5,071 0 10	..	4,312 0 8	170 5 4
3,963 7 8	..	..	4 2 9	4,074 3 8	..	3,618 7 10	3 14 11
1,421 12 0	..	..	419 1 10	1,432 1 10	..	483 1 0	0 15 11
1,731 1 1	..	..	1 3 11	1,732 9 3	..	801 2 0	1 2 10
5,100 5 4	..	..	....	5,088 12 8	..	4,718 11 10	....
1,969 8 9	..	..	2 7 4	1,969 8 9	..	1,842 10 5	2 5 2
2,445 11 11	..	..	556 8 4	2,454 10 3	..	900 5 5	....
766 14 4	..	..	....	1,739 8 5	..	1,574 12 6	....
4,064 3 0	..	..	908 6 8	3,989 11 4	..	1,111 13 3	22 2 11
....	..	..	....	3,426 14 6	..	3,135 7 11	....
977 0 11	..	..	....	995 5 2	..	904 6 0	....
1,377 11 2	..	..	138 13 1	1,377 11 2	..	553 15 0	....
4,288 3 9	..	..	1,076 0 5	4,653 3 3	..	727 10 6	151 2 11
3,345 10 11	..	..	416 3 7	3,349 5 0	..	1,366 4 0	17 7 10

Serial No.	Name of Village	1924-25									Demand		
		Demand			Arrears			Suspensions			Remissions					
		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1	Dumana	7,109	9	5	..			..			....			7,543	15	0
2	Hansalpur S.	8,681	15	2	..			..			15	13	8	9,458	9	0
3	Junapadhar	2,175	0	11	..			..			....			2,139	4	3
4	Kokta	4,346	14	0	..			..			....			4,105	10	0
5	Mandal	16,973	10	2	..			..			76	8	3	16,093	4	2
6	Navagam	3,798	7	11	..			..			....			3,817	7	11
7	Nilki . ..	1,780	3	3	..			..			....			1,784	10	3
8	Rakhiana	1,789	2	2	..			..			....			1,862	14	8
9	Ramalpur	1,997	13	11	..			..			4	4	0	2,004	14	8
10	Sher	1,910	13	0	..			..			....			2,034	10	6
11	Sokli	2,456	2	6	..			..			....			2,437	10	6
12	Valana	4,181	3	10	..			..			....			3,130	10	6
13	Viramgam	17,727	8	8	..			..			38	4	0	18,273	1	4
14	Bhadana	4,152	15	7	..			..			...			5,314	13	0
15	Bhawda	1,490	12	3	..			..			....			1,519	0	2
16	Boska	1,674	6	4	..			..			....			1,683	8	4
17	Dalod	5,018	9	10	..			..			26	8	2	4,771	9	8
18	Dhakdi	2,314	12	1	..			..			....			2,212	1	3
19	Dhedasana	1,459	5	2	..			..			....			1,591	8	2
20	Dediasan	2,516	15	5	..			..			....			2,494	5	8
21	Detroj	7,784	2	2	..			..			2	2	0	7,891	14	5
22	Ghelda	1,562	13	3	..			..			....			1,537	13	11
23	Indrapura	540	12	3	..			..			....			541	1	7
24	Jakshi	2,127	2	9	..			..			....			2,146	4	9
25	Jakhwada	5,123	13	2	..			..			....			5,077	14	0
26	Jalisana	3,968	5	11	..			..			....			4,062	10	10
27	Kadipur	1,491	3	7	..			..			....			1,440	6	3
28	Kankrawali	1,827	8	7	..			..			....			1,743	9	2
29	Kaliana	5,096	13	4	..			..			....			5,105	3	4
30	Kalyanpura	1,979	12	9	..			..			....			2,114	10	4
31	Kariala	2,647	15	11	..			..			....			2,446	10	5
32	Kharaghoda	1,738	9	8	..			..			....			1,743	11	6
33	Kudad	3,986	2	2	..			..			....			4,099	0	1
34	Kunpur	3,364	15	10	..			..			....			3,510	13	8
35	Marusana	984	11	3	..			..			....			983	8	4
36	Memadpur	1,377	11	2	..			..			....			1,473	4	8
37	Melaj	4,338	5	1	..			..			....			4,335	7	3
38	Moti Kumad	3,344	9	1	..			..			....			3,339	12	0

1925-26			1926-27			
Arrears	Suspensions	Remissions	Demand	Arrears	Suspensions	Remissions
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
..	....	....	7,168 0 6	....	....	....
..	....	15 13 8	8,758 1 10	....	....	15 13 8
..	....	....	2,138 4 3	....	....	....
..	....	....	3,876 7 0	....	....	....
..	6,181 6 3	76 8 3	15,465 1 1	....	6,249 8 0	5,910 8 3
..	1,766 4 0	....	3,876 12 2	....	1,694 12 9	1,683 4 5
..	....	....	1,778 3 3	....	....	....
..	820 15 0	....	1,816 4 10	....	821 1 0	820 6 7
..	....	4 4 0	2,103 10 1	....	....	889 4 0
..	897 15 0	....	1,951 15 10	....	898 0 0	894 7 1
..	....	....	2,454 10 6	....	....	....
..	....	....	4,504 8 0	348 15 10	1,442 13 0	....
..	....	38 4 0	17,964 15 2	....	....	38 4 0
..	....	....	4,217 7 2	....	....	....
..	....	....	1,509 15 1	....	....	....
..	....	....	1,715 5 10	....	....	....
..	2,143 4 7	25 15 8	4,768 2 1	....	2,155 7 0	2,157 13 8
..	....	....	2,204 13 10	....	....	994 14 0
..	679 9 0	....	1,474 2 7	....	683 8 0	662 10 4
..	....	....	2,502 13 8	....	1,096 12 8	1,109 0 11
..	....	2 2 0	7,991 13 0	....	....	....
..	....	....	1,539 15 5	....	....	667 4 6
..	....	....	543 4 9	....	....	....
..	....	....	2,124 2 9	....	....	....
..	....	....	5,075 15 2	....	....	1.964 0 0
..	1,816 7 11	....	3,962 1 10	....	1,818 2 0	1,727 1 0
..	....	....	1,429 9 9	....	....	....
..	....	....	1,922 12 2	....	....	....
..	....	....	5,127 5 9	....	....	2,288 15 0
..	....	....	2,050 5 8	....	....	897 0 0
..	....	....	2,451 9 6	....	....	....
..	....	....	1,874 13 4	....	....	756 14 0
..	....	....	3,992 13 6	....	....	....
..	1,566 9 9	....	3,383 2 5	....	1,566 5 6	1,560 7 0
..	....	....	986 4 1	....	....	....
..	....	....	1,381 7 5	....	....	....
..	....	....	4,367 7 7	....	....	....

Serial No.	Name of Village	1921-22			
		Demand	Arrears	Suspensions	Remissions
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
39	Nadiana	2,444 14 10	....	..	465 8 2
40	Nayakpura	2,413 8 3	....	..	....
41	Nana Ubhda	5,238 14 6	....	..	....
42	Nani Kumad	2,328 3 10	....	..	221 12 0
43	Nathpura	629 14 0	....	..	....
44	Ogan	9,867 13 9	....	..	1 2 8
45	Ribdi	3,498 9 4	....	..	....
46	Sadra	1,131 1 3	....	..	142 1 5
47	Sarsavdi	3,593 4 4	....	..	849 4 3
48	Solgam	3,321 6 6	....	..	290 5 7
49	Trent	8,478 3 9	....	..	....
50	Ucharpi	685 13 3	....	..	....
51	Vanpardi	2,026 14 1	....	..	1 1 0
52	Varmor	4,386 6 7	....	..	....
53	Vasna	1,582 5 6	...	..	....
54	Vasvelia	2,467 11 0	....	..	1 9 6
55	Vinchhan	1,523 2 3	....	..	181 9 11
56	Vinzuvada	3,907 11 8	....	..	....
57	Asalgam	2,881 7 8	....	..	0 8 6
58	Dantisana	2,171 5 0	....	..	179 15 5
59	Gedia	886 2 4	....	..	....
60	Hansalpur B.	1,360 12 6	....	..	293 6 3
61	Kachrol	2,961 11 10	....	..	641 10 5
62	Kumarkhan	2,172 10 2	....	..	261 0 6
63	Liya	2,908 14 3	....	..	33 11 9
64	Odhav	1,507 9 4	....	..	271 3 3
65	Sakar	1,591 12 3	....	..	145 1 4
66	Sitapur	6,515 12 10	....	..	3 3 0
67	Sobhasan	1,976 15 1	....	..	370 14 11
68	Kayla	527 5 5	....	..	96 3 9
69	Shahpur	2,355 9 10	0 13 3	..	435 3 6
70	Thori Mubarak	6 233 15 10	....	..	....
71	Thori Vadgas	2,487 1 6	....	..	....
72	Vani	5,526 8 1	....	..	....
	Total ..	2,51,409 1 10	35 0 5	..	12,226 14 7

1922-23				1923-24			
Demand	Arrears	Suspensions	Remissions	Demand	Arrears	Suspensions	Remissions
Rs. a. p.	Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs.	Rs. a. p.	Rs. a. p.
2,435 2 9	..	..	465 8 2	2,694 13 8	..	918 9 7	38 7 5
2,443 0 4	..	..	....	2,416 15 0	..	2,248 15 0	....
5,058 14 5	..	..	3 8 1	5,147 3 9	..	4,640 7 6	1 10 0
2,327 13 0	..	..	235 5 2	2,332 13 0	..	1,001 0 0	61 8 0
628 0 8	..	..	....	630 1 8	..	580 11 0	149 8 7
8,767 14 8	..	..	148 6 5	10,405 4 11	..	8,728 8 6	....
3,506 1 2	..	..	....	3,501 7 5	..	3,254 13 6	....
1,131 15 3	..	..	142 1 5	1,131 1 3	..	1,054 0 4	....
3,658 11 6	..	..	876 4 4	3,585 5 3	..	1,188 12 9	10 5 11
3,357 15 11	..	..	290 5 7	3,356 15 0	..	3,075 0 2	....
8,557 13 11	..	..	14 7 1	8,382 10 10	..	7,775 9 5	15 7 11
906 7 4	..	..	....	648 15 4	..	628 13 4	....
2,015 3 5	..	..	2 2 6	2,033 9 8	..	1,869 10 0	2 1 6
4,389 0 4	..	..	....	4,401 7 9	..	4,012 9 8	....
1,595 3 0	..	..	....	1,594 7 4	..	1,487 8 1	....
2,422 7 7	..	..	143 0 5	2,423 15 7	..	1,051 4 0	1,314 1 8
1,521 3 3	..	..	189 14 4	1,525 14 8	..	1,417 4 11	117 13 1
3,914 15 6	..	..	....	3,933 7 5	..	3,630 7 4	....
2,893 15 9	..	..	750 5 1	2,914 14 1	..	953 5 11	1,905 4 5
2,141 4 4	..	..	179 15 5	2,136 4 8	..	1,948 7 9	....
885 10 4	..	..	....	901 14 11	..	745 0 11	....
1,354 6 8	..	..	293 6 3	1,361 0 6	..	1,254 1 6	....
2,953 6 10	..	..	641 10 5	2,924 9 1	..	2,233 2 0	....
2,155 1 9	..	..	564 14 1	2,201 7 0	..	792 5 3	1,173 8 7
2,010 1 6	..	..	33 11 9	2,954 6 4	..	1,342 9 0	33 11 9
1,498 8 3	..	..	279 8 4	1,501 2 8	..	1,398 4 3	7 13 3
2,121 12 11	..	..	168 5 8	1,638 10 0	..	741 11 2	732 9 8
6,734 11 7	..	..	3 3 0	6,528 14 3	..	5,929 4 9	....
794 11 10	..	..	366 9 4	1,841 10 3	..	1,451 15 1	....
526 8 1	..	..	96 3 9	545 15 8	..	235 7 0	206 0 0
2,399 7 9	..	..	588 8 10	2,469 10 0	..	990 11 4	1,012 3 7
6,235 9 9	..	..	....	5,747 10 4	..	2,597 7 0	....
2,534 3 3	..	..	....	2,518 13 3	..	2,361 15 0	....
6,032 5 9	..	..	....	6,411 11 0	..	2,540 11 0	....
2,51,332 13 8	..	..	14,243 11 6	2,55,738 7 6	..	1,64,993 14 5	8,870 7 8

Serial No.	Name of Village	1924-25 Demand	Arrears	Suspensions	Remissions	Demand
		Rs. a. p.	Rs.	Rs.	Rs. a. p.	Rs. a. p.
39	Nadiana	2,457 2 8	..	..	....	2,639 14 0
40	Nayakpura	2,417 11 4	..	..	....	2,423 1 2
41	Nana Ubhda	5,085 13 10	..	..	....	5,045 5 9
42	Nani Humad	2,340 2 3	..	..	....	2,384 6 0
43	Nathpura	629 0 8	..	..	....	628 2 9
44	Ogan	10,455 10 3	..	..	1 2 8	10,036 11 7
45	Ribdi	3,522 3 1	..	..	....	3,501 8 2
46	Sadra	1,131 1 3	..	..	....	1,165 12 6
47	Sarsavdi	3,609 12 4	..	..	....	3,694 6 0
48	Solgam	3,387 3 0	..	..	....	3,452 4 8
49	Trent	8,651 4 8	..	..	....	8,527 9 4
50	Ucharpi	701 13 4	..	..	....	695 15 10
51	Vanpardi	2,197 3 10	..	..	1 1 0	2,179 5 0
52	Varmor	4,408 0 4	..	..	....	4,463 5 11
53	Vasna	1,630 12 8	..	..	....	1,603 3 7
54	Vasvelia	2,473 9 0	..	..	1 9 6	2,681 5 6
55	Vinchhan	1,530 2 2	..	..	....	1,597 4 10
56	Vinzuvada	3,917 15 6	..	..	....	3,949 13 3
57	Asalgam	3,736 4 7	..	..	0 8 6	2,905 4 3
58	Dantisana	2,974 5 7	..	..	....	2,225 7 10
59	Gedia	892 2 4	..	..	....	912 11 9
60	Hansalpur B.	1,397 6 7	..	..	....	1,405 13 0
61	Kachro	3,007 7 3	..	..	....	2,965 15 8
62	Kumarkhan	2,301 5 7	..	..	....	2,163 9 9
63	Liya	3,059 15 8	..	..	33 11 9	2,935 0 2
64	Odhav	1,542 1 9	..	..	....	1,549 8 6
65	Sakar	1,668 11 0	..	..	....	1,658 3 9
66	Sitapur	6,998 6 0	..	..	3 3 0	7,347 7 7
67	Sobhasan	1,765 6 8	..	..	....	1,989 2 1
68	Kayla	538 13 9	..	..	....	541 13 9
69	Shahpur	2,532 12 0	..	..	....	2,485 6 2
70	Thori Mubarak	5,577 10 8	..	..	....	5,573 0 1
71	Thori Vadgas	2,525 2 2	..	..	....	2,516 0 6
72	Vani	5,561 11 11	..	..	....	5,582 1 5
	Total ..	2,53,468 4 11	..	..	204 12 6	2,53,269 8 9

1925-26			1926-27			
Arrears	Suspensions	Remissions	Demand	Arrears	Suspensions	Remissions
Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
..	....	....	2,565 4 1	....	....	....
..	2,248 15 0	1,073 1 0	2,422 0 8	....	1,123 6 0	2,168 0 0
..	....	....	5,057 1 3	....	2,318 13 0	....
..	....	....	2,423 0 6	....	1,084 0 0	....
..	....	....	641 6 2	....	....	....
..	....	1 2 8	10,543 0 0	....	....	4,203 3 11
..	....	....	3533 9 2	....	1,626 4 0	1,546 0 0
..	....	531 3 0	1,142 4 0	....	531 2 0	519 13 11
..	....	....	3,594 11 6	....	....	....
..	....	1,547 9 0	3,345 12 1	....	1,547 8 0	1,537 8 1
..	....	....	8,415 13 11	....	....	3,679 0 0
..	....	....	701 15 10	....	....	288 10 10
.	1,871 14 0	876 11 11	2,038 12 8	....	927 10 0	1 1 0
..	4,013 1 0	1,899 8 5	4,410 1 1	....	1,972 14 0	....
..	743 15 0	....	1,600 9 0	....	744 7 4	742 8 0
..	....	0 9 6	2,502 4 6	....	....	1 9 6
..	....	....	1,530 5 0	....	710 8 0	683 13 11
..	3,635 14 0	1,744 5 1	3,930 2 9	....	1,804 5 0	....
..	....	0 8 6	3,910 9 11	....	....	0 8 6
..	2,034 4 0	932 8 0	2,238 11 4	....	1 013 2 11	....
..	....	....	886 12 2	....	....	325 4 1
..	126 10 0	584 10 0	1,373 5 2	....	629 3 0	....
..	1,333 5 11	....	3,037 3 7	....	1,363 4 0	1,268 14 0
..	....	....	2,188 5 5	....	....	....
..	....	33 11 9	2,933 8 4	....	....	33 11 9
..	697 1 0	....	1,788 5 5	....	696 15 0	682 2 8
..	....	....	1,657 1 11	....	....	....
..	5,980 14 0	2,793 3 0	6,717 0 2	....	3,006 10 2	3 3 0
..	....	....	1,912 9 0	....	....	....
..	....	....	1,244 5 6	....	....	....
..	....	....	5,391 9 1	....	....	....
..	....	....	5,572 5 8	....	....	....
..	....	....	2,513 0 6	....	....	1,137 15 0
..	....	....	5,662 10 8	....	....	....
..	41,723 14 1	10,103 15 5	2,54,333 8 6	348 15 10	39,526 6 4	43,363 2 7

Serial No.	Name of Village	1921-22			
		Demand	Arrears	Suspensions	Remissions
	Talukdari	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1	Bhankoda Estate ..	8,043 12 7	....	..	....
2	Dehawada	4,107 9 10	....	..	....
3	Kukvav	4,092 3 9	....	200 10 0	....
4	Chhanlar	3,315 3 2	....	..	....
5	Rudatal	1,792 5 1	....	..	....
6	Ukardi	851 2 1	....	..	....
7	Bhagapura	930 11 4	....	..	....
8	Sadatpura	2,676 12 6	....	..	....
9	Sinaj	894 9 4	....	..	....
10	Dadhana	940 6 8	....	..	....
11	Rani Ranod	568 8 6	....	..	....
12	Abasana	699 0 2	....	..	....
13	Amarpura	428 1 6	....	..	....
14	Bantai	623 5 10	....	..	....
15	Bhatarla	448 11 7	....	..	....
16	Dabhsar	758 0 1	....	..	....
17	Derwala	1,323 5 0	....	..	....
18	Sujpura	488 12 6	....	..	....
19	Dhanchi	659 0 8	....	..	....
20	Fatehpura	267 9 9	....	..	....
21	Gunjala	1,075 13 9	....	..	....
22	Jethipura	372 1 0	....	..	....
23	Zanzarwa	710 7 2	....	..	....
24	Modhwana	731 7 0	....	362 0 0	....
25	Nani Rantai	331 4 0	....	..	....
26	Panar	711 7 8	....	..	....
27	Moti Rantai	564 9 3	....	..	....
28	Sunvala	1,031 10 0	....	..	....
29	Tanmania	1,065 2 6	....	..	....
30	Telavi	791 15 3	....	395 0 0	....
31	Vithalapur	1,068 13 5	....	..	....
32	Thori Thambha	713 2 0	....	..	....
33	Vanthai	631 1 3	....	..	....
	Total ..	43,708 2 2	....	957 10 0	....

1922-23				1923-24			
Demand	Arrears	Suspensions	Remissions	Demand	Arrears	Suspensions	Remissions
Rs. a. p.	Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs.	Rs. a. p.	Rs. a. p.
8,043 12 7	...	..	189 15 9	8,043 12 7	..	6,630 3 3	179 7 0
4,107 9 10	..	..	38 13 8	4,107 9 10	..	3,679 10 8	242 10 0
4,092 3 9	..	..	6 6 8	4,092 3 9	..	3,473 13 8	316 3 6
3,315 3 2	..	..	81 11 11	3.315 3 2	..	2,785 4 1	75 15 0
1,792 5 1	..	..	119 0 5	1,792 5 1	..	729 15 6	112 0 6
851 2 1	..	..	19 12 8	851 2 1	..	781 6 0	18 10 0
930 11 4	..	..	28 12 1	930 11 4	..	683 2 11	27 1 0
2,676 12 6	..	..	194 15 6	2,676 12 6	..	871 8 6	183 8 0
894 9 4	..	..	4 6 7	894 9 4	..	834 11 6	4 2 6
940 6 8	..	..	4 1 11	940 6 8	..	842 0 1	3 14 0
568 8 6	..	..	....	568 8 6	..	510 0 0	284 2 0
699 0 2	..	..	....	699 0 2	..	650 0 0	....
428 1 6	..	..	0 10 7	428 1 6	..	399 4 11	....
623 5 10	..	..	26 6 10	623 5 10	..	513 5 4	24 14 0
448 11 7	..	..	0 4 3	448 11 7	..	212 7 2	224 4 0
758 0 1	..	..	2 8 5	758 0 1	..	350 1 7	2 6 0
1,323 5 0	..	..	600 0 0	1,323 5 0	..	1,200 0 0	....
488 12 6	..	..	12 5 7	488 12 6	..	431 0 5	11 10 0
659 0 8	..	..	300 0 0	659 0 8	..	600 0 0	....
267 9 9	..	..	1 15 4	267 9 9	..	246 3 2	1 13 6
1,075 13 9	..	..	1 5 3	1,075 13 9	..	670 11 0	1 4 0
372 1 0	..	..	....	372 1 0	..	350 0 0	....
710 7 2	..	..	....	710 7 2	..	670 0 0	....
731 7 0	..	..	307 5 8	731 7 0	..	630 0 0	366 0 0
331 4 0	..	..	....	331 4 0	..	300 0 0	....
711 7 8	..	..	2 14 9	711 7 8	..	175 5 3	2 12 0
564 9 3	..	..	....	564 9 3	..	....	....
1,031 10 0	..	..	0 2 2	1,031 10 0	..	944 11 10	0 2 0
1,065 2 6	..	..	500 0 0	1,065 2 6	..	980 0 0	....
791 15 3	..	..	422 10 2	791 15 3	..	650 7 1	468 14 0
1,068 13 5	..	..	....	1,068 13 5	..	1,000 0 0	....
713 2 0	..	..	....	713 2 0	..	234 8 6	....
631 1 3	..	..	....	631 1 3	..	137 8 0	....
43,708 2 2	..	..	2,866 10 2	43,708 2 2	..	33,492 6 5	3,492 8 (

Serial No.	Name of Village	1924-25				
		Demand	Arrears	Suspensions	Remissions	Demand
	Talukdari	Rs. a. p.	Rs.	Rs.	Rs. a. p.	Rs. a. p.
1	Bhankoda Estate ..	9,164 10 6	..	..	....	9,166 10 6
2	Dehawada	4,581 14 9	..	..	....	4,524 14 9
3	Kukvav	4,362 11 11	..	..	....	4,352 3 11
4	Chhaniar	3,952 13 6	..	..	....	3,953 13 6
5	Rudatal	1,955 12 9	..	..	....	1,949 12 9
6	Ukardi	1,139 15 3	..	..	....	1,138 15 3
7	Bhagapura	1,269 12 0	..	..	....	1,267 12 0
8	Sadatpura	3,162 13 9	..	..	....	3,162 13 9
9	Sinaj	1,112 15 6	..	..	....	1,105 15 6
10	Dadhana	1,167 6 0	..	..	....	1,162 6 0
11	Rani Ranod	720 7 3	..	..	....	720 7 3
12	Abasana	758 4 3	..	..	....	758 4 3
13	Amarpura	449 4 6	..	..	....	449 4 6
14	Bantai	654 2 11	..	..	....	653 2 11
15	Bhataria	475 6 6	..	..	....	472 6 6
16	Dabhsar	806 11 0	..	..	....	806 11 0
17	Derwala	1,502 13 0	..	..	....	1,502 13 0
18	Sujpura	510 14 6	..	..	....	509 14 6
19	Dhanchi	755 9 6	..	..	....	755 9 6
20	Fatehpura	301 7 0	..	..	....	301 7 0
21	Gunjala	1,184 5 6	..	..	....	1,184 5 6
22	Jethipura	395 2 0	..	..	....	395 2 0
23	Zanzarwa	812 2 6	..	..	....	807 2 6
24	Modhwana	802 5 6	..	..	....	803 5 6
25	Nani Rantai	359 1 0	..	..	....	358 1 0
26	Panar	1,113 1 3	..	..	....	1,111 1 3
27	Moti Rantai	598 7 0	..	..	....	596 7 9
28	Sunvala	1,047 3 6	..	..	....	1,047 3 6
29	Tanmania	1,194 5 6	..	..	....	1,195 5 6
30	Telavi	828 0 6	..	..	....	828 0 6
31	Vithalapur	1,471 5 6	..	..	....	1,471 5 6
32	Thori thambha	713 2 0	..	..	....	713 2 0
33	Vanthal	631 1 3	..	..	....	631 1 3
	Total ..	49,903 9 4	..	..	....	49,857 1 4

1925-26			1926-27			
Arrears	Suspensions	Remissions	Demand	Arrears	Suspensions	Remissions
Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
..	....	....	7,968 5 7	....	....	....
..	188 7 3	....	3,984 6 0	....	....	....
..	....	....	3,984 6 0	....	....	1,819 6 4
..	....	....	3,187 8 0	....	....	1,058 8 11
..	788 1 9	....	1,790 8 0	....	....	....
..	....	....	850 0 0	....	....	....
..	....	....	897 13 0	....	....	341 0 0
..	....	....	2,656 4 0	....	....	398 6 4
..	422 8 0	....	987 13 0	....	....	....
..	425 0 0	....	903 2 0	....	....	417 0 1
..	510 0 0	....	541 14 0	....	....	....
..	....	....	690 10 0	....	....	....
..	200 0 0	....	425 0 0	....	....	....
..	225 14 4	....	626 14 0	....	....	....
..	....	....	451 9 0	....	....	....
..	....	....	754 6 0	....	....	....
..	....	....	1,275 0 0	....	....	600 0 0
..	....	....	483 7 0	....	....	....
..	....	....	637 9 0	....	....	300 0 0
..	....	....	265 10 0	....	....	123 0 0
..	473 12 0	....	1,063 8 0	....	....	112 4 2
..	175 0 0	....	371 14 0	....	....	175 0 0
..	337 8 0	....	717 3 0	....	....	337 8 0
..	....	....	669 6 0	....	....	309 10 4
..	150 0 0	....	318 12 0	....	....	150 0 0
..	....	....	717 3 0	....	....	....
..	261 8 10	....	557 13 0	....	....	....
..	....	....	1,004 1 0	....	....	....
..	....	....	1,062 8 0	....	....	480 0 0
..	....	....	754 6 0	....	....	295 2 1
..	....	....	1,062 8 0	....	....	....
..	....	....	713 2 0	....	....	....
..	....	....	631 1 8	....	....	....
..	4,157 12 2	255 0 0	42,915 1 10	....	....	6,917 8 3

Serial No.	Name of Village	1921-22			
		Demand	Arrears	Suspensions	Remissions
	Inami	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1	Patri	2,153 4 0	....	..	....
2	Ghoda	787 8 0	....	..	....
3	Sachana	825 0 0	....	..	....
4	Thuleta	562 8 0	....	..	....
5	Khengaria ..	224 5 6	....	..	...
6	Savlana Vant	81 9 0	....	..	...
7	Zizra	1,158 7 0	....	..	...
	Total ..	5,792 9 6	....	..	....
	Grand Total ..	3,00,909 13 6	35 0 5	957 10 0	12,226 14 7

1922-23				1923-24			
Demand	Arrears	Suspensions	Remissions	Demand	Arrears	Suspensions	Remissions
Rs. a. p.	Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs.	Rs. a. p.	Rs. a. p.
2,153 4 0	..	..	....	2,153 4 0	..	400 0 0	....
787 8 0	..	..	....	787 8 0	..	200 0 0	300 0 0
825 0 0	..	..	....	825 0 0	..	550 0 0	....
562 8 0	..	..	....	562 8 0	..	187 8 0	280 0 0
224 5 6	..	..	....	224 5 6	..	74 12 0	....
81 9 0	..	..	....	81 9 0	..	54 6 0	....
1,158 7 0	..	..	....	1,158 7 0	..	487 13 0	71 13 1
5,792 9 6	..	..	....	5,792 9 6	..	1,954 7 0	1,151 13 1
3,00,833 9 4	..	..	17,110 5 8	3,05,239 3 2	..	2,00,440 11 10	13,514 12 9

Serial No.	Name of Village	1924-25				Demand
		Demand	Arrears	Suspensions	Remmissions	
	Inami	Rs. a. p.	Rs.	Rs.	Rs. a.	Rs. a. p.
1	Patri	2,153 4 0	..	..	....	2,153 4 0
2	Ghoda	788 8 0	..	..	....	788 8 0
3	Sachana	826 0 0	..	..	....	826 0 0
4	Thulcta	562 8 0	..	..	....	562 8 0
5	Khengarla	224 5 6	..	..	....	224 5 6
6	Savlana Vant	81 9 0	..	..	....	81 9 0
7	Zizra	1,158 7 0	..	..	....	1,158 7 0
	Total ..	5,794 9 6	..	..	....	5,795 9 6
	Grand Total ..	3,09,166 7 9	..	..	204 12 6	3,08,922 3 7

1925-26			1926-27			
Arrears	Suspensions	Remissions	Demand	Arrears	Suspensions	Remissions
Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
..	....	....	2,153 4 0	....	....	....
..	....	....	788 8 0	....	....	....
..	....	....	826 0 0	....	....	....
..	....	....	562 8 0	....	....	....
..	....	....	224 5 6	....	....	....
..	....	....	81 9 0	....	....	....
..	....	....	1,158 7 0	....	....	....
..	....	....	5,790 9 6	....	....	....
..	45,881 10 3	10,358 15 5	3,03,041 3 10	348 15 10	39,526 6 4	50,780 10 10

GUJARAT COLLEGE : FINES

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) the amount of fines imposed and recovered from the students of Gujarat College by the present Principal since he took charge of his office on the 20th June 1926 ;

(*b*) the detail of each fine imposed on the students together with the reason for imposing it ;

(*c*) the amount of fines recovered from the students during each month from the 20th June 1926 to the 31st December 1927 ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*), (*b*) and (*c*) A statement containing the information asked for is laid on the Council Table.

Statement of fines : 20th June 1926—31st December 1927—Gujarat College

Month	Amount of fines recovered	Reasons
A. College	Rs. a. p.	
24th September 1926 ..	0 8 0	Coming late to College.
28th September 1926 ..	0 8 0	Do. do.
30th September 1926 ..	0 8 0	Do. do.
4th August 1927 ..	3 0 0	Refused to write his English Essay in spite of several requests by Professor of English.
6th August 1927 ..	20 0 0	A well-to-do student in the large F. Y. A. class refused to answer a question by the Professor and when asked his name and roll number said he had neither and he left the room without the Professor's permission. A very bad case.
16th August 1927 ..	10 0 0	A student in the same F. Y. A. class did not answer the lecturer and left the class without permission.
22nd August 1927 ..	0 10 0	Coming late to College.
23rd August 1927 ..	0 8 0	Do. do.
2nd September 1927 ..	0 8 0	Do. do.
16th September 1927 ..	2 0 0	Leaving classes during lecture time.
26th September 1927 ..	2 0 0	Do. do.
	40 2 0	
B. Hostels		
6th August 1926 ..	7 8 0	Two students went to Bombay from hostels for week end without permission.
6th August 1926 ..	4 0 0	
5th October 1926 ..	15 0 0	Dakshina Fellow in charge of one block of hostels was absent without notice from rollcall for six days.
23rd December 1926 ..	2 8 0	Overstaying leave in Bombay without permission.
12th September 1927 ..	45 0 0	For lax discipline in hostels. 23 students overstayed holidays although clearly given to understand that they should join on the opening day. The students involved were fined from Re. 1 to Rs. 3 according to the number of days they overstayed their leave.
20th September 1927 ..	13 8 0	
	87 8 0	
Grand total : 20th June—31st December 1927.	127 10 0	

(Signed) G. FINDLAY SHIRRAS,
Principal,
Gujarat College, Ahmedabad.

COUNTRY LIQUOR LICENSES : FIXED-FEE SYSTEM

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether there was a proposal before Government to discontinue the auction system of disposing of country liquor licenses and to reintroduce the fixed-fee system which was formerly in practice;

(*b*) if the answer to (*a*) is in the affirmative, who initiated that proposal;

(*c*) who supported the said proposal and what were the grounds used in favour of supporting them;

(*d*) whether it is a fact that the Commissioner of Excise and the Excise Minister supported that proposal and that it is intended to put in practice for the official year 1928-29;

(*e*) if the answer to (*d*) is in the affirmative, what were the reports of the Commissioner of Excise and the Excise Minister on the subject and whether Government will place those reports on the Council Table ?

The Honourable Mr. G. B. PRADHAN : (*a*) to (*e*) The Commissioner of Excise proposed that the auction system should be discontinued in the Panch Mahals and East Khandesh districts. There was no other proposal before Government for abandoning this system. Government were unable to accept the Commissioner's recommendation. They are not prepared to place any papers on the table.

BEGGARY

Mr. SYED MUNAWAR : Will Government be pleased to state—

(*a*) the steps, if any, taken by them since inviting the opinion of public bodies on the report of Mr. O. H. B. Starte, I.C.S., regarding beggars;

(*b*) whether they have received any definite proposals from the Bombay Municipal Corporation;

(*c*) the names of institutions, municipalities and local boards that have submitted their opinions so far in regard to the prevention of professional beggary in their respective areas;

(*d*) how many of the principal bodies have expressed their views in favour of effectively checking professional beggary;

(*e*) whether Government have considered the desirability of introducing preventive measures in localities amenable to their introduction;

(*f*) if so, when and at what places do Government propose to start such measures;

(*g*) if not, what further steps do Government propose to take in the matter ?

The Honourable Sir GHULAM HUSSAIN : (*a*) No steps have been taken by Government as Mr. Starte's report is still under the consideration of Government.

(*b*) Yes.

(*c*) The opinions of mofussil municipalities and local boards were not invited on Mr. Starte's report and out of the 13 bodies whose opinions were invited on the report the following bodies have submitted their opinions on Mr. Starte's report :—

The Bombay Municipal Corporation.
The Salvation Army.
The Bombay European Relief Association.
The Helpless Beggars Relief Society.
The Bombay Humanitarian League.
The Society for the Protection of Children in Western India.
The Seva Sadan.
The Bombay Chamber of Commerce.
The Indian Merchants' Chamber.
The Bombay Millowners' Association.
The Marwari Chambers of Commerce.
The Social Service League, Limited.

(*d*) Eleven.

(*e*), (*f*) and (*g*) No definite reply can be given until Mr. Starte's report which is still under the consideration of Government is disposed of.

Mr. SYED MUNAWAR : How long will it take to dispose of consideration of Mr. Starte's report ?

The Honourable Sir GHULAM HUSSAIN : (Inaudible).

The Honourable the PRESIDENT : I have not followed the Honourable Minister's reply.

The Honourable Sir GHULAM HUSSAIN : It is a question of finance.

Mr. S. K. BOLE : How long will it take to get finances from the Government ? (Laughter).

The Honourable Sir GHULAM HUSSAIN : I refer the honourable member to the Honourable the Finance Member.

Mr. R. S. ASAVALE : As regards (*d*), may I know the names of the eleven principal bodies which have expressed their views in favour of effectively checking professional beggary ?

The Honourable Sir GHULAM HUSSAIN : I do not remember all heir names.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, I want to make a personal explanation. The Honourable the Home Member said the other day that the fact that the fingers of the weavers were cut off was a lie and I mentioned that casually in my remarks. I can prove to him that it is not a lie but that it is a fact. I can prove that from the book "Ruin of Indian Trade and Industries" by B. D. Basu. On page 110 of that book you find the following :—

"It is recorded by Bolts that the Indian weavers, "upon their inability to perform such agreements as have been forced upon them by the Company's agents universally known in Bengal by the name of Mutchulcahs have had their goods seized and sold on the spot to make good the deficiency ; and the winders of raw silk, called Nagoads, have been treated also with such injustice, that instances have been known of their cutting off their thumbs to prevent their being forced to wind silk."

The Honourable Mr. J. E. B. HOTSON : Mr. President, the honourable member's quotation itself proves that the statement, which he made and which another honourable member repeated, was a lie. What is stated in that book—I will tell you something about that book later on—is that these men, the winders of raw silk, cut off their own thumbs themselves in order to avoid being compelled to make muslin. The honourable member said that it was the Government that cut off their thumbs to prevent them making muslin. Could there be any two stories more diametrically opposite to each other than these ? That lie has been repeated times without number by people who have not taken the trouble to find out what the facts are. As to the book itself, the facts are simply these : the man who first told the story which the honourable member Mr. Lalji read was a Dutchman : his real name was Bolst, not Bolts. He was a servant of the East India Company : he was grossly oppressive and was dismissed and deported from India back to Europe. By way of taking revenge, he wrote the book from which various persons have quoted, it is full of malicious statements of which no proof is given, and it is not a book on which any reliance whatever can be placed. Yet even that book itself diametrically contradicts every word that these two honourable members have spoken in this House.

Mr. LALJI NARANJI : I will read further than that....

The Honourable the PRESIDENT : I do not think I would allow a discussion.

Mr. HAJI MIR MAHOMED BALOCH : Sir, the *Indian National Herald* of to-day contains full description on the subject. The Honourable the Home Member should peruse it and then say whether he is a liar or I am.

The Honourable the PRESIDENT : Order, order. The honourable member Mr. Lalji Naranji wanted to make some personal explanation. I allowed it. He has made it. There is also a statement made in reply to that. I would not allow a debate or a controversy on that.

The discussion on the Supplementary Demand for the Lloyd Barrage and Canals Construction Scheme will now continue. I think the honourable member Mr. Baloch was in possession of the House.

(Discussion on Supplementary Demand No. 14—Additional funds required for the Lloyd Barrage and Canals Construction Scheme resumed.)

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Sir, before I continue with my remarks, I wish to ask the Honourable the General Member to let me know what has been reported by the committee appointed to visit the Sukkur Barrage.

The Honourable Sir COWASJI JEHANGIR : I think, Sir, the explanation was given to this House during the general discussion by some members of the committee themselves and I do not understand what the honourable member means by asking this direct question again. He knows very well that the committee has not reported and that only one honourable member has given us his opinion and the letter has been

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placed on the table of the House. The information was given in answer to a question. The information was given further in the general discussion and still the honourable member persists in asking the same question.

Mr. HAJI MIR MAHOMED BALOCH: The honourable member Khan Bahadur Bhutto, a member of that committee, told me that he had sent his report and that it was before the Honourable the General Member.

Anyway, Sir, the work was started in 1923 on the Lloyd Barrage four years ago and still not one stone was put in the Barrage Circle till the 1st of February last for the foundation of the Head Regulator. Up to that time there was not a single foundation stone laid. If there was any work done, it was after February 1927; it was then that the contracts were given and the work was started. During these four years in the Lloyd Barrage circle excavation work was being done, and when I asked a question as to how much of the work was done by contract, and how much departmentally, the reply that I got was that the time and expense involved in the collection of the information would be great, and no useful purpose would be served by supplying the information. I notice from the Blue Book that the dredger has excavated 17½ lakhs of cubic feet, but no information has been given to me as to what has been the expense incurred by Government on the hand labour. How do Government say that the information will serve no useful purpose? Is it the intention of Government that we who come to this Council should not know how many lakhs and crores are wasted? There is a well known saying in the vernacular that "if the dancer does not know how to dance he blames the ground," and the unwillingness of Government to give a reply to my question shows that there is something wrong there. As I said, for four years nothing was done: work was started in 1927-28, and when I asked a question as to how much of the work was done by petty contractors, the reply given was that it was not done by petty contractors. But I know from enquiries at Sukkur that work for which rates of Rs. 20, Rs. 35, and Rs. 40 are paid is done by petty contractors at Rs. 7, Rs. 8 and Rs. 10. If the Honourable the General Member does not admit it, then I think it will be necessary to have another enquiry committee appointed to find out whether what I say is true or not. The amount of work done by the dredger during four years is 17½ lakhs of cubic feet, and the rate comes to Rs. 40-8-0 per 1,000 cubic feet. In the course of four years work worth Rs. 87,000 has been done at the rate furnished by Government. The cost of the dredger was, I think Rs. 52 lakhs or Rs. 56 lakhs. The interest charges on the amount for four years, at 6 per cent. will be Rs. 14 lakhs. The establishment charges for the dredger may safely be taken at Rs. 1,00,000 per year which comes to Rs. 4 lakhs in four years. Calculating upon that basis, it will be seen that excavation work of 17½ lakhs of cubic feet has been done, worth Rs. 87,000, whereas the expenditure has been about three quarters of a crore. When the dredger was ordered, it was stated that the excavation work will be done by the dredger in the

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Eastern Nara system, but from page 128 of the Blue Book we find that owing to the heavy cost of dredging, it has been decided to abandon the use of the dredger and to do the work by means of dragline excavators. If the dredger cannot do this work, and the work on the Lloyd Barrage is given out on contract, what is the use of this dredger, and why are Rs. 1,00,000 spent on its establishment charges ? I may mention that on one occasion I spent three days and on another occasion one day in looking round what was going on, but I never saw the dredger working. It was only when the Viceroy was there that a pretence of working the dredger was made ; the dredger was belching forth large volumes of smoke, and removing earth from one place and piling it on another place. The fact is, Sir, that the dredger cannot work in clay soil. Therefore, I ask, if the dredger is not capable of doing the work, why is it still imposed on us ? Why not scrape it, and abolish the establishment ? If this dredger and similar superfluous things are dispensed with, I think it will not be necessary for Government to ask for this grant of Rs. 14½ lakhs. On the second occasion, about five or six of us including myself, Mr. Haji Abdulla Haroon, M.L.A., went to see what was going on ; there was the editor of the " New Times " with us. We went there at about 5 or 5-30 p.m., but there was no officer there, there was not even a surveyor, or a *mistri* even. There was only a concrete mixer, but that was not working. Everything was being done by hand ; the sand and cement were loosely piled up in an indifferent way.

Now, coming to the Lloyd Barrage circle, let us see what the establishment is. There are one Superintending Engineer, two Executive Engineers, one for the Right Bank and another for the Left Bank, an Executive Engineer for the quarries, another who is called the Electrical Executive Engineer, another for the dredger and another for the railway and one for Communication. I think in all there are 7 Executive Engineers. And of course, an Executive Engineer's dignity demands 3 or 4 Assistant Engineers under him ; otherwise he will not be an Executive Engineer, and the Assistant Engineer, in his turn has to have surveyors under him, otherwise he will not be an Assistant Engineer, and so on it continues. I also wish to point out to Government how the money is being spent. I say it is spent with closed eyes, in the same way as it was being done when there was war between Germany and England. At that time those in charge had only to say " Give the money ", and it was given without consideration. I submit that this is not war time, and there ought not to be this huge expenditure. Mr. President, I come now to another point.

The Honourable the PRESIDENT : Is the honourable member likely to take a long time ?

Mr. HAJI MIR MAHOMED BALOCH : I will take a pretty long time.

The Honourable the PRESIDENT : I want to draw his attention to one particular thing, that if he presumes that he can discuss the whole general matter under the head 55, he is mistaken. This is only a supplementary demand under that head. The general discussion has

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taken place, and on each item or head, as it was brought up, the House had a right to speak. But the discussion now should be limited to the supplementary grant; and honourable members cannot travel over all the wide range of the whole head "55".

Mr. HAJI MIR MAHOMED BALOCH: Sir, this supplementary demand of 14½ lakhs is for all the various heads, such as buildings, special tools and plant, etc. Therefore, I may be allowed to discuss all those heads.

I come now to the quarries. There are three quarries; one for big stones and two for small stones. There is an executive engineer in charge of the work and under him are three Assistant Engineers and various overseers. I wish to warn Government that they should see that no leakage takes place. The officers may certify that 1,00,000 square feet have been got ready and despatched, but when the stones reach the stores the quantity on checking may dwindle to 50,000 square feet. Then, when questioned about it later, Government may say that the officers have gone, a new General Member has come, and it is impossible to do anything.

As regards the establishment employed on this preparation of blocks, I was told in reply to my question in the Council that it would take a long time to work out the establishment charges and Government were not prepared to do it. But I wish to give an instance as to the way in which this establishment is doing their work. At first they used to manufacture hydraulic blocks. I brought some pieces of the blocks in the last February session of the Council and demonstrated that they were so very useless that they were broken to pieces with the fingers. When such a useless work was going on, why did not the responsible officers detect it and remedy it during full three months? Then they switched on to cement blocks, which they said it was found to be cheaper. But it took four months of experiment for them to understand it. I want to ask whether the Barrage is a training school for Engineers. I know that stones can be managed even cheaper, though Government have replied to my question that stones are costlier four times. I challenge Government to prove the truth of their statement. One and a half miles away from the place, near Rhori Canal there is plenty of raw stones available which can be cut to the proper size by hand and supplied to the department. Instead of getting the work done by hand, they have bought a large amount of machinery to make these blocks. Most of them are now lying idle, although in reply to a question put by me Government told us that they were doing full work. I myself am a contractor who gets stones cut by machinery. But I know it is not cheaper to cut soft stones by machinery. It will be so if it is marble granite or other hard stone. But hand-cut stones from Sukkur are sent to Karachi, where they compete with machine cut stones.

Then, as regards buildings....

The Honourable Sir COWASJI JEHANGIR: Sir, he is going into the details of the budget.

Mr. HAJI MIR MAHOMED BALOCH : Buildings costing 23 lakhs have already been put up, and still they require one lakh more. The Chief Engineer says that water will be available just two years hence, then why an additional cost of Rs. 4 lakhs be incurred on further buildings ? More accommodation could be managed by putting up tents. Government have come forward before this House to demand 14½ lakhs as a supplementary grant. But they do not try to curtail their expenses. If you look at the expenses, what do you find ? You will find that many bungalows are provided for Government officials. One bungalow is provided for the Chief Engineer at Karachi because he cannot bear the heat of Sukkur, onei s for the superintending engineer at Karachi. Why should bungalows be provided for Barrage engineers at Karachi. These bungalows are well furnished and in this way Government is spending lot of money over this item.

Mr. H. DOW : Sir, I rise to a point of order. The demand under discussion has nothing to do with buildings and the honourable member is referring to the expenditure on buildings.

The Honourable the PRESIDENT : Well, I checked the honourable member in the beginning on this point. But the honourable member pointed out that this supplementary grant does refer to buildings.

The Honourable Sir COWASJI JEHANGIR : No, Sir. It does not refer to buildings.

The Honourable the PRESIDENT : Then I think the honourable member is outside the scope of the demand which is before the House. He should, therefore, speak on this supplementary grant.

Mr. K. F. NARIMAN : Sir, I rise to a point of order. I think the honourable member is entitled to introduce the same discussion that has taken place on the previous occasion under rule 32 of the Standing Orders. I would refer you to rule 32, sub-clause (3). It says :—

" Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants. "

I submit, Sir, according to this rule, the honourable member when discussing the supplementary grant, is entitled to discuss in the same way as if it were an original demand. In this case it may not be necessary for the honourable member to discuss points which have already been discussed. But as a matter of principle I submit that no honourable member should be restricted in this way. It will be a precedent, and with that view I bring this fact to your notice.

The Honourable the PRESIDENT : I think if that rule is understood in that wide sense, it would really cost the House a tremendous amount of time, which can be well saved. All that the rule directs is that the procedure for the supplementary grants would be the same as if they were original grants. It refers to the procedure only. The discussion should be limited to the grant asked for.

Mr. HAJI MIR MAHOMED BALOCH : Sir, last time the honourable member, Mr. Harrison, had kept a plan showing the places where the work is going on and showed that at eight or nine places excavators were

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working. For this excavation work which can be supervised by upper subordinates or assistant engineers why should two or three executive engineers be posted at every one of these excavation places where three or four excavators are working together ?

The Honourable the PRESIDENT : I do not know whether the honourable member is to the point. Will the Honourable the General Member point out as to whether it is so or not.

The Honourable Sir COWASJI JEHANGIR : Sir, strictly speaking we are asking for a reduction in the Tools and Plants.

Mr. HAJI MIR MAHOMED BALOCH : Coming to the question of establishment, I find that this department is overstaffed. There are so many superintending engineers, assistant engineers and executive engineers, and also the upper subordinates and the lower subordinates. I do not understand why Government should incur so much expense on this huge army of a staff. Government keep such a vast staff and then they come to us asking for Rs. 14½ lakhs as a supplementary grant. You will find that there is one Chief Engineer, there are five superintending engineers, 22 or 24 executive engineers, 106 assistant engineers, 120 upper subordinate engineers and 210 lower subordinates, besides this there are a number of mistries, chowkidars and muccadams, etc. : I do not understand why Government should have such a large army of engineers and others. They should try to curtail the expenses in this respect.

The Honourable the PRESIDENT : I again notice that the honourable member has gone outside the demand.

Mr. HAJI MIR MAHOMED BALOCH : I would only urge that the Honourable the General Member should try to curtail the expenses.

Mr. B. T. DESAI (Bombay City, South) : Sir, I rise to oppose this grant, because I find from the explanation given in the statement that the figures are not very clear. I have made complaints from time to time that this House should be supplied with correct and detailed figures but no notice is taken of it. I would just refer to the first item under which a demand for Rs. 11 lakhs is asked.

And what is the explanation that is given ? " Excess of Rs. 11,55,000 under ' Works'—This is mainly due to the following reasons." Now, I think the reasons given are as vague as the demands for grants also. " Greater progress than anticipated has been made on works in the Lloyd Barrage Circle. " What does this convey ? What is the greater progress on the works ? In what direction it has been, we are not supplied the information. What is really the amount that is required for this " greater progress "? It is very well to say, whether there is progress or not, there is greater progress. What are we to know ? Where are we to get the figures from ? What is the real work they want to do ? It is not put before us. Then, how are we to judge whether there is greater progress or whether there is a greater bungling in the matter ? You know, Sir, very well that against the Development Department, times out of number complaints had been made with regard to

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the figures that had been submitted, and it has been found out that the figures were absolutely unreliable ; the information that was given from time to time has been proved to be false, and admitted to be false. And, Sir, how are we expected to give our sanction to a grant of this kind when there is no definite thing put before us ?

Well, refer to the second reason ; this is of the same type. What is the second reason ? " Greater part of the work done on the head regulators in the last year has been paid for during the current year. " Now, Sir, what shall we say with regard to the persons who are a party to framing the budget and putting the figures before us ? Had they not intelligence enough to understand that a certain part of the work that would be done last year was to be paid for in the current year, and how is it that this mistake, this excess thing, has come into existence ? Well, Sir, any one who has some reason at his command would not like to sanction anything only on the flimsy ground given here. What is the explanation ? I would like to know. Why could not they anticipate that a particular thing which had been done in the past year had to be paid for in the current year ? And why was it not shown in the budget at the proper time ? No explanation whatsoever.

Then, Sir, if we proceed a little further, you find this : " The cost of the arch centres and cills and grooves for the regulators, which was provided for in the last year's budget, will be paid for during the current year. No provision for this was made in the current year's demands as it was expected at the time of preparing the budgets that they would be paid for during the year 1926-27. " Now, Sir, what was the real expectation ? We do not know. Why did they expect that it was to be paid in 1926-27, and what was the reason why they were practically wrong in their expectations and they now come forward and say that these are to be paid in 1927-28 ? No explanation whatsoever, except this vague explanation, this vague thing, that is put before the Council. Now, Sir, the next is : " Some works "—mind the words " some works " " *e. g.*, downstream left guide bank, pitching the upstream side of the first apron of the regulators, are proposed to be done during the current year for which no provision was made in the budgets. " Now, they say " some works. " What are they ? What kind ? What is the explanation given ? Nothing. They think, Sir, the Council is meant simply for them to come down and throw at our faces anything and everything they like, and we should pass it. If that is the idea of Government, they are much mistaken, and Government must be prepared for any information that may be asked for and that opportunity must be given to verify the same. Then, Sir, it is stated : " The cost of constructing and maintaining cofferdams has been heavier than that provided in the budget. " Why are they heavier ? Why have they exceeded their estimates ? On what grounds ? No grounds whatsoever. You must accept because they say so, and therefore, you must pass their demand. That is very presumptuous on the part of the people who come forward and ask that this should be sanctioned. Then, Sir, we go a step further, and you find : " Construction of third batch

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of 30 coolies lines, the necessity for which was felt long after the preparation of Schedules of Demands for 1927-28." Now, Sir, it is absolutely presumptuous to put things like this before us and ask us to pass them. Seven heads are given before us, which they call estimates, which are no estimates at all, but which are absolutely vague and do not give us any idea whatsoever as to the necessity of the amount of Rs. 11,55,000 which is shown as excess under works.

Therefore, Sir, unless facts and figures are put before us in very clear terms, and unless we are convinced that these things are necessary, we should not give our sanction to the grant that has been asked for.

Well, Sir, then we go on to the second item "Establishment." It first was 27 lakhs and odd. Now it comes to Rs. 8,000 more. And what is the explanation ? "Excess of Rs. 8,000 under 'Establishment.' This is due to greater expenditure than anticipated on leave and deputation salaries of officials payable in England." The less said, the better, Sir, about this item. I would only say that the explanation is unacceptable, because it ought to have been anticipated long before this.

Then, the third item is tools and plant. Here, I would draw your special attention to this. Now, tools and plant was Rs. 6,16,000 ; that was provided for, and now tools and plant is Rs. 1,77,000 ? May I ask those who are concerned with this, how is it that they thought that they will spend Rs. 6,16,000, and how is it that they are reducing that item ? When you placed before the Council this Rs. 6,16,000, really on what facts you gave the figure ? But you know, Sir, very well from the disclosures that have been made in the Development Department as well as from the complaints that I made last year with regard to tools and plant that certain tools and plant of more than Rs. 10 lakhs were bought, the major part of which has been lying idle, which have not been found of use and the Honourable Member in charge of that department says "Yes, we will go into the matter and make enquiries" and in the face of that there is a demand for Rs. 6,16,000. It was just like this. It appears that tools are ordered out much in excess and perhaps they are going to meet with the same fate as the mild steel bars which had been ordered out in excess in the Development Department, and perhaps there may be many other cases which will be exposed, but I warn Government not to mislead us with such figures. Be plain. Be honest. Be straightforward. Be sincere if you want this grant. Otherwise it will be refused.

Then comes "Excess of Rs. 3,16,000 under "Suspense." The note reads :—

"This is due to the reasons explained below :—

(*i*) Transfer of the total up to date expenditure in the Quarries Division from 'Works' to 'Suspense' for the purpose of capital block account which is classified under 'IV-Suspense.'

We do not know what jugglery there is, but there is something which ought to be made very very clear and I think it is a matter which requires some enquiry.

(*ii*) Revised requirements of spares, etc., for dragline excavators the cost of which is in the first instance debited to the head 'Suspense' before they are issued for works.

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(*iii*) Additional funds required for the composite concrete blocks which are being manufactured for the head regulators and barrage works and are not likely to be issued before the close of the current financial year. They will be used after April 1928 and their cost charged to 'Works' after that date.

This is, I say, monstrous. Is this the reason in explanation of the supplementary grant ?

Then, Sir, so far as the first budget item is concerned, there was no pensionary charge at all, but now the pensionary charges come to Rs. 4,29,000, and the explanation as usual is this :—

(*d*) Excess of Rs. 4,29,000 on account of pensionary charges. When the budget for 1927-28 was framed, the rules in force required that pensionary charges on account of establishment employed on irrigation works should be wholly provided for under the head '15-Other Revenue Expenditure financed from Ordinary Revenues' at the rate of 9 per cent. of the total cost of irrigation establishment. According to the modified rules since prescribed by the Government of India, these pensionary charges are now to be provided for under the irrigation major and minor heads at the rate of 14 per cent. of the cost of establishment. As these revised orders were issued after the current year's budget was passed by the Legislative Council, no provision could be made therein for these charges under the head '55.'

If no provision was made there, it would have been only transferred to this head. Why should Government come forward for an additional supplementary grant ?

The last explanation is :—

"Out of the excess of Rs. 14,69,000 mentioned in paragraph 1 above, a sum of Rs. 50,000 is covered by savings to that extent on the provision for other irrigation works in Sind and the Deccan made in the voted grant under the head '55.' The net excess on the voted grant under this head is, therefore, Rs. 14,19,000. A supplementary grant for Rs. 14,19,000 is, therefore, required and the sanction of the Legislative Council is requested thereto. To cover this amount, loan savings under 'Other unproductive works' will be temporarily utilised during 1927-28 and an equivalent amount will be borrowed from the Government of India next year to cover the expenditure permanently."

The less said about all these things the better. The only thing I find is that there has been an amount of jugglery with figures, nothing clear, nothing definite has been placed before us and such a demand ought to be refused on the ground that we are not put in possession of full facts on which we can decide. The main grounds against this grant are that very many complaints have been made that this Sukkur Barrage Scheme is going to be a dismal failure, as dismal as the Development Scheme, and that it will be used in order to distribute land and keep certain votes for Government.

Mr. C. S. C. HARRISON : Sir, I think I ought really to confine myself to the criticisms which have a direct bearing on the demand before the House, but I hope you, Sir, and the House will bear with me if I touch on the points raised by honourable members opposite.

I have heard that the honourable member from Karachi (Mr. Baloch) describes himself as the 'Tiger of Sind,' and we have heard such vehement words from him that at times they sounded like the roaring of a tiger, but may I remind the honourable member that Sind is a very bad place for tigers ; there is no cover, it is a desert country and tigers do not like sparsely covered tracts. It seems to me from the course of his speech that the honourable member has realized this and as a consequence he has been trying to create a good deal of undergrowth as

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cover for himself. I should like to cut away this undergrowth and entirely remove the brushwood that he has attempted to plant.

The honourable member first of all raised the question of a lack of control. I deny, Sir, the charge of laxity of control. I would ask the honourable members who formed the committee that visited Sukkur last year whether they found any token whatever, any indication whatsoever, of lack of control ? The honourable member said that the authorities were allowing the question of establishment to drift on and that the incidence of cost is now 28 per cent. I refute his insinuation and the accuracy of his figures.

I will give the figures for each year up-to-date. In 1924-25, when the works were in their infancy, the percentage was 22·6 per cent. and included establishment of all sorts Revenue and Medical, as well as Engineering. In 1925-26 the incidence was 14 per cent. In 1926-27 it was 22·7 per cent. For the whole of the period 1923 to 1927 it was 19·8 per cent. From 1927-28, up to the end of December 1927 (it may be taken to apply to the 31st of this month) it was 19·9 per cent. and from the commencement of the work to the end, the total will be 19·9 per cent. Excluding the Revenue Officer's and the Medical staff, the through percentage to day is 18·9 as against the honourable member's figure which is approximately 50 per cent. out ! The permissible limit according to rules is 24 per cent. In the face of this, can I be accused of extravagance ?

Further, it may interest the House to know what our establishment charges on this work are as compared with the Sutlej Valley Project where labour is cheaper and the establishment is paid at a lower rate owing to a very large number of subordinate engineers being available in the Punjab. In the Punjab the establishment incidence is Rs. 4·9 per acre to be irrigated. Our incidence is Rs. 5·4. There is a difference of 0·5 rupee per acre which is accounted for by two facts ; (1) that the lower engineering staff is cheaper in the Punjab than that in Sind and (2) because in the Punjab there is a far greater percentage of permanent staff employed on the construction works than in Sind. We have a very small percentage of permanent staff employed on the works, and therefore the incidence in the increase of cost by engaging temporary establishment must be greater than by employing permanent staff. That directly accounts for the Rs. 0·5 per acre increase in the charges. So far as regards the question of establishment.

The honourable member has stated that there was not a single stone laid on the Barrage up till the 1st of February 1927. I am very glad he has got one fact more or less correct, but may I inform him that since then many lakhs of cubic feet of masonry have been laid ? Early in February was the time when we expected to start laying our masonry in the river. I may point out that, although it seems to be quite the order of the day for some honourable members to attempt to deride the efforts of Government in works of this nature, we forge forward in our humble efforts and in the course of one year (1927) we created, I think, a world's record for the amount of masonry placed in

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any one work in a short season. Between January and the end of May we placed no less than 3¾ million cubic feet of masonry of all sorts and, as I have remarked, I believe that rate of progress has never been approached anywhere else in the world. That, Sir, is the credit we take as regards the rate of progress.

The honourable member also referred to the high rates that were being paid to the contractors. He has been a contractor himself, even if on a very small scale, I would ask the honourable member what he himself did when he took up contracts ? I would ask him whether he did not sublet them himself, and whether he did not get a higher contract rate than the rate he gave to his petty or sub-contractors ? Such must ever be the case. The large contractor has to make advances and he runs a big financial risk, whereas the petty contractor has not to take that risk. The large contractor must therefore be paid a higher rate, and nobody knows that better than the honourable member himself.

We then come to the question of the dredgers. Their working is, I think, a bogey raised as a sort of aftermath of the Back Bay reclamation, and it crops up every year. The honourable member asks why contractors were employed to do the work which the dredgers were expected to do. I have tried to explain before why in the first year the dredgers were unable to do the work expected of them. The dredgers were got to do work which it is impossible to do in any other manner. If the honourable member from Karachi, who has been a contractor will come forward and undertake to remove the silt from the cofferdams when there is 10 feet of water, I shall be only too pleased to give him that work at Rs. 35 per 1,000 cubic feet. He criticises a rate of Rs. 44 per 1,000 cubic feet for the work by dredgers and says it is about five times higher than it should be. But, as I said, I am prepared to give him that work at Rs. 35 per 1,000 cubic feet for next year's working. Of course he must first of all give us a large deposit, as an earnest of seeing the work through, so that the future progress of the work may not be jeopardised. I submit that it is impossible to do that class of work except by these dredgers, and I reiterate that these dredgers are absolutely necessary. This year, for instance, though we purchased the dredgers to excavate the foundations, on the Right Bank they had actually to take the silt from the river and put it inside our confferdams instead of removing it from the cofferdams. Had it not been for the dredgers we would have been behind hand with 6½ spans of that great work. The honourable member further mentioned that the dredgers were of no use because they were not used on the Eastern Nara cut. I mentioned last year, and I think the year before that, that we had no idea of using them primarily on the Eastern Nara cut. They were never bought for that purpose. It was merely to reduce the overhead charges that it was at one time suggested that they be used on that cut. I explained that the work was risky, for, if the river level fell, our dredgers would be high and dry and would not be available for work during the cold weather. I hope this point will not be referred to again.

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Then we come to the question of the quarries. The honourable member made a statement that he heard rumours that there was a discrepancy of 50 per cent. between the quantities paid for and the quantities received on the work. If he has heard any such rumours, I should like to ask him to disabuse his mind of them. I assure him that the materials are paid for after delivery on the works. Only measurements are taken at the quarries for the purpose of giving advances to the contractors, or to indicate what the progress is on the quarries. The weighment is done on the railway weigh-bridges which are on the works. At the quarries we only measure the cubic contents, but it is only on the works that the material is weighed.

Then the honourable member talked about cement blocks. He has been given a good deal of detailed information on this in reply to questions that he has asked up-to-date.

Mr. HAJI MIR MAHOMED BALOCH: Mr. President.. ..

Mr. C. S. C. HARRISON: Sir, I do not wish to yield.

The Honourable the PRESIDENT: The honourable member does not yield.

Mr. C. S. C. HARRISON: The honourable member also harped again on the question of using lime blocks as against cement blocks, and I think he indicated—he did not say directly—that we would not use any of the blocks which were made out of lime mortar. I should like to assure him that we have not got one single block which will not be used. But we have found it cheaper and more convenient to make cement blocks. If we are not making further lime mortar blocks, it is because they are no longer useful to the works, but every single block so far made will be used. The cement blocks are only required for protecting the bed of the river. We do not want stone blocks for the purpose. In the first place, I say, we do not want them, and even if we wanted them we could not get them. The quantity required is very large, and I deny the statement that you can get stone blocks at equally cheap rates. It will cost three times as much to get these stone blocks to the works as to get the cement blocks, and I think the honourable member is well aware of it. You have first to quarry ten-ton stone blocks on one side of the river only, and then get them from the site of the quarry on to the works on both sides of the river and it would be impossible to do this at the same rate at which we can prepare the cement blocks on the spot where they are wanted.

Then we come to the stone dressing shops; the honourable member stated that they were lying idle. But may I point out to him that we have turned out, during one year, a very large quantity of stone that will compare favourably with that done by the plant used for the construction of New Delhi? By the time we have completed our work we hope to give a world's record for output and, as pointed out in reply to a question, the rates at which we are working are correct, and they have been passed by audit.

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Then, Sir, the honourable member from Karachi spoke about dragline excavators. I was very disappointed with his remarks, because they revealed his utter lack of knowledge of these big machines, which I think everybody in Sind ought to take an interest in. He spoke about the excessive staff employed on the excavators. May I inform him that these big machines each replace 2,500 coolies, and that it must therefore take more than one man to handle each ? I would ask honourable members to look at the question of mechanical excavators from the point of view of a unit of machinery replacing so many thousands of human hands. Work has to go on night and day, therefore we require an adequate staff for each machine.

The honourable member for Bombay (Mr. B. T. Desai) started off by saying that this House has been given false information about these works. I deny that statement most emphatically. No false information has ever been given in the Blue Book about the Lloyd Barrage and Canals Construction work, and never will be. The honourable member has not understood the paper before him. He has taken great deal of useless trouble to read out every word that is printed in that statement, and so bore the House. He could have easily understood the question at issue had he gone to any of the members of the Standing Finance Committee for explanation. This matter was discussed in detail by the Finance Committee, and he could have got that information first hand from any member, Mr. Lalji Naranji or anybody else. Yet, he has tried to make out that we have put forward a stupid demand.

Mr. N. A. BECHAR : Is the word ' stupid ' parliamentary ?

Mr. C. S. C. HARRISON : I said that he has tried to make out that we have put forward a stupid demand.

Further, the honourable member from Bombay seemed to be getting rather fuddled with the financial question at issue, because, he complains that we have held over expenditure from one year to another. He pointed out in criticising the items that we have held over some expenditure from one year to another ; for example that centerings and other things were paid for in the current year. That is exactly the point raised by some other honourable members.—I am not sure—whether the honourable member Mr. Haji Mir Mahomed Baloch did so or not. I think he said " Do not come to us for a supplementary grant ; hold over payments till next year. " I might point out to this House that we come for a total demand of Rs. 14·69 lakhs, and I might further point out that I have had to refuse my officers' requests for another Rs. 11 lakhs, which means to say that I am holding that sum over till the next financial year. We do admit that we hold over what we can, because that saves the interests for a period of six months, but we cannot do this to excess. I must submit that the supplementary grant we are now asking for covers the items that were put into the budget and placed before the House last year, and of which, as the Honourable the General Member stated Rs. 25 lakhs were cut off, because in the past we found that we were not working up to our budgetted figures.

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That is the only reason why we have had to come before the House for this supplementary grant. I may inform the members of this honourable House that this year, including the eleven lakhs which we are carrying forward, we are only Rs. 80,000 out on a budget figure nearing Rs. two crores. Honourable members of this House will realise that it is extremely good budgetting.

Mr. H. DOW : Sir, I move a closure.

The Honourable the PRESIDENT : I accept it.

The Honourable Sir COWASJI JEHANGIR : I have no remarks to make, Sir.

Question put and demand granted.

* Grant for expenditure incurred during the current year on the Harvey-Nariman case.

The Honourable Sir COWASJI JEHANGIR : Mr. President, I have to ask for a supplementary grant of Rs. 60,800. Now, Sir....

Mr. K. F. NARIMAN : Sir, I rise to a point of order that the demand is not in order.

The Honourable the PRESIDENT : But the Honourable the General Member has not yet completed his remarks.

Mr. K. F. NARIMAN : I thought he had put the demand before the House.

The Honourable Sir COWASJI JEHANGIR : Sir, I was going to make a speech.

Mr. K. F. NARIMAN : Sir, I submit that before a discussion takes place on this demand the point of order should be settled whether this demand is in order or not. My submission is that supplementary demands are usually made under rules 31 and 32, and that unless the Honourable the General Member proves that the demand is made under any of those rules, he cannot place the demand before the House. If you look, Sir, at rule 31, you will find that it provides only for an excess grant.

Rule 31 reads :

"When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for the service and for that year, a demand for the excess shall be presented to the Council by that Finance Member and shall be dealt with in the same way by the Council as if it were a demand for a grant."

I take it, Sir, that the Honourable the General Member does not put the demand under rule 31, because there is not any previous grant which has been exceeded, and if there has been such an excess, the honourable member to put forward such a demand is the Finance Member. I take it, therefore, that perhaps the Honourable the General Member desires to put it under rule 32. Now, I would invite your careful attention to rule 32 and its wording :

"An estimate shall be presented to the Council for a supplementary or additional grant."

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(I lay particular stress on the word "estimate") only under two circumstances specified in sub-clauses (*i*) and (*ii*). Sub-clause (*i*) is :

"(*i*) (when) the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year;"

I do not think that that clause arises. Sub-clause (*ii*) is :

"(*ii*) (when) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget for that year."

I do not know if the Honourable the General Member wishes to bring forward his demand under this sub-clause. But I beg to submit that he cannot under any of these. It cannot be under rule 31, because there was no original grant and there was no excess on the original grant, and if there had been, the demand would have come from the Honourable the Finance Member and not from any other member. As it is not coming from the Honourable the Finance Member, I take it that the demand is not made under rule 31. Under rule 32, according to its wording, prior to such a contingency arising there ought to have been an estimate showing that such an expenditure was likely to arise and how the estimate was prepared. In this particular case, I would ask the honourable House to consider that the Honourable the General Member is not placing before the House an estimate. The amount has already been spent during the last year and he only wants a sanction from the honourable House after the amount has been spent.

Now, Sir, I would also draw attention to another circumstance, namely, that the contingency for this expenditure occurred in October 1926, when the sanction for prosecution was given. The sanction for prosecution is dated 29th October 1926. One of the conditions of sanction being that Government shall defray the expenses under certain conditions. We need not go into those details now. But the point is that the contingency for this expenditure arose in October 1926 when the sanction was granted. After October 1926, in February 1927 a duly prepared budget was presented to the honourable House where the ordinary item of expenses on law officers, which usually covers expenditure of this description, was included. The budget includes an item for law expenses, which includes the engagement of lawyers or engagement of counsel in criminal cases. In the revised estimate we were told that there was an increase in the expenses on pleaders engaged in mofussil in ordinary criminal cases. Therefore, Sir, there is an item in the budget of every year which includes expenditure of this description. Now, as this contingency arose in 1926, why was it not provided for in the budget of 1927-28 which was before the honourable House and in which there is an item providing for expenditure of this description ? If that provision had been exceeded, under rule 31 a grant would have been asked by the Honourable the Finance Member. If we had sanctioned an ordinary grant and it had been exceeded, expenditure on that head had gone beyond anticipation, under rule 31 the Honourable the Finance Member could have come before the House for a supplementary grant. Then, rule 32, as it includes the word "estimate," rules out any supplementary grant for an expenditure already incurred. Look, Sir, at the note issued by the Honourable

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the General Member. It is distinctly stated that the expenditure has already been incurred, and he only wants a subsequent sanction from the House for this expenditure. This is not an estimate. I submit therefore that this demand is covered neither by rule 31 nor by rule 32. Besides it is not an unforeseen expenditure. The essence of supplementary demand is that it should relate to an unforeseen expenditure, an expenditure which was not anticipated at the time of the budget. Only such expenditure as was not anticipated at the time of the budget can be included in a supplementary grant. When Government gave the sanction in October 1926, they must have foreseen this. And if this expenditure was not included in the budget under the item of expenses on law officers, it is for the Honourable the General Member and the Government to explain why it was not. I think, Sir, that this is not a demand which is covered by rule 31 or 32, and therefore it is not in order.

Mr. G. WILES: Sir, I understand that the honourable member, Mr. Nariman, has raised a point of order asking under what section this demand is made. I may say that it is made under rule 32 (1), sub-section (*ii*) which says:

"a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year."

I submit, Sir, that it is not true that the necessity for this expenditure arose in 1926. The contingency arose after the judgment was delivered by the magistrate. Then only we knew that this expenditure would fall on the general revenues. If I remember rightly the Finance Department refused to make any provision in the budget without an estimate. There was no estimate of this expenditure nor even a certainty that any expenditure would be incurred, and therefore this provision could not be made.....

The Honourable the PRESIDENT: When was the judgment delivered?

Mr. G. WILES: The judgment was delivered in January 1928. I submit, therefore, that this is a new service not contemplated in the budget for 1927-28.

Mr. JAIRAMDAS DAULATRAM: On a point of information, Sir. Was not the judgment delivered before the present budget was presented?

The Honourable the PRESIDENT: That is budget for the next year.

Mr. G. WILES: I understand that the honourable member also urges that this is not an estimate, since it relates to expenses incurred. But a demand can be made even for expenditure already incurred. Merely because the amount has already been spent, can there not be an estimate? If the argument were accepted, it would prevent the House

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from even regularizing expenditure incurred in anticipation of a grant. But the House constantly passes such supplementary demands. That argument is an absolute *reduction ad absurdum.*

I submit, therefore, the demand is perfectly in order under rule 32 (1) (*ii*).

The Honourable the PRESIDENT: I should like to hear the honourable member, Mr. Nariman, on this point.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I would admit that the contingency for this expenditure did arise in October 1926, when the sanction of the Government of India was received. It is dated the 29th October 1926. After that the resolution of the Government states:

"prosecution should be launched at the cost of Government. If the charge is proved against Mr. Harvey, the cost has to be borne by Mr. Harvey."

Therefore, the initiative cost, according to that sanction was to be borne by Government and I submit that from October 1926, when the prosecution was launched according to the sanction, the Government started the expenditure and actually began spending from that time and the whole expenditure was over by the time the judgment was delivered. I submit that there was no presentation of an estimate and therefore no supplementary grant can be demanded. This is something like asking for an expenditure already incurred. Consequently, the expenditure which is already incurred would be included in "Miscellaneous and unforeseen charges." That is the reason why we have been asked to provide Rs. 5 to 6 lakhs under this head. I, therefore, asked the Honourable Minister when he made a demand under the head of "Miscellaneous and unforeseen charges," to state definitely for what purpose this amount is required. But he only tried to explain away by saying that the amount was provided to meet contingent expenses. In the present instance, I may submit that no estimate was submitted at all. If any amount has been fixed for a certain purpose and if it is found that the amount has exceeded, then the Honourable the Finance Member under rule 31 can ask for a supplementary grant. This is an original item and has been brought before this House after the expenditure was incurred, and which amount was not provided in the budget for 1926-27.

Mr. G. WILES: Sir, I can only say, that even if I were to admit that the honourable member is correct in his statement that we ought to have made provision for this amount in the budget for 1926-27, the fact before this House is that we did not do so. That is the only fact which is relevant in this case. We did not make budget provision and we have, therefore, to ask for a supplementary grant.

Mr. J. C. SWAMINARAYAN: Sir, I want to support the honourable member, Mr. Nariman, in his views.

The Honourable the PRESIDENT: Order, order. There is no question of supporting the honourable member, as he has only raised a

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point of order. I think the point of order raised is certainly important and intelligent and would have carried, if that one important and the only argument of the honourable member, the Secretary, had not been convincing. He says: "That the need under rule 32 (1) (*ii*) for this demand arose after the budget for the current year was prepared. I think that is a very strong argument. The judgment of the magistrate really decided the issue; and the resolution referred to by the honourable member does not decide the issue for the purpose of the Finance Department. The Finance Department is concerned with account intricacies which they have to adhere to; and accordingly they could provide for the expenditure after the judgment. Had Mr. Harvey lost the case, the Finance Department could not have asked for this supplementary grant. I think the honourable member, the Secretary of the Finance Department, is right in pointing out that the contingency for the demand only arose after the judgment was delivered. Under these circumstances the demand is in order.

Rao Bahadur R. R. KALE (Satara District): Another point of order Sir. It seems to me that here this amount of Rs. 60,000 is already voted, I mean to say, so far as the Development Department is concerned, there is the statement that "the total expenditure incurred by Government amounts to Rs. 60,800 and sufficient savings to cover the cost are anticipated in the current year's voted budget grant under the head Bombay Development Scheme, as increased by the supplementary grant voted by the Legislative Council at its last September-October session." That is to say, the money is spent out of the expenditure sanctioned for the Development Department, and the wording of this demand differs from the wording of the several demands for grants which have been made. It is stated that the money has been already voted upon in the Development Department. So, if any money is required, really the demand ought to be under the head of Law Officers' Charges, 24-Administration of Justice. So far as the Development Department is concerned, there was a large amount sanctioned in the original budget. Also in the supplementary demand the amount was sanctioned, and this money has been expended out of the money already sanctioned by the vote of the Council. So, so far as the Development Department is concerned, the expenditure is really already voted upon and sanctioned. Now, if really speaking, this is another expenditure belonging to another department, then, Government ought to come forward by a proper demand under the head 24-Administration of Justice, to which the Law Officers' Charges belong. I take it that this thing is placed before the Council as a matter of indulgence as it were, that is, in order to afford this Council an opportunity to discuse this matter, it being an important matter. Otherwise, it must be regarded as a grant properly belonging to the Administration of Justice, not the Development Department.

The Honourable the PRESIDENT: Does the honourable member mean that, if this supplementary demand was not placed before the Council for its sanction, Government would be right in including

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that amount as amount sanctioned in the budget and that they would not be constitutionally wrong ?

Rao Bahadur R. R. KALE : No, Sir.

The Honourable the PRESIDENT : I think that is what one would gather from the honourable member's remarks.

Rao Bahadur R. R. KALE : No, Sir. I mean that is an expenditure belonging to the Development Department. That is the point I was making. If it is regarded as an expenditure belonging to the Development Department, as an item of that department,.....

The Honourable the PRESIDENT : I can assure the honourable member that this demand is not made with a view to raise a discussion on that question. They have made it because they are bound to. Does any honourable member wish to speak ?

Mr. G. WILES : Do you wish me to speak, Sir ?

The Honourable the PRESIDENT : Well, if the honourable member wishes to say anything, he may.

Mr. G. WILES : I only have to say, Sir, that if the honourable member were right in his argument that Government need not have come to this House for this demand, since the amount can be met from savings, I have no doubt the departments of Government would be only too delighted. It is the Finance Department that demanded that they, the Development Department, should come before this honourable House with this demand, as it is a new service, not contemplated at the time of the budget.

The Honourable the PRESIDENT : As a matter of fact, I do not think there is any point of order.

The Honourable Sir COWASJI JEHANGIR : Mr. President, during the two debates that we have had in this honourable House, this session, a good many facts have come to the knowledge of all honourable members, and I will ask your forgiveness and that of the honourable members if in the remarks that I have got to make I may have to repeat what I have already stated during this very sessions. But, while making this statement, I think it necessary to relate very shortly the facts and events which led up to sanction being given, resulting in my having to come to this honourable House for this supplementary demand. I will have to take you back some years. I will not go further back than the June-July sessions of 1923. During that sessions a question was asked by an honourable member who no more happens to be amongst us, but the reply was not given in the House as the House was prorogued. In response to a request, the answer was sent to the honourable member informally. The relevant part of the question was (*f*) of the question : "" Do official records show that wrong size was ordered ? " meaning mild steel bars. The answer was " No ". That answer was admittedly wrong, and in a subsequent sessions, in answer to another question, I will show that the correct answer was given. (Mr. K. F. Nariman : That was also wrong.) Now, Sir, the next step is the August sessions

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of 1924. My honourable friend Mr. Lalji Naranji tabled a resolution which was not moved in this House, but the importance of which was recognised by Government, and for all practical purposes accepted. It was a resolution to appoint a committee to enquire into the activities of the Development Department as to how far and in what directions such activities should be continued or eliminated. I have already read out the whole of this resolution to the honourable House at this very sessions. This resolution was sent to the advisory committee, then sitting, as a special reference. On the 23rd October the same year, 1924, my honourable friend Mr. Nariman asked a question in Council about mild steel bars. I will not detain you by reading out the whole question and the answer. I will just give you the gist of it. He wanted to know whether steel bars had been ordered out, whether the required bars were of the size of $\frac{5}{8}$ths inch, and whether the $\frac{5}{8}$ths had been changed into $\frac{7}{8}$ths and the bars had become surplus. In answer to that question, we admitted that a mistake had been made, that $\frac{7}{8}$ths inch bars had been ordered out instead of $\frac{5}{8}$ths bars, and we went on to explain that 800 tons of these $\frac{7}{8}$ths bars had been used and the rest would be for sale if the programme was curtailed.

On the very next day (this was a mere coincidence) my honourable friend moved a resolution in this House by which he required the appointment of a committee to inquire into the whole administration and working of the Development Directorate, to suggest ways and means of effecting retrenchments and to report on the advisability or otherwise of continuing the schemes taken in hand. On a former occasion, during this session, I read out the resolution tabled by my honourable friend Mr. Lalji Naranji and the resolution moved by my honourable friend Mr. Nariman, and I then contended (I think I rightly contended) that there was very little difference of substance between the two. During that debate, in October 1924, I pointed out to the House that Government had given effect to a similar resolution moved by my honourable friend Mr. Lalji Naranji and that resolution was at that time under the consideration of the committee, and therefore Government did not see the necessity of appointing another committee. It was then brought to the notice of Government during the very debate that the committee to which Mr. Lalji Naranji's resolution had been referred did not have, amongst its members, members of this honourable House. Government offered to appoint a few honourable members to the special advisory committee. But still Mr. Nariman's resolution was passed by a few votes. On the 31st October, that is, within six days of the passing of that resolution, Government offered to appoint my honourable friend Mr. Nariman and several other members to the special advisory committee. Mr. Nariman refused to take advantage of the offer on the ground that the reference contained in his resolution was of a wider character than the reference contained in my honourable friend Mr. Lalji's resolution. Personally, I could see then and I can see now very little difference between those two resolutions, but suffice it to say that this special advisory committee, which was entrusted with the task of enquiring into the administration

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of the department, was the committee that ultimately reported on the Back Bay Reclamation Scheme, and I contend that if the reference was as narrow and was as limited as my honourable friend would try and make out, how was it possible for the committee to go in for such an exhaustive examination of the activities of the Development Department in Back Bay and produce a report which has been most useful both to Government and the public ? I further state that that very committee, under that very reference, is still in existence and is examining our Suburban Development Schemes. I mention these facts to show that the reference to the committee was not limited, was not confined to any narrow issues as was then contended and has since been again contended by my honourable friend Mr. Nariman.....

Mr. B. G. PAHALAJANI : I rise to a point of order, Sir. All these matters have been twice placed before this House by the same Honourable General Member. Is it, therefore, open to him and is it in order for him to bring these facts forward in an examination of other questions such as the discussion of this item ? Similar matters, I think you, Sir, will be pleased to observe, were raised in the Legislative Assembly. Your ruling on this point may save so much time of the House.

The Honourable the PRESIDENT : I am glad that the honourable member has raised that point of order. The questions of Back Bay and the Development Department affairs and the Harvey-Nariman Case have really come before this House more often than they need have come and I was only wondering myself as to how far the Honourable the General Member would like to go into such details in presenting the demand before the House. The point of order rather helps me in one way. If I allowed the Honourable the General Member to go into all these points, then it would be very difficult for me to draw the line when other honourable members speak on the subject. I would, therefore, again prefer to give the same advice to the Honourable the General Member which I did to the honourable member from Karachi, that his remarks should be strictly limited to the demand before the House.

The Honourable Sir COWASJI JEHANGIR : As a matter of fact, Sir, all the matters I am presenting before you are relevant, but I should certainly take your advice and if it is the wish of this honourable House, I will curtail my remarks by not going into them in detail but by simply putting them before the House as mere facts.

The next point is that in the debate of 3rd March 1925 my honourable friend Mr. Nariman, for the first time in this House, made allegations of corruption, and in reply to that debate I made a most sincere offer to him in this very House and on more than one occasion during this session. I have read out my very words. Again, suffice it to say that I asked my honourable friend to come and let me know any cases of corruption, if not in this House, privately, and I promised him that I would give him satisfaction in the investigation of those allegations of corruption provided those allegations of corruption were of a specific

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character which I could investigate. I heard nothing from my honourable friend for several days. I waited for a month and a half, and I will again remind honourable members that the Secretary wrote a letter to my honourable friend offering him what I considered a most sincere and generous offer, *viz.*, Government offered to appoint an officer of high judicial attainments to investigate any charges of corruption Mr. Nariman might have to make. We asked him for assistance not in the interest of my honourable friend but in the interests of Government. I am ready to confess that we wanted his assistance not because he was a non-co-operator. No, we wanted to take his assistance because it was in the interests of the department and in the interests of Government. But, Sir, may I state once again that that offer was refused—the offer of the appointment of a high judicial offer to investigate any allegations of curruption that my honourable friend might have to bring forward. I will not weary the House by reading out the letter nor will I weary the House by summarizing Mr. Nariman's reasons for refusal.

Then, Sir, we come to the Mears Committee. There again my honourable friend was invited to give evidence and to supply information upon which he based his speech of the 3rd March 1925. While giving evidence he made a certain number of allegations of corruption which were not specific, except one allegation, the allegation that mild steel bars had been ordered out of a wrong size deliberately with the object that Mr. Harvey who ordered out these mild steel bars would gain by way of commission and with ulterior motives. Well, Sir, naturally Government could not, after evidence of this character, sit down with folded arms and, if they had, this honourable House would have had justification for saying that Government were trying to shield their officers. Here was a specific allegation made before a responsible committee, before which my honourable friend knew he had no protection. In this House he has absolute protection.

Mr. HOOSEINBHOY A. LALLJEE: I do not understand why should he not have protection before the Commission.

The Honourable Sir COWASJI JEHANGIR: He knew that he had no protection because he is a lawyer, and you are not.

Mr. President, my honourable friend made these statements with a full sense of responsibility, and I say that the one specific allegation he made was not proved. An explanation was given in this House, but he repeated the allegation. I ask honourable members to consider the position of Government. Well, I will tell you what Government did do. I am prepared to lay all the cards on the table of the House; there is nothing for me or the Government to hide.

An Honourable MEMBER: Now.

The Honourable Sir COWASJI JEHANGIR: All through. We asked our officers to go and give their written statements to the committee and to explain all allegations, even if the allegations were vague, and certainly the specific allegation of corruption. Our officers naturally wanted to know whether the committee would express an authoritative

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opinion on the specific allegation of corruption made by the honourable member. Government were not in a position to answer that question. The officers did go to the committee, and did give their explanations, but when it came to giving an authoritative opinion as to whether the allegation of corruption was right or wrong, the committee did not say anything. Mr. President, I had to give my evidence before the Mears Committee that very afternoon. I was not aware of any questions that might have been asked to the officers of Government. After my examination was over, one of the members of the committee asked me a straight question. The question was whether I knew that allegations had been made by the honourable member Mr. Nariman against an officer of Government, and what steps I was prepared to take to prove or disprove those allegations. Naturally, I turned round to the committee and said that Government could not prosecute, but if the officer of Government, who believes himself to have been defamed, asks for sanction to prosecute, I would like the views of the committee, since the committee was appointed by the Government of India, and I am afraid I cross-examined the committee instead of the committee cross-examining me. But I did wish to know from the committee how this matter should be cleared up. The committee stated that they were not prepared to express an authoritative opinion on the allegations. One member of the committee said that Government should take steps to see that Mr. Nariman proved his allegations. Another member of the committee said that Mr. Harvey should be allowed to do what he pleased. The third member of the committee expressed no definite opinion.

An Honourable MEMBER : And the fourth ?

The Honourable Sir COWASJI JEHANGIR : There was no fourth member.

MOULVI RAFIUDDIN AHMAD : The committee expressed those opinions ?

The Honourable Sir COWASJI JEHANGIR : Yes, they are in print ; they were made in public before the Mears Committee.

Well, Sir, the very next day, that is on the 25th of August 1926, after the officers had been before the Mears Committee, Mr. Harvey applied for sanction to prosecute Mr. Nariman, for the specific allegation he had made about the purchase of mild steel bars. He contended that the specific allegation made against him was incorrect, that his reputation would suffer, and he asked Government, as the protectors of the characters of their officers, to give sanction. He further asked that the privileges to which he was entitled under the rules of Government should also be granted to him. Now, Sir, this application of Mr. Harvey, in the ordinary course, went on that very day to the Solicitor to Government, who forwarded it to the Advocate General, and Government had to make up their minds on the advice tendered by their legal officers. The legal officers stated that the statement was defamatory. Well, Sir, I would like honourable members to realise

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exactly the position of Government at that time. The honourable member Mr. Nariman had been admittedly given opportunities of giving Government assistance to prove his allegations of corruption. The honourable member repeats that one allegation which he had made in this House, the only specific allegation, before the Mears Committee. The Mears Committee do not express an authoritative opinion, but on the other hand one of the members of the committee very clearly expresses the opinion that Government should see that steps are taken to prove or disprove the allegation. The other member states clearly that Mr. Harvey should be allowed to do what he pleases.

An Honourable MEMBER: What about the opinion of the third member?

The Honourable the PRESIDENT: That has already been stated.

The Honourable Sir COWASJI JEHANGIR: Government themselves had examined that allegation about corruption in regard to mild steel bars, and they had found from the tender itself that the honourable member Mr. Nariman was wrong when he stated that 5/8" had been intentionally changed to 7/8". The explanation that it was done by mistake had been given to this House. Government could express no further opinion. Who was then to express an opinion? And, Mr. President, I seriously ask honourable members to reflect what their opinion would have been if Government had taken no further steps and my honourable friend Mr. Nariman had come to this House and pointed out to us "Here you are, I make this specific allegation; further, two members of the committee have asked that Government should clear them up; and you have taken no steps." He would, I imagine, have roared and said that Government were guilty of shielding their officers. And, Sir, the only action that Government could take was to allow Mr. Harvey to clear his character or allow Mr. Nariman to prove that the allegations he made were right. Government gave the sanction.

Now, Sir, I think all honourable members are acquainted with the resolution passed by Government, and I need not take up further time of the House by reading it. I will only state that the resolution was guided by the Government Servants' Conduct Rules. I do not know whether honourable members would like me to read out those Conduct Rules.....

....(Honourable Members: Read the resolution giving sanction). I have been asked, Mr. President, to read out the resolution giving sanction. It reads:

"The sanction asked for by the S. E., Housing and Suburban Circle to institute a criminal prosecution against Mr. K. F. Nariman, B.A., LL.B., for defamation for certain statements made by him before the Back Bay Enquiry Committee is accorded. The proceedings should be instituted at the cost of Government, but if the complaint is dismissed due to Mr. Nariman proving his allegations, the cost should be borne by Mr. Harvey."

You must read this resolution in conjunction with the application made by Mr. Harvey (which preceded the resolution), in which he asked for sanction to prosecute on one specific allegation.

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Sir, to cut matters short—I am glad to see there is a tendency in this honourable House to finish this debate as soon as possible.....

Honourable MEMBERS: No, no.

The Honourable Sir COWASJI JEHANGIR: Then, Sir, it is a one-sided arrangement: I have to curtail my speech, but my honourable friends are to be allowed to speak at any length. That is not the understanding, Mr. President, that you gave me to understand. At any rate I will not take much longer. Do honourable members want me to read out the rules ?

(Honourable members: Yes.)

The Honourable the PRESIDENT: Only that particular rule.

The Honourable Sir COWASJI JEHANGIR: There is only one rule, and it reads:

"A Government servant may not, without the previous sanction of the local Government have recourse to any court or to the Press for the vindication of his public acts or character from defamatory attacks. In granting sanction to the recourse to a court the local Government will in each case decide whether it will itself bear the costs of the proceedings or whether the Government servant shall institute the proceedings at his own expense, and, if so, whether in the event of a decision in his favour, the Government shall reimburse him to the extent of the whole or any part of the costs. Nothing in this rule will limit or otherwise affect the right of any Government servant to vindicate his private acts or character."

That is the rule, Sir. Now, let us come to the judgment, the position being that if Mr. Nariman proved the charges of corruption against Mr. Harvey, Mr. Harvey was to bear the cost; if Mr. Nariman failed to prove those charges of corruption, if the court held that those charges were not justified, Government was to bear the cost.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: You had already paid him before the judgment.

The Honourable Sir COWASJI JEHANGIR: Part of it; we have not paid the whole.

Now, Sir, I will try to summarise the judgment very briefly so far as it relates to Mr. Harvey and so far as the Magistrate has held Mr. Harvey not guilty of corruption.

The Magistrate states that the main gravamen of the charge is that the alteration of 5/8" into 7/8" was made deliberately by the superintending engineer in the indent prepared by the Executive Engineer out of corrupt and ulterior motives. The point for consideration is whether the complainant did so with a corrupt or dishonest motive. The question for decision is whether this alteration or addition to the indent was made by Mr. Harvey deliberately out of corrupt or ulterior motives.

According to the Magistrate, Mr. Nariman's contention on this point is that these bars were wrongly ordered and far in excess of any actual requirement for any purpose and with a view that manufacturers should make a profit in order that Mr. Harvey may get secret commission. It was also Mr. Nariman's case that Mr. Harvey and other officers formed a group or an association of persons who took secret commissions from merchants and contractors.

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The Magistrate states that though he holds that the complainant ordered excessive number of bars and of a wrong size, it does not necessarily follow that he did it out of corrupt or dishonest motive. It may have been made through error of judgment, incompetency, carelessness or negligence or wrong calculation or because he acted on the slip of Mr. Hamid. Only if the proposition advanced by Mr. Nariman that there was a combination or conspiracy on the part of these higher officers, namely, Messrs. Sykes, Harvey and Hamid, could it be held that it was done out of corrupt or dishonest motives. The evidence, states the Magistrate, before him is not sufficient to warrant such a conclusion. There may be suspicious circumstances but they could only be matters of vague suspicion, not entitled to any serious consideration. He found nothing adduced before him to show that there was a combination or group of officers who took secret commissions from merchants and shared in the secret profits.

The Magistrate further states that not one of the several witnesses called by Mr. Nariman makes any allegation of corruption against the complainant personally. On the contrary, the Magistrate goes on to quote the evidence of a witness who described the precautions taken by them to protect themselves against Bara Sahebs like Mr. Harvey or some other persons coming down upon them. This would show that, Mr. Harvey at any rate had nothing to do with Mr. Hamid in the matter of bribes in regard to transactions referred to by this witness. The Magistrate held therefore that there is no evidence to prove any such conspiracy or combination or association of higher officers including Mr. Harvey.

The Magistrate continues that there is also another obstacle to the acceptance of Mr. Nariman's suggestion of corruption and that is the p ocedure observed in the ordering of the bars. That did not rest with Mr. Harvey at all. Mr. Harvey had thus nothing to do with the acceptance of Shalebhoy Tyabjee's tender or of the placing of order with English manufacturers. On the evidence therefore the Magistrate states that he must hold that the plea of justification fails.

I find, Sir, that we are nearing tea time, and as the House a e anxious not to go into further details, I will say no more. I will only ask honourable members to realise the feelings of an officer who honestly believes himself to be innocent and who has been publicly accused of corruption. It is all very well to say that it is one of the duties of a public officer to hear criticism, but I would ask honourable members to realise that if Government servants are liable to be accused of corruption when they are really innocent and if Government refuse to give any protection it will be difficult for Government to get men who are really desirous of maintaining their reputation. With these words Mr. President I will ask for the grant.

Question proposed.

(*After recess*)

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, Government are in the habit of incurring expenditure without the sanction of

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this House. They consider that this House, as it is constituted at present, will not come in the way of sanctioning any expenditure that they make.

Now, there were very queer arguments advanced by the honourable member, the Secretary of the Finance Department. I do not understand him. It has been clearly stated in the note that has been supplied to us :

"Government decided the suit against Mr. Nariman should be instituted at their cost."

This decision they arrived at in October 1926....

The Honourable Mr. J. E. B. HOTSON : Sir, may I know if the honourable member is in order ?

The Honourable the PRESIDENT : Is that an indirect way of questioning my ruling ?

Mr. J. C. SWAMINARAYAN : No, Sir. I want to say that Government decided to institute the suit at their cost and they should have made provision for that cost and should have taken the sanction of this House for meeting the cost. I do not think that money was going to fall from heaven. Money, of course, Government can have only with the vote of this House. The suit was instituted at the cost of Government and the Honourable the General Member has already told us that some part of the cost has already been paid before the judgment was delivered. I, therefore, do not understand from what source this money came. Did it come from the budget, or did it come from the savings ? Where did the money come from ? This is the way the Government are spending the money. The Government feared very much that if they had put the proposal in this connection, the House would not have accorded its sanction. Therefore they went out of the way and adopted this novel procedure of incurring expenditure in anticipation of the sanction of this House. Now, they have come to us for our sanction. If you look at the note supplied to us, you will find the heading on that note is : "grant for the expenditure incurred during the current year on Harvey-Nariman case." This procedure is clearly a wrong one.....

The Honourable the PRESIDENT : Order, order. The honourable member is not in order in speaking in the manner he is doing. I have ruled that the Government or the Honourable the General Member was in order in asking for the grant in the way in which he has asked. Therefore, that question cannot be brought under consideration again.

Mr. J. C. SWAMINARAYAN : Sir, I bow to your decision. I want to submit that when Mr. Harvey asked Government for the permission to prosecute the honourable member of this House, Mr. Nariman, Government accorded their sanction. At that time it was no business of Government to finance that prosecution. I think it was the business of Mr. Harvey to launch the prosecution in order to clear his character. Government ought not to have taken the cause of Mr. Harvey and gone

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out of the way by giving Mr. Harvey all the facilities in prosecuting an honourable member of this House.

The Honourable the General Member says that the honourable member, Mr. Nariman, did not give them help in proving his allegations. By a resolution of this House, the Honourable the General Member did give an advisory committee. The Honourable the General Member stated that at that time the honourable member, Mr. Nariman, could have co-operated with Government and proved all the allegations. But I submit, Sir, that the honourable member, Mr. Nariman was asked to serve on an advisory committee. Mr. Nariman was perfectly right in refusing that offer. He was again asked to appear before a person of high judicial attainments like a criminal. That is the reason why the honourable member, Mr. Nariman, had to refuse the offer of Government. When Government did not succeed in inducing the honourable member, Mr. Nariman, to prove his allegations, the Honourable the General Member or the Government compelled him to prove these allegations in a different way by giving sanction to launch this prosecution. They compelled him to prove these allegations in a court of law. I would say that the offer made by Government to the honourable member, Mr. Nariman, to appear before a judge, was tantamount to the fact that Government regarded him as a criminal, because he was trying to go into the secrets of the Government officials of the Development Department. Instead of taking his assistance in a proper way, they have compelled him to prove his allegations by prosecuting him. I think if the honourable members of this House are prosecuted in this way, it will be very difficult for them to perform their duties for their constituencies which have returned them to this Council. Sir, what was the condition under which this prosecution was sanctioned? If the complaint would be dismissed, Mr. Harvey would have to bear the cost. (The Honourable Sir Cowasji Jehangir : That is not the wording) " Subject to the condition that in the event of the complaint being dismissed ' due to Mr. Nariman proving his allegations, ' the cost should be borne by Mr. Harvey. " Now, this additional condition that they have put in, namely, " due to Mr. Nariman proving his allegations, " cannot be put down according to the Government Servants' Conduct Rules, which the honourable member has read. I think they have gone out of their way, gone beyond the rules, and made a special case of Mr. Harvey and given him all facilities. The rule talks of the case being decided in the favour of the complainant. There is nothing about proving the allegations in the rule. But the honourable member Mr. Nariman has come out unscathed from the trial. I think the intention of Government—I cannot attribute motives—but perhaps the launching of this prosecution must have for its object the curbing down and endeavouring to cow down a member like the honourable member Mr. Nariman. But I think Government is mistaken in supposing that a man of the stamp of Mr. Nariman could be cowed down into submission by such prosecution, and Mr. Nariman has come out with flying colours from the ordeal to which he was subjected by Government. And now, though Mr. Nariman

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has come out successful in this ordeal, still we are asked to defray the whole cost of Mr. Harvey from the Government coffers ! This, of course, is a way of "cutting it both ways." If they wanted to prosecute Mr. Nariman, they ought to have come before this House and asked us whether this prosecution should be sanctioned or not. But the Honourable the General Member at once decided to prosecute him without taking the sanction of this House as regards expenditure. They ought to have come here before the House and said that the character of a Government officer of a very high position has been questioned and, therefore, they desired that prosecution should be undertaken. Of course, money was to be refunded later on. But on a hypothetical case, they ought to have taken the sense of this House for the purpose of launching this case. Instead of doing that, they launched the prosecution, the case lasted for a very long period of time, and I do not know what money has been spent on it. I think this Rs. 60,800 is merely a very small amount in comparison with the actual cost Government has incurred. The Chief Presidency Magistrate, or the Magistrate who tried this case, may be drawing a salary of Rs. 1,200 or Rs. 1,500, I do not know their salaries, then the salaries of the clerks and so on, if all this expenditure and the waste of public time is calculated, I think the loss to this presidency is enormous. I think it was no business of Government to give such special privileges to this officer without taking the consent of this House. Unfortunately, they have incurred this expenditure, and now they come and say "You must pass it," and perhaps it is said in some quarters that if this amount is not passed by this House, His Excellency the Governor may have to restore it. That is a queer argument. According to the constitution, any amount, as far as a reserved subject is concerned, can be restored by His Excellency the Governor. Government have kept this as a reserved subject in order that any grant may be restored in this department. Originally, I think this ought to have been in the Public Works Department. This Development Department ought, therefore, to have been a transferred subject, in which case this House would have had greater control over the expenditure, and such scandals that have come out would not have happened in the course of these five or six years, in which ultimately the general taxpayer of the presidency has been saddled with a subsidy of Rs. 32 lakhs. This is not a common joke. We in the mofussil are being starved and taxation is being increased in the mofussil and rural areas, and for getting a lakh of rupees from one taluka the people have to be dealt with so severely as perhaps may be the case in Bardoli and other places where revenue assessment is increased. Now, when such is the case of the poor peasant, and just now a heavy contribution is taken from them, and the result has been that Rs. 32 lakhs,—not a small amount, perhaps proceeds of one whole district, the land revenue of one whole district, would not be more than that,—will have to be paid by whom ? By the poor people who are starving for bread in the mofussil areas. Now, such is the condition, and therefore, it was the duty of Government rather to set their house in order. If the allegations were made, why did they not themselves take

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any steps ? Why did they not make enquiries of their own accord ? They have got a big C. I. D., which they could have utilised for the purpose of unearthing the secrets of this Development Department and its workings. Clue was given to them by an honourable member of this House. They could have taken it, and they could have put their C. I. D. dogs,—C. I. D. people,—on that. Of course, they are not dogs but watch-dogs. Government generally call them watch-dogs because they find out and unearth secrets from various places. There is a big department of C. I. D., and I think they could have unearthed so many matters that were brought to the notice of Government in this connection. But they did not do it, because high officers of Government were involved and perhaps many other things would come out which would be unpalatable to the high officers of Government, and therefore, what did they do ? The honourable member Mr. Nariman appeared before the Mears Committee, a committee appointed by the Government of India. It was not a committee that was put up without a proper constitution and the object of that committee was to unearth the secrets of this department. Now, before that committee the honourable member Mr. Nariman appeared as a witness. Non-co-operator as he was, he appeared before that committee and gave out all the details that he knew. And what have Government done ? Instead of setting their house in order, they have come back and questioned the members of the Mears Committee and asked " What can Government do to vindicate the character of their officers against whom those allegations have been made ? " Now I think instead of making enquiries into all the allegations, which was the duty of Government, they go in a round about way and take up the unusual procedure of approaching the Government of India and getting their sanction for this prosecution, instead of going the right way. Now ultimately they have been compelled to admit that it is necessary to make investigations and they have been compelled to accept a committee of this House for going into this subject. If that had been done before, the present trouble would not have arisen. I know how for a period of three or four months my honourable friend Mr. Nariman was ill and still he had to undergo this ordeal ; as an indomitable worker in the public cause, he has gone through this ordeal and he has come out of it unscathed and victorious.....

The Honourable the PRESIDENT : The honourable member is repeating his arguments.

Mr. J. C. SWAMINARAYAN : Therefore this is a matter in which Government have incurred this expenditure without the sanction of the House and without taking the House into their confidence and therefore it is the duty of the House not to pass this grant. Several questions have been asked about this very matter but the replies given have been evasive. When the Honourable the General Member has thought it fit to persecute and humiliate an honourable member of this House, we, the representatives of the people who have elected us, ought not to acquiesce in such persecution and humiliation and we must therefore reject this

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grant *in toto*. Voting for this grant is nothing but acquiescence in this persecution. I am sure no honourable member with any self-respect will vote for it.

The Honourable the PRESIDENT: I suppose many honourable members would like to speak (although for the present one or two stood up in their places) and stand up in numbers when probably I would be feeling differently as regards continuing the debate. With a view to curtail lengthy discussion I should like to point out to the honourable House that really speaking, to my mind, there are two very important issues on which the debate ought to go, *viz.*, whether Government were justified in sanctioning the prosecution; and secondly, whether the judgment justifies the demand made to-day. These are the two important issues. The other details which have often been talked out should not be repeated here. I hope that honourable members will speak briefly on the subject on those lines and allow as large a number as wish to speak to address the House. The honourable member from Karachi, Mr. Bechar.

Mr. N. A. BECHAR (Karachi City): Sir, after Government having done their damnest to persecute in a spirit of utter vindictiveness a political opponent, and after the damning judgment that has been delivered against the whole conduct of the Development Department by the trying magistrate, I should have thought that Government would not have had the impudence, the cheek and, if I may say so, the barefacedness to come before this honourable House and ask them to sanction the sum of Rs. 60,800 which they have spent to finance this case. Sir, the Honourable the General Member was kind enough to read to us the rules for the conduct of public servants, and he tried to justify the position taken up by Government. The rule which he quoted to us states that if any public officer is defamed then the Government could give sanction to the officer defamed to go and vindicate his conduct in a court of law and that it could be done either at his own expense or at the expense of the State or in the alternative if he won the case, the Government could consider as to how far they should reimburse him for the expenses incurred by him in that behalf. First of all, I should like to touch upon the point as to whether the charges made by my honourable friend Mr. Nariman in the discharge of his public duties did constitute defamation of the officer. That point has been sufficiently and very lucidly cleared by the learned magistrate who tried this case and who has held that there was no defamation at all.....

The Honourable the PRESIDENT: I do not know whether the honourable member is right in arguing on those lines, I do not know whether he has read the judgment (Laughter).

Mr. N. A. BECHAR: It appeared in all the important Bombay papers and I have read it.

Anyway, the question arises whether Government was justified in making that expenditure in the very beginning. The rules do not compel Government to incur expenditure at the very initial stage and in

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the long speech which my honourable friend, the Honourable the General Member, delivered here, he did not indicate to us any reason why Government went out of their way and incurred all that expenditure and committed themselves to the extent that they did. Now, Sir, they are trying to present to this House a *fait accompli* that we have already made this expenditure. It is now merely a question of book entries. They are in this way trying to misguide and mislead honourable members in their private conversations and say that the House was already committed to this expenditure by a certain act which impliedly gave consent to the prosecution. I hope that these methods of the official whips will not deceive anybody and I ask the Honourable the General Member to produce the slightest evidence on record to show that directly or indirectly this House was ever a party to the sanctioning of the prosecution, whether in the form of a demand for grant or by any other means. Therefore, all those honourable members whom the Government are trying to beguile by saying that the House was already a party to it, will be exposed to the fullest extent.

It has been argued that the officers of the State have got to be protected and that unless that protection is given to them, no good men will come forward to join public service. Look at that question. That question is more or less analogous to a case that arose in the Karachi municipality. A member of the Karachi municipality in the course of a speech suggested that one officer of the municipality had done certain acts which had landed the municipality in a lot of losses and that the way in which he (the officer) was doing his work raised serious suspicions; upon this the officer asked the municipality to give him sanction to prosecute that particular member of the municipality. The managing committee said "it is not our affair. If you have been defamed, we have no objection to your going to the court and clearing your conduct." That officer went to the court and the case was ultimately decided in favour of the municipal councillor. The relevant point I wish to bring to the notice of the House is: did the Karachi municipality pay one single pie to the officer in order to enable him to have his conduct vindicated? Not a bit of it.

Now, Sir, one point clearly emerges from the whole case, namely, whether the charge that my honourable friend Mr. Nariman made in a general manner was proved or not. The magistrate himself has said that no explanation is forthcoming as to the real cause, the real intention about the ordering of those bars. He says, it may be a mistake, it may be corruption. I think that the burden of proof should have fallen upon the person who prosecuted to prove that Mr. Nariman had made that charge in order to malign that officer. On that point the magistrate states clearly that that was not so. Not only that but the fact that there was something wrong in doing this business was proved by the circumstantial evidence of the number of frauds that were perpetrated upon the Development Department.

Leaving aside the legal aspect of the question, do Government, after all this public indictment, consider it reasonable or fit to come before this

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House for a grant of this expenditure ? If Mr. Harvey had won the case, I could have understood Government coming to this House and saying " Our officer has won the case ; Mr. Nariman's lies have been exposed, and therefore it is proper now for this Council to sanction the expenditure." Then our heads would have been a little low, and we would not have had this courage to tell Government that it is wrong of them now to come before this Council for sanction to the expenditure. On the contrary, the honourable member Mr. Nariman has won the case, and yet we are being asked to sanction this expenditure. Since this case has gone on, on one pretext or other, already this presidency has borne the burden of paying Mr. Harvey for no work that he was doing during the latter part of his stay in the Bombay Presidency. If this is taken into account, Mr. Harvey has already got more than Rs. 60,000, and on the top of that we are being asked to give Rs. 60,000 more. Sir, the only possible inference that I can draw from the attitude which Government have taken up in coming before this House to sanction this grant is that they feel so sure of their majority in this House. However rotten the whole proposal may be, however fraudulent the whole affair may be, they know that they can get majority to vote with them by the power and prestige which they possess in their hands, by the power of patronage which the instrument of Government places in their hands ; I believe most sincerely that they deliberately misuse their power and gain a majority. Otherwise, I am sure they would never have been able to get a majority on the question which was discussed in this House yesterday....

The Honourable the PRESIDENT : Order, order. That is a digression.

Mr. N. A. BECHAR : Very well, Sir, but I feel strongly that justice and righteousness is on this side of the House, but ultimately they will get a majority of votes on their side, for so long as we have people to say " For me it is not to reason why, but to simply do and die," Sir, insert the word " vote " for " do " and it comes to " For me it is not to reason why but to vote and die." Now, Sir, that is the position of the official bloc and some flunkies, miscalled representatives of the people ; will simply go on the instructions of the official whip and vote in the " Ayes " lobby, but, Sir, that verdict will not be endorsed by the public at large. If you want to get at the real judgment of the House on this question, I say, exclude all the official members. You will then know what is the true verdict on this question ; otherwise, I most strongly repudiate that judgment. I will challenge Government to go before any impartial tribunal and establish whether their case is right or wrong.

Mr. B. G. PAHALAJANI : On a point of order. May I know whether the Honourable Member in charge is prepared to place the opinions of the law officers of Government on this question before the House. He has referred to them, and the Parliamentary practice is that when a Minister refers to any document, it must be placed before the House.

The Honourable the PRESIDENT : There is no point of order.

Mr. B. G. PAHALAJANI : It is a point for the Chair to decide, whether the documents should be placed on the table.

The Honourable the PRESIDENT : I have given my ruling once before that documents so referred to should be placed on the table.

Mr. B. G. PAHALAJANI : Does that not apply in this case also ?

The Honourable the PRESIDENT : I suppose the same principle would apply.

Mr. K. F. NARIMAN (Bombay City, South) : Mr. President, I must confess that I am in rather an embarrassing position, when I speak on this subject. When the subject was broached in this House, I had considered my position for a long time, and if it were not for the personal references that the Honourable the General Member has made, which render an explanation on my part necessary, and if it were not for the fact that this House has to go into the question with all the facts before it, which I expected the Honourable the General Member to give, but which he has not done, I would not have inflicted myself upon the House.

First and foremost, I must once again repudiate, and I repudiate it as emphatically as I can, the suggestion which has been repeatedly made again to-day by the Honourable the General Member that opportunities were given to me by the Government to place my facts before a properly constituted tribunal and I refused that offer. Evidently the Honourable the General Member suffers under a belief that by constantly repeating what he says is the true state of affairs, he might be able to create a favourable impression upon the public mind. Therefore, I repeat what I have already stated, whilst making my position clear on the one rupee cut, that it was the Government who were absolutely reluctant to allow any non-official member or any independent tribunal to pry into the affairs of the department, and that was the reason why the affairs were kept secret from the public eye ; and I had made it quite clear that I was quite willing and prepared, non-co-operator as I was—because I have not taken this to be a political subject but as one which concerns the public welfare, which concerns public funds—to set aside my scruple as a non-co-operator and to co-operate with the Government, but they did not want to accept it, because they did not want ugly facts to be brought to light. They were certain that any independent enquiry of the description I was asking for would bring to light ugly facts ; but they have not been able ultimately to keep the facts from the public. It was on account of that that they did not accept the suggestion for an independent, impartial non-official enquiry, and I would only trouble the House with the sort of reply that the Government gave me and my reply to that, once and for the last. The Honourable the General Member referred to the correspondence and said " I am not going to state the reasons why Mr. Nariman refused the offer." I know Sir, why he did not state the reasons why I refused the offer. If he had read out.....

The Honourable Sir COWASJI JEHANGIR : On a point of personal explanation. I said that I did not intend to summarise again the

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objections of my honourable friend Mr. Nariman, as I had done so on a former occasion.

Mr. K. F. NARIMAN : Sir, in the course of the correspondence, to which more than one honourable member has referred, what was my offer to the Government, and what was the offer of Government to me ? My offer was that a non-official committee consisting of the members of this House, selected by the Government themselves, should be appointed to investigate into the administration and the affairs of the Development Department. Once again, the Honourable the General Member brings forth the resolution of my honourable friend Mr. Lalji Naranji, knowing full well the difference between the two resolutions. I asked for an investigation and enquiry into the past ; my honourable friend Mr. Lalji Naranji confined himself to the future activities of the department, to see how far and to what extent those activities should be continued or curtailed. That is the difference, which any dispassionate reader will see ; still the Honourable the General Member does not see it. Again, I will quote the kind of offer Government made to me :

"Government are prepared to extend to you, in pursuit of this enquiry, the same facilities as are given to Government servants who may be incriminated, namely, permission to be present when evidence is being recorded, to cross-examine witnesses and to see documents which are admitted as exhibits by the enquiring officer."

I still am not in a position to know what the meaning in this offer was. Why was I, who was clamouring for an enquiry, placed in the position of a Government servant who may be incriminated ? That was the position given to me, and I was to examine such of the documents as were to be produced and to cross-examine witnesses that were to be produced by the department. They thought that if I accepted that offer everything would be all right. I am glad, Sir, that after all I did not fall into the snare which Government had prepared. The snare was that some sort of enquiry was to be made to save their face before the public and to say : "We have made the enquiry which Mr. Nariman demanded ; nothing has come out ; the department is fully vindicated ; and all the allegations are false." That was the tactics of Government to which I refused to submit. From the manner in which difficulties were experienced even in a court of law for the production of documents and registers and files, I am certain that if it were not for the enforced production under processes of law, none of the documents would have been produced and none of the witnesses would have been forthcoming. Now, what was again my offer ? I said that I would not mind even if a Government officer were associated with the enquiry ; I only insisted that four non-official members belonging to the House selected by the Government should be associated with that Government servant in the enquiry. That Government servant might be the president or chairman of the enquiry, but I only wanted that Indian non-official members should have the opportunity to assert their rights to enquire into the matter. That right the Honourable the General Member was not inclined to concede. Now, I again ask if there was no difference

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between the advisory committee and the investigation committee which I called for. The advisory committee is still sitting, is still functioning. If the Honourable the General Member did not see the difference between the functions of the two committees—why, as I pointed out, only the other day another investigation committee....

The Honourable Sir COWASJI JEHANGIR: It is not an investigation committee, Sir.

Mr. K. F. NARIMAN: This is a matter which may be referred to that advisory committee....

The Honourable Sir COWASJI JEHANGIR: Sir, the honourable member is making an incorrect statement of facts. He knows that it is not an investigation committee.

Mr. K. F. NARIMAN: Still, the Honourable the General Member does not want the non-official members appointed by this House to investigate into it. See the mentality: To-day, after all these facts have been found out, he is still anxious to keep it out of the public eye from the ratepayers and the persons who have subscribed thirty crores. He will not allow them to investigate. What do you presume from that? They will not allow us to investigate the matter, because they know the more the investigation the uglier and dirtier will be the facts. This is not the way you are going to preserve the prestige of Government. All these are bound to come out, if not to-day, after some time. You cannot shirk enquiries by members of this House by simply refusing them the right to enquire.

Now, Sir, coming to this question, I do appeal to the honourable members on both sides of the House to take it from me—I have said before and I repeat it again—that I have no malicious motive or malicious feeling towards anybody, either an official or a non-official. I have been found by the magistrate not to harbour any malicious motive. Only in the discharge of what I consider to be a public duty, because I am convinced that the matter must be taken up in the public interest, that I urge this point. I hope honourable members will not misunderstand me. I bear no sort of malice or ill will towards this gentleman because he thought fit to prosecute me and put me to so much expense and trouble. Not at all. If I was convinced even to-day, after this long time and in view of all the material now available, that Mr. Harvey deserves to be compensated, I would have been the first to come before the House and ask the House to pay the compensation. I want honourable members to understand that I oppose this grant because in justice, on the merits and in equity, I believe this grant ought not to be made. In order to convince the House of the reasonableness of that conclusion, I must place before the honourable members a few facts, which I expected the Honourable the General Member to place, because, in a complicated matter of this kind, I know those honourable members particularly who are not acquainted with the complicated procedure of Government, will not be able to understand what the accusation was, what the charges were and what the allegations were and how far they were true.

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Now, the Honourable the General Member in a long speech merely tried to justify the position of Government so far as the granting of the sanction was concerned. More than three-fourths of his speech was devoted to try and justify Government, that Government did not do anything wrong in giving sanction to Mr. Harvey to prosecute. Well, I will remind honourable members on this side that there are two opinions on that question. I for one am of opinion that this prosecution was not *bona fide*; it was intended to suppress a political opponent; it was intended to gag opposition; it was intended to ensure that Development matters are not brought out any further; and it was intended to scare away the public critics so that nobody should dare to come forward to criticise public servants. That is my honest belief; I may be right or I may be wrong. But, apart from that, the question before the honourable House is not whether Government were justified in granting the sanction. That is not before the House. Probably Government has got a better case to justify their position in granting the sanction to prosecute. But the question before the House is the sanction of the expenditure of the prosecution which runs to Rs. 60,800. Now, first and foremost I ask honourable members of this House who are associated with courts of law—I am very glad an eminent gentleman connected with courts of law has been introduced into this House for this debate, and I ask even that honourable member—to say whether in the course of their experience in courts of law, a complainant losing his case has been awarded his full cost. Supposing, Sir, that the officer concerned had applied for sanction to institute a suit in the civil court for defamation—it may be for Rs. 20,000 or a lakh—and supposing that he had filed that suit in a civil court, and the discretion had vested with the civil court to award the cost, would the court have awarded the cost under the same circumstances? That discretion is now transferred to this honourable House, and I hope it will exercise the same judicial discretion which a judiciary would have exercised. I do ask the honourable member who was introduced to-day—we all welcome him—whether, if he himself had been the judge to decide the case, in dismissing the suit he would have awarded the cost to the plaintiff. I want the honourable member to give his opinion. I know, Sir, the position in which he is placed certainly imposes upon him certain duties, but in spite of that I am prepared to take his decision, because I know, whatever position he is in, he will certainly give the opinion which he honestly entertains.

Now, Sir, coming to the facts of this case. What was the case regarding the mild steel bars? I fear that ninety-nine persons out of hundred, at the end of this drawn out trial, probably do not know exactly the situation as regards these mild steels bars. I expected the Honourable the General Member, when he introduced this demand, to give the history of the case about mild steel bars, how these charges were levelled. In order to do that I hope the House will grant me some time. I shall try to be as brief as I can. In order to understand the situation it is necessary to understand the procedure that prevailed in the department with regard to the purchase of stores. Now, Sir, the procedure with

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regard to the purchase of stores ought to be known to the honourable House in order to really understand the gist of the charges and the substance of the charges.

These things, I am sure, the Honourable the General Member, so far as the facts are concerned, will admit. We are dealing with the Housing Scheme. According to the procedure of the Housing Scheme, a programme was chalked out every year for the purchase of materials required. For instance, there are 207 chawls to be completed within seven or eight years, so many at Worli, so many at Naigaum and so many at DeLisle Road. Now, I shall deal with the programme for 1922-23. It was decided that particular number of chawls would be built during the year 1922-23 and the executive engineers were directed to prepare a list of materials that would be required for that year. One of the materials required was mild steel bars. Accordingly two executive engineers were asked to prepare a list of how many and of what dimension the steel bars would be required. After nearly five or six months, after submitting the statement to the superintending engineer, it was again submitted to the executive engineer for reconsideration. After four or five months' deliberation, they ultimately prepared a list showing the requirements of mild steel bars for that year. It was the duty of the superintending engineer, Mr. Harvey, after these lists are submitted to him, to prepare one consolidated list of the requirements and forward that statement to the Materials District. Now, so far as this matter is concerned, a list was prepared and the consolidated statement was sent by the superintending engineer, Mr. Harvey, to the Materials District for purchase of the materials. That was on 5th August 1922. Three days after the consolidated statement was sent by Mr. Harvey, for reasons which are not explained as yet, he sent a letter to the Materials District stating that in addition to the consolidated statement, which he had already forwarded, he would require further 80,000 bars of $\frac{7}{8}$" for that particular programme. Now, Sir, I will ask the indulgence of this House to follow this letter very carefully. It says :

"In continuation of this Office letter No. .... dated the 5th instant, I have the honour to inform you that in addition to the number of bars as shown in the list sent to you with my letter under reference I shall require for piles at Worli 80,000$\frac{7}{8}$×19 rods by ....October 1923.

You will, therefore, observe that 80,000 more bars were ordered out three days after which would cost about Rs. 3 lakhs. When a consolidated statement was prepared with great care and when every item was provided for, what was the necessity for the additional 80,000 bars immediately after three days ? When this matter leaked out, a question was asked in June-July 1923 whether it is a fact that wrong sized bars were ordered. The reply given by the Honourable the General Member was that "It is not true, no official record shows that wrong seized bars were ordered." That was a false reply. But later the Honourable the General Member admitted that the reply given in July 1923 was wrong. (The Honourable the General Member shakes his head.) I find that the Honourable the General Member is shaking his head, which means that he denies having admitted this fact....

The Honourable Sir COWASJI JEHANGIR : The reply was not given on the floor of this House.

Mr. K. F. NARIMAN : Well, I do admit that the reply was not given here in this House. It has also got a history behind it. For six months after the question was asked, he was trying to shelve the reply for a considerable time. But the honourable member pressed him for the reply and when the Council was about to prorogue he gave a reply outside this House. He would have avoided giving this reply, but he could not do so, as the honourable member pressed him for this.

In the first year, that is, in 1921-22 also the superflous bars were ordered out, but in the second year this large quantity was ordered out absolutely of a wrong size. So, you will find the first reply given by the Honourable the General Member was false.....

The Honourable the PRESIDENT : May I ask the honourable member,—I am sorry to interrupt him in his speech—would it not really save the time of the House if he drew from the judgment such evidence as he wants to deal with rather than try to take the evidence of witnesses after witnesses and criticise it in the way he is doing ?

Mr. K. F. NARIMAN : Sir, unless the House gives me a little indulgence, as the matter is a little complicated, and unless I get a chance of discussing some facts briefly, I will not be able to convince the House on these points. I was telling the story about the mild steel bars of the wrong size. When asked, the superintending engineer gave a reply that he himself had nothing to do with the placing of the order. He tried to throw the responsibility on the Indian subordinate. We shall find stated in the reply that the superintending engineer did not himself order out the wrong sized bars, it was the supervisor who ordered them by a mistake. This was admitted when the matter came up before this House for discussion as well as before the Mears Committee.

In the first statement in October 1924 I did make certain allegations. I only wanted an explanation as to why the wrong sized mild steel bars were ordered. Then, when no explanation was given, again in 1925, when they stated that the steel bars were ordered out by mistake, I stated that the public refused to believe that such large stores, superflous stores, were ordered by mistake and that there were ugly rumours in the city and the whole of the presidency that superflous stores were ordered, in order to get some secret commissions. That is how this insinuation came into the debate in March 1925 because Government could not explain as to how these mild steel bars were ordered out by mistake, and, as I say, I appeared before the Mears Committee, and when the matter came before that committee, I gave them all the information in my possession. On the one hand, I had made those allegations in the open Council, not only those allegations, but various other allegations, and the Government had denied that and they tried to explain that it was a mistake and that the wrong size bars were not ordered.....

The Honourable Sir COWASJI JEHANGIR : What did the magistrate hold ?

Mr. K. F. NARIMAN : I am coming to the magistrate presently. Coming now, Sir, to the Mears Committee, I might state in more detail in order that the House may appreciate the position in which I was placed. It was the Government who first introduced this subject about the allegations against the Development Department. The very first witness was Mr. Mackie, the Secretary to the Government, who introduced all sorts of records including the debates of this House and all the debates which have taken place here in regard to the allegations were introduced before the Mears Committee by the Government itself through their Secretary, and before I was examined, the committee questioned Sir Lawless Hepper with regard to those allegations. I will read out the question asked and the answer given :

Q.—" I should very much like to know what have you to say with regard to the allegations made against your department ? I take it that you deny the charges of corruption levelled against your department by the honourable member of the Council ? "

A.—" Sir Lawless Hepper : I repudiate them absolutely. "

So, the position was that even before I was examined before the Mears Committee this whole fact was introduced by Mr. Mackie, the Secretary, and the Director of Development was questioned about it and he repudiated it. So, I was in the position of a person who had made allegations which were denied by Government and the department, and I was asked to prove them. And the letter, the invitation, which the committee sent to me while inviting me to give evidence, I hope the honourable members will kindly bear in mind as it shows in what position I was. The Secretary of the committee wrote asking me " to give me (the Secretary of the committee) by letter the names of all the officers of the Development Directorate who received secret commissions, with dates and all particulars of the contracts and the names of the manufacturers giving the secret commission, the amounts so paid, and any other details in your possession. What the committee want is information upon which you base your allegations which you made in March 1925 in the Legislative Council, and any further information which you may have obtained since that date. " It was on this specific request from the Secretary of the committee requesting me to give all the details of the secret commissions, information I may have in my possession, that I was asked to come before the committee and state my facts. I may also state, Sir, that other members who tried to introduce this subject before the committee were distinctly told that unless all the information about these allegations had been put before them specifically, the committee was not going to enquire into the matter. Coupled with the specific letter, which, by the way, was not placed before the law officers of Government who gave advice in this matter, under which the prosecution was sanctioned, this letter was not mentioned at all even before the court. Now, Sir, I went before the committee,—and I again want honourable members to understand the position clearly,—and if the honourable members read that part of the statement before the committee, they will find, Sir, that even in spite of the specific request of the committee, the statement that I submitted before the committee was absolutely fair, not charging anybody specifically, but I repeated what I stated in the Council in the following words : I refer

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to the last statement about ugly rumours. This is part of my written statement. These were the words :

"I may tell the Government quite frankly and openly that there are ugly rumours in the City and the whole of the presidency that Higher staff and Officers have been receiving secret commission from the manufacturers and this is the reason why in this instance the Department has incurred a loss of Rs. 3 lakhs. That is the reason why stores are indented in large quantities than are necessary and stores that are not required are also ordered out. If you go to the Surplus Depôt, stores worth Rs. 6 lakhs or more are lying undisposed of. The last statement was re-echoing the ugly rumours that were prevelant throughout the City. As stated above..if Government had conceded the public demand and started an immediate and prompt enquiry there and then, perhaps most sensational revelations might have been disclosed. But even at this late stage, I can place before the committee all the materials that I have been able to collect not with a view or desire to cast any aspersions against any individuals of the department, but primarily with a view to enable an independant investigation to find out the truth, and if sufficient materials are disclosed to take such action as the committee thinks propér. All along my appeal to Government has always been for an investigation of certain allegations to find out the truth.".....

The Honourable the PRESIDENT : I must once again rise. I am not quite able to understand and follow the honourable member, and I think I am bound to ask as to what it is that the honourable member is trying to prove. Is he trying to show that what he has asserted and alleged he was entitled to and was justified in doing so ? If that is so, I do not think that that is the point before the House. If he is trying to show that the prosecution should not have been sanctioned, I hardly think that he is approaching the question. If I allow the discussion to go on in that manner, I do not think we shall be able to finish this debate for many days to come. As I have said, the justifiability of the prosecution and the justifiability of the Government coming before this Council for a grant are the two points, and I think, the honourable member should limit his remarks to those two points.

Mr. K. F. NARIMAN : If this honourable House does not want to hear the facts relating to the prosecution and the charges that were levelled in order to show that what I have stated was proved before the court, I, Sir, certainly do not desire to take up the time of the House against the inclinations of the House. But I do feel that in a case of this description, unless I am permitted a little indulgence to show what the position was, it is impossible for the honourable members on this side to understand as to what the real position is, whether the charges which were made by me and the allegations which I have made were proved or not even according to Government.....

The Honourable the PRESIDENT : That is not the point before the the House. The point before the House is, whether Mr. Harvey has failed, or succeeded in eradicating his character, and not whether the honourable member Mr. Nariman was successful in disproving the case against himself.

Mr. P. R. CHIKODI : We want to know all the facts that led to the prosecution of the honourable member.

The Honourable the PRESIDENT : I do not know whether that would be in order. The question before the House is whether Government

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were right and, as I repeat it again, justified in sanctioning the prosecution.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: So far as I understand it, Sir, Mr. Nariman has to prove whether the Government were justified in sanctioning the prosecution. If that is so, I think he should be allowed to place before us the facts to show whether Government had a case for sanctioning the prosecution.

The Honourable the PRESIDENT: No, the honourable member Mr. Nariman has not to prove whether Government were justified but Mr. Nariman has to prove that Government were not justified in sanctioning the prosecution. Anything relevant to that would be perfectly in order.

Mr. K. F. NARIMAN: I am sorry, Sir, I have not made my position absolutely clear on this point, but if you had only permitted me to proceed a little further, I could have done so.

Upon the subject matter of the first charge against me, namely, that I stated in the written statement that there are ugly rumours in the city and the whole of the presidency that the higher staff and officers were receiving secret commissions, I did not allege that any particular officer had received secret commissions—that either the complainant or anybody else had received secret commissions. That was the only charge regarding secret commissions and I can prove from the judgment as well as from other records that that charge that there were rumours of secret commission has been proved according to the judgment of the magistrate himself who has held that there was no specific charge against Mr. Harvey.....

The Honourable the PRESIDENT: References from the judgment would be more to the point.

Mr. K. F. NARIMAN: Unless I point out how the charge has been framed and what are the circumstances in which the charge has been framed it will be difficult for me to point out that these items of the charges have been proved. This is the first item which formed the subject matter of the charge, namely, that in the written statement I stated that there were ugly rumours in the city and the whole of the presidency that the higher staff and officers were receiving secret commissions. There was no specific charge against any particular officer or Mr. Harvey. I refer to page 64 of the judgment. The learned magistrate says that it should be borne in mind that Mr. Nariman did not openly prefer a charge of corruption against Mr. Harvey. That is very distinctly stated on page 64.

Coming to these rumours, the learned magistrate also held that the rumours have also been proved, he has held that there were ugly rumours in the city and the whole of the presidency that the higher staff and officers were receiving secret commissions. This appears on page 40 of the judgment wherein you find:—

"The allegation by Mr. Nariman that there were ugly rumours in the city as well as in the whole of the presidency that the higher staff of officers have been receiving secret commissiongs has been proved by Mr. Nariman," etc., etc.

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I do not mind which way the voting goes but I want the honourable members to know the facts as they are. They are complicated facts and unless the details are gone into, it will not be possible for them to know the real facts.

Therefore, according to the judgment, there is no specific charge against Mr. Harvey. According to my statement that there were ugly rumours in the city as well as the whole of the presidency that the higher staff of officers were receiving secret commissions, I wanted these rumours to be investigated by a committee and I wanted that the officers should be punished only after such investigation and only if the rumours proved to be true. I do ask the honourable members on this side and even on the opposite side whether, after the specific letter which I received from the committee asking me to give the information in my possession in an impartial and dispassionate statement which I placed before the committee duly appointed by Government and before which constitutional tribunal, Government desired me to place these matters for investigation, they consider that my action in going before that committee and submitting my written statement before that committee was in any way objectionable.

The rest of the charges I have not the time to go into, but I would quote only one passage to refute the Government's charge that when they corresponded with me, I refused to help them because I did not accept the tribunal they had appointed. In their letter the Government itself rebukes me for not discharging my duty as a citizen and for not placing before the tribunal appointed by Government all the facts and information at my disposal, mind you, they wanted only the information ; they did not want us to investigate the allegations. Then the responsibility shifted from me to Government and Government would or would not investigate the allegations as they liked. The letter states :—

" The position is now as follows :—

" In addition to the allegations of fraud, you have stated in the letter that if you had sufficient time at your disposal you would have given instances after instances of misappropriations of funds which in ordinary circumstances would have resulted in proceedings in a court of law. In short, you possess information relating to numerous criminal offences and the right duty of a responsible citizen, if such information is at his disposal, is to inform the authorities in order to have the guilty parties dealt with and punished. If you offer this information to the authorities, the responsibility for investigation will be shifted to them and you have refused them such information. "

This is the letter addressed by the Government to me. Still before the Mears Committee, in order not to give Government any more occasion for any kind of excuses for such a rebuke, I do go before that tribunal appointed not by the Bombay Government but by the Government of India and do the very thing which the Government ask me to do, namely, I do the duty of a good citizen to place information ' at his disposal ' before the tribunal and then the responsibility would shift from the person in possession of the information to the Government. After that, I say again, the Government sanction this prosecution. Therefore, I say again that I am justified in drawing the inference that the prosecution was launched with the double object, either to counter opposition or to stifle adverse criticism. Of course, the result

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of the prosecution was quite the reverse of what Government anticipated. They had anticipated quite a different result, but I do not want to gloat over the result. I do not want to dilate upon the other matters at all. The first charge I have disposed of. The rest of the charges, about 6 or 7, all rested upon this position, whether the mild steel bars were intentionally ordered, of a larger size than required and of a larger quantity than required, or not. I would ask the House to distinguish, and those who belong to the legal profession will appreciate that in a case of this description you have got to distinguish, between statement of facts which constitute the allegation and the inferences. When a man is called upon to prove allegations, he is called upon to prove statement of facts on which the charges are based. On the same statement of facts, on the same premises one may draw one inference and another may draw another inference. When allegations are sought to be proved, it is understood that the statement of facts must be proved, and inferences may be drawn by one person in one way and by another person in another way. Here I must state that so far as the statement of facts, the allegations in the case, are concerned, especially with regard to the mild steel bars, I have proved them conclusively, not only to the satisfaction of the court but even to the satisfaction of the learned counsel who appeared for the prosecution, who had to admit that so far as the facts are concerned they have been proved, and the only question was whether the inferences drawn from those facts would be justifiable. The difference between me and the Government, since the date that I raised this question in the Council in 1924, as the Honourable the General Member has pointed out, was whether these mild steel bars were ordered out by a *bona fide*, innocent mistake, or, as I have alleged, they were intentionally ordered out of a wrong size and in a larger quantity than necessary. If you read the questions and answers, when first the allegations were made, there is no question of commission. I stated "You have ordered out intentionally mild steel bars of a wrong size, involving a loss of Rs. 3 lakhs to the department." They said it was all a mistake. So, the matter went to a court of law, and the plaint there is that it is due to Mr. Nariman to prove his allegations. If you refer to the application of Mr. Harvey to the committee itself, if you refer to all the other documents on which sanction was granted to prosecute, the sanction was primarily granted on this, that Mr. Nariman's statement that the officer intentionally ordered out wrong size bars is *per se* defamatory. Then the question as to why such an intentional order should be made came up before the committee. I stated that from my point of view it was in order to favour some manufacturer and make a profit out of it. That was my explanation. Five or six times, repeatedly, Sir Frederick Hopkinson wanted me to come to the position that it was a mistake. Six times Sir Frederick Hopkinson repeated "You say it is not a mistake; it is intentional?", and I said "I maintain, as I have a right to maintain, that it is not a mistake, and I would not yield to Sir Frederick Hopkinson's pressure of various cross-examining questions to get an

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admission from me that it had been a mistake. If I had stated that it was a mistake, the matter would have ended. Simply because I adhered to the position that it was not a mistake, this prosecution was launched. I would ask honourable members to refer to the plaint. The plaint of the complainant was based on this. Of course it contained a statement about ugly rumours, but he does not say that he specifically charges me on that account. The plaint further says "The complainant is one of the higher officers referred to by Mr. Nariman. So far as the allegations are concerned, they are two-fold. He charges me with intentionally ordering out a larger quantity of mild steel bars, and I submit these imputations are false, and these imputations should be proved." He further states "I myself did not order out wrong size bars, but they were ordered out by the supervisor: it was a mistake by the supervisor and not by myself." So I was called upon to prove facts; so far as the allegations are concerned, three things: first, that the order was not a mistake and that he intentionally ordered out superfluous bars and of a larger size than necessary, and that it was done by the complainant, Mr. Harvey himself, and not by the supervisor. All these three statements of facts, which constitute the allegations, leaving aside the inferences to be drawn from those allegations, I maintain I have proved and conclusively proved, and as I said not only to the satisfaction of the court but also to the satisfaction of the learned counsel for the prosecution, who would not make such an admission unless it was driven into him. With regard to that, I would refer honourable members to this part of the judgment. On page 40 of the judgment it is stated:

"It cannot be denied that $\frac{7}{8}$" bars were not required for piles, and yet they were ordered. The allegation, therefore, that stores not needed were ordered is proved."

The Honourable Sir COWASJI JEHANGIR: The judgment says:

"It is equally untrue to say that.....were ordered."

Mr. K. F. NARIMAN: On page 40 of the judgment, the magistrate says:

"It cannot be denied that $\frac{7}{8}$" bars were not required for piles and yet they were ordered. The allegations, therefore, that stores not needed were ordered is proved,.. though it may be that the complainant tried to save the loss."

Again on page 43 of the judgment, the magistrate says:

"In my opinion, there was no necessity at all for ordering out these bars."

Again on page 46 he says:

"The evidence of the documents put in as exhibits also proves that there was no necessity to order out so many bars in excess at that period. Even the placing of order for the 30,000, bars locally was not proper. The point, however, is if Hamid asked for them, he could never have asked for equivalent."

The judgment goes on to say:

"In short Hamid's statement on this point is absolutely irreconcilable with that of Harvey's."

The judgment further says:

"If the order had been placed with the High Commissioner instead of locally, there might have been a saving approximately of Rs. 46,000.

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Now, Sir, coming to this question of supplying misleading and wrong information to the Honourable the General Member, who supplied that wrong information to the Council, the learned magistrate remarks as follows, on page 49 of the judgment :

"It is indeed a very serious matter to furnish incorrect explanation to the General Member, knowing that the latter is bound to act upon it and make a statement in the Council fully relying upon those recommendations."

Now, Sir, I say if the House wants to come to a conclusion whether it is an intentional or a *bona fide* mistake they have got to see the conduct of the officer concerned. If it was a *bona fide* mistake, nothing would have been easier for Mr. Harvey to come forward and state it was a *bona fide* mistake, and Government could have stated "We are sorry for the mistake." But why twice, once to the honourable member privately and once openly to this House was false information given ? What was that false information, which the court held subsequently to be false, and the complainant himself admitted it was so ? The false information was that the complainant himself had nothing to do with this order, but that it was the mistake of the supervisor whilst trying to prepare a statement of the consolidated indent. And all the time the complainant had in his possession the letter written by himself, signed by himself, sent to the Materials District, ordering out 80,000 bars of this particular size. On that letter the order was based ; still all along he created an impression before this House and the Mears Committee that it was the unfortunate Indian supervisor who made the mistake in preparing his statement, and he as a superior officer magnanimously took upon himself the responsibility for the mistake, when, as a matter of fact, in the course of the enquiry it turned out that it was written by himself. Still, he had the courage to state what was admittedly false. With regard to that, the learned Magistrate's judgment says :

"Mr. Harvey's statement is inconsistent with his subsequent admission. . . . . It is equally untrue to say that . . . . . bars were ordered out on account of the mistake of the supervisor. The orders for these bars were placed after receiving instructions from Harvey, as per letter."

So, even that part of the allegation that it was the Superintending Engineer who placed the order was literally and strictly proved not only by oral evidence but by a letter signed by the complainant himself, who was deceiving everybody keeping himself in the background and throwing the responsibility on somebody else. Now, Sir, the other part of the allegation was that superfluous bars of the wrong size were ordered and ordered by the complainant. It is not true that the supervisor was responsible. I have shown that all these allegations are proved, and if I am allowed to go into details I will show how from time to time the complainant changed his ground, making one statement now and another later, so that even with the most eminent counsel engaged for him by Government it will be difficult for him to get out. My inference was that it was intentional. In view of the facts at my disposal, that in the previous year in 1921-22, 2,000 tons were ordered when only 300 tons were required, and in the year 1922-23 80,000 superfluous bars were

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ordered by means of a supplementary letter after the whole thing was complete, my inference was that this was intentionally ordered with ulterior motives. That was my inference ; that was not an allegation ; that was not a statement of fact. The learned magistrate does not say that my inference had no basis at all ; he says it may be one of the causes ; he says it may be a mistake, an error of judgment, and it also may be that it may be due to corrupt motives. He says that he would not come to the conclusion of the defence that it was only due to corrupt motive and not to anything else. Now, I will read that part of the judgment :

"The accused's next suggestion is that if bars of the wrong size were ordered and ordered in excess, it could only be so because the officer received secret commission. It may be one of the reasons, but that is not the only reason for doing so."

I do not want to criticize the judgment.....

The Honourable Sir COWASJI JEHANGIR : You have been criticizing all the time.

Mr. K. F. NARIMAN : I have not been criticizing. In the learned magistrate's opinion, it may be one of the reasons, but there may be other reasons- it may be a mistake and all that. Now, I ask honourable members of the House to look at the situation not like lawyers but like ordinary laymen. After the superintending engineer has duly placed the order in writing, he subsequently gives false information to the House. First of all he puts himself clearly out of it and shifts the responsibility on to others. What does all this show ? Considering the system prevailing in the department, considering that superfluous bars were ordered, that some officers were receiving secret commissions, what does it prove ? The learned magistrate says that the defence has been very considerably handicapped by the fact that this prosecution and enquiry was launched three years after the allegations were made. The allegations were made in 1924, and I was called upon to prove them in 1927, with the result that all the relevant documents both official and private had disappeared. The learned magistrate remarks about the disappearance of the documents.....

The Honourable the PRESIDENT : Is that quite relevant or very necessary ?

Mr. K. F. NARIMAN : Quite necessary. I would not take more time of the House than is necessary. When so much is made of the fact that no evidence was adduced, it is necessary to show why it was not possible to adduce evidence. At page 63 the magistrate says :

"Mr. Nariman has all along complained and rightly complained that he has been severely handicapped by the institution of this case long after the alleged defamation took place. Most important documents which could have thrown a flood of light are missing. The Slip of paper of Hamid is missing, the Pile Manufacture Register which would show the size of Bars used for Piles is missing, Palnitkar's origina ldraft is missing, Intermediate statement prepared by Hamid is missing, the Stock Book of Material District is missing, Shalebhoy Tyebji's books are not forthcoming and the Counterfoil of cheque drawn by Manekchand Jivraj for Rs. 5,000 is missing."

That is a small list of the missing documents given in the judgment. But those who followed the proceedings from day to day would have

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found that documents required by the defence were found to be missing, sometimes by very curious accidents, but the very documents when required for the prosecution were produced. I am not exaggerating facts. I am sorry a certain name has been introduced: I would not have mentioned it, but for the fact it is mentioned in the judgment. I urge before honourable members that the only evidence that could be adduced in allegations of this description relating to private transactions was the books of accounts. Nobody was going to come forward, neither the receiver of the bribe nor the giver, to say that he received the bribe or gave it. It is only after the books of accounts are got at, that any admission will be made. Now, whatever that may be, for one reason or other the books of accounts are not produced or made available in the court. Therefore, the court has rightly passed remarks on the expiry of three years. But what appeared to me more strange than the books of accounts was the disappearance of the bank account of this particular firm. A very extraordinary statement was made by the bank clerk that the ledger account of the particular firm was missing from the bank, and the explanation—I ask honourable members to take note of it—the explanation was that the bank gives away to the Salvation Army their own old records as wastepapers and by some mistake this important ledger book of 1923 or 1924, containing this account, alone was by mistake given away to the Salvation Army. There are several other things. I would point out that even from the official point of view this transaction was questioned. Even the Secretary of State has sent a despatch very severely censuring the Department. According to the Public Works Department Code any articles of foreign manufacture are to be indented from the High Commissioner. In spite of that rule in the Public Works Department Code a large order for 50,000 bars was placed locally without any explanation, at a price higher than that ruling in the market or that which would have been paid if ordered through the High Commissioner. The magistrate has held that there would have been a saving of Rs. 46,000 if instead of being placed locally this order had gone to the High Commissioner. All the orders for purchase should be sent to the High Commissioner. Even the learned magistrate has passed severe strictures against Government for not observing the rule of placing these orders with the High Commissioner. But the most important point, which the Honourable the General Member has not referred to, is this. What arrangements were made with regard to the sale of the surplus bars. Direct evidence was produced in the court of law that Rs. 5,000 were paid as a bribe when the sale of these bars was effected. The learned magistrate did hold on the evidence that one Manekchand Jivraj did pay Rs. 5,000 as a bribe. This amount was not directly paid to the complainant (Mr. Harvey), but the evidence showed that that amount was paid to Mr. Caldwell. You will notice that the transaction was put through on the same day when the complainant returned from leave. That transaction was effected by Mr. Harvey. But you have to bear in mind one remark of Mr. Caldwell. He told to the customer: "Gentleman,

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you wait till the Burra Sab returns. The transaction will be put through on the Burra Sab's return. "....

By Burra Sab he meant Mr. Harvey.

The Honourable Sir COWASJI JEHANGIR : Sir, I rise to a point of order. Does the honourable member wish to convey that the magistrate also held Mr. Harvey being guilty of corruption ?

The Honourable the PRESIDENT : If the honourable member can point out from the judgment as to how the magistrate has held on that point he would be relevant.

Mr. K. F. NARIMAN : Sir, I shall read for the information of this House the passage from the judgment which is on page 49. It runs :

" I may state that there is no evidence to show that Mr. Harvey was paid Rs. 5,000. But the evidence led is in my opinion of such a nature as would lead to the inference that Rs. 5,000 was paid to someone for bringing about this transaction.

From the evidence it appears that Manekchand Jivraj had put in a previous offer for the tenders but he was told by Caldwell that he had no authority to put the transaction through and that the " Burra Sab " meaning Mr. Harvey will put it through after his return. He waited till Mr. Harvey returns and wrote to him a letter dated 20th October. He went with the letter to Mr. Harvey direct and the transaction was put through and completed on that day. The terms of the agreement were approved of by Mr. Bell but Mr. Harvey lightened some of the clauses.

On the 29th October Maneckchand Jivraj drew a cheque for Rs. 5,000. He was asked to produce the counterfoil of that cheque. He has preserved all the other counterfoil books except this one. He said he must have mislaid it somewhere and he would look for it. He was asked by the Court to produce it whenever he found it. He was examined at the end of November but he has not yet produced the counterfoil.

Mr. Nariman received certain information and he applied to this Court for seizure of the book of Maneckchand Jivraj. Mr. Nariman accompanied by one Motilal went to Maneckchand Jivraj's shop and asked him to produce his books of account. Maneckchand Jivraj appeared to be unwilling to do so but eventually produced them. In going through the books of accounts the entry of Rs. 5,000 was found debited to the Development " Haste M. J. " (*i.e.*, by the hand of Maneckchand Jivraj). When this was discovered Maneckchand Jivraj said " it was necessary to do such a thing when dealing with the department " and he asked Nariman not to harass him. He took Motilal aside and asked him to speak to Nariman requesting him not to trouble him (Maneckchand Jivraj) saying " such a thing is usual with merchants. "

The Honourable Sir COWASJI JEHANGIR : Does the honourable member mean to suggest that the magistrate held Mr. Harvey guilty of corruption also ?

Mr. K. F. NARIMAN : I have made it clear in the first instance. I would ask the Honourable the General Member to point out to me from the whole record that I have charged Mr. Harvey, or A or B. of having taken bribes. I have charged the officers in general. Even the magistrate stated that Mr. Nariman had not charged Mr. Harvey as an individual. There were officers in that department, who were charged of the corrupt practices and included in them was Mr. Harvey. The magistrate also remarked " It should be borne in mind that Mr. Nariman did not openly prefer a charge against Mr. Harvey."

I would like to bring one important point to the notice of the Honourable the General Member. There were many other points with me to prove further allegations but the learned magistrate refused to go into other allegations which were brought forward in the court. The

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learned magistrate stated " I do not want to go into merits and demerits of other charges except those made previously".

I would also tell this House to remember that the Honourable the General Member has appointed a committee to go fully into the practice of corruption. He said " that this was not the place to go fully into the question; it was a matter for the committee to enquire into." The Honourable the General Member has pointed out that the other matters should be decided by the committee appointed by this House a few days ago. Is it in anticipation of the good result that may come out of the committee, that the Honourable the General member comes before this House and asks for a supplementary grant of Rs. 60,000 and odd, to meet the cost incurred in the prosecution case ? I would submit, Sir, that a committee has been appointed to go into the further question and is it fair that this demand should be made by Government at this stage ? The learned magistrate was asked to go into other facts in my possession, but he did not decide to deal with them. I have got the facts and records from their own department—the reports from the engineers—to show and convince this House and anybody outside this House that Mr. Harvey himself cannot be exonerated. He can be charged—if not of corruption—of the conspiracy to cheat and defraud. There is sufficient material to prove, but I do not want to go into that at the present moment. There is one evidence of the assistant engineer in the department itself. I know that the assistant engineer knew that there was something wrong going on in the department and he, therefore, brought this fact to the notice of Mr. Harvey. Mr. Harvey, instead of righting the wrong, removed the assistant engineer from the department, making things easier than before. This evidence was produced in the court, but it was not accepted as there were no sufficient materials to prove. But I shall however encroach on the indulgence of this honourable House and would ask the honourable members just to remember this fact. I would, therefore, say that Mr. Harvey cannot be exonerated at all. I have got sufficient proof to show that, but it will be necessary to bring many other matters in this debate outside the merit of this question. There are some honourable members who have a soft corner for the Honourable the General Member personally. There are some honourable members who think that, after all, it would be such a heavy burden upon this officer that if we demand that he shall pay the costs, it may ruin him, it would be his ruin, and we must go to his help, and several other such sentimental things. At the same time, I want to say that there are some honourable members in this House who have some sympathy or soft corner for the person who was made the victim of this prosecution. I appeal to all of them not to have any other consideration apart from the merits. Even after hearing me, if the honourable members are satisfied that Mr. Harvey deserves this consideration, deserves this concession, which is an exceptional concession, which has not been given to any other public servant, so far as I know, after having launched the prosecution, after having afforded the

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officer every facility and every advantage, and in spite of his failure in the prosecution, to reimburse him for the costs,—I do not think there are many instances, I do not think there are any instances that we are aware of. We know, Sir, several instances where prosecutions have been launched ; sometimes Indian officers have been attacked, sometimes European officers have been attacked. But it is always understood,—and that is what the Public Servants Conduct Rules show,—that if the result is unfavourable to the officer, the officer is made to pay the costs, according to that rule by which the Government is bound as well as anybody else. According to that rule, the resolution should have been that if Mr. Harvey's case results unfavourably to Mr. Harvey, that is, if he fails in his case, he should be made to pay the costs. That should have been the wording. If they had adhered to the Public Servants Conduct Rules, the condition in such cases is that if Government pays the cost of the prosecution in the first instance, it has to recover them from that officer if it results unfavourably to the officer, that is, if he fails in the prosecution. That is the wording which the resolution should have followed. That wording has been twisted in order to accommodate a particular favourite officer, and that wording has been made "If Mr. Harvey fails due to Mr. Nariman's proving his allegations." Even with that restricted interpretation, which I say is wrong in law, they are not entitled to change the wording if they are bound by their own rules which they have enacted. If the result is unfavourable to the officer who has launched the prosecution, he is bound to pay the costs either in law, equity or any other thing. But, as I said, if the House will permit a little encroachment upon their time, I may give only a few instances which will show to them or to the committee which has been appointed—I do not mind any committee, you may have your own officers on it, I do not mind the personnel, I only want an impartial and honest tribunal to hear my facts dispassionately, they may be the Honourable the Home Member, or the Honourable the General Member, or gentlemen who may be non-official members of this House, or who may be gentlemen even outside this House, I only want a dispassionate and impartial and honest tribunal to hear my facts and then come to the conclusion if Mr. Harvey cannot be blamed, apart from the irregularities which I had pointed out, for supplying absolutely false information to a responsible Member in the Government and misleading the whole House on that false information, afterwards admitting that "I did supply false information." I do not want to go into all that, although it is an irregularity for which I know honourable members will consider he had very lame excuse. Why has no action been taken even departmentally against the officer for such a grave neglect of duty, for supplying absolutely false information to the Honourable the General Member, admittedly false information? Therefore, I say, Sir, that some officers have been very lucky in obtaining favours because they are favourites and against them no action is taken. Against others, especially Indian officers, even for less irregularities they have taken more severe action, more severe steps, departmentally. Now, Sir, coming only to three or

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four instances, where I will prove from the records about the conduct of Mr. Harvey, because the learned magistrate has not decided the point.....

The Honourable the PRESIDENT : There are only five minutes to the time for the House to rise, and the honourable member has already spoken for nearly two hours. Would he require more than five minutes.

Mr. K. F. NARIMAN : I do not wish, Sir, if the House has no desire to hear them, to go on with them, and if, as I stated before, the House does not want to hear all I want to say.....

The Honourable the PRESIDENT : I think the honourable member ought to conclude his speech at half past six.

Mr. K. F. NARIMAN : If you will permit me, Sir, I should like to know if, under the rules, on a discussion of this description any time limit has been imposed by the rules....

The Honourable the PRESIDENT : None at all ; but every honourable member is expected to take reasonable time ; and indeed there is limit to that " no time limit. "

Mr. K. F. NARIMAN : My submission is that, if under the rules of the constitution the right has been given to a member, particularly in a case of this description when a grant is asked for, that there should be no time limit, my humble submission to you is that there could not be any time limit imposed on such a discussion. Of course, as a suggestion from the Chair, it can very well be considered. But so far as any ruling is concerned, in the matter of a right of an honourable member given by the constitution there should be no time limit....

The Honourable the PRESIDENT : The honourable member may speak on for days if time permits, provided he is relevant and strictly relevant, and it will be my duty now to see that he is strictly relevant.

Mr. K. F. NARIMAN : As I stated before, I might state again that if I am irrelevant, I am certainly bound to obey the ruling of the Chair and will curtail those remarks. But, so far as the time limit is concerned, I think the right of an honourable member, particularly in a case of this description, is not limited by the rules or the constitution, and I hope you will excuse me for not taking up the suggestion. Now, Sir, coming to the point I was referring to,—I want to utilise these five minutes in referring to those instances,—I asked the Honourable the General Member as to what has become of the definite statement which I made the other day with regard to the special area of the Worli chawls, wh[illegible] I stated that the Superintending Engineer had deliberately and [illegible]who wa[illegible] tionally allowed smaller areas to be given, so that it may have an [illegible]have on the cost. I asked if it was true,—and I state again that it is true,—that the very same Superintending Engineer, with a view both to deceive the Government as well as this side of the House, made a recommendation for the acceptance of Major Purcelle's alternative design upon the same conditions as for the other contract although a separate condition had to be fulfilled. I said that that condition has not been fulfilled,

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the chawls are there, the area is less, room space is less, and the Honourable the General Member promised that he would make enquiries immediately into the matter and let the House know what the position is. I am prepared now by the records to show that their own Executive Engineer had reported that per floor 319 square feet were less. If that is true, I ask the honourable House to consider the position as to why the Superintending Engineer recommended the acceptance of the particular contract varying the conditions. He did it in order to show that the cost is less in order to make the difference between that tender and the others. There was a sort of device whereby the area of the chawl was shown as less. This fact was not disclosed to Government while recommending the acceptance of the tender, and not having that fact before them, they were made to sanction that particular tender. And I do ask honourable members who are lawyers : Is it not a case to prove that there was some arrangement between the contractor and the engineer, whereby they misled both\the Government and the public by suppressing the material facts and conditions about the quotations and space which tenderers had to fulfil ? Has that matter been inquired into ? If it is challenged, I am prepared to go to-morrow to any engineers and show from their plans and records that this is true. We have had no reply so far as that allegation is concerned. That allegation I am referring to, because it was this particular Superintending Engineer who is to be rewarded with a gift of Rs. 60,800.....

The Honourable the PRESIDENT : I would advise the honourable member not to go into many instances of that kind. I suppose he has got hordes of them.

Mr. K. F. NARIMAN : I am going to point out only three or four. (Laughter.)

The Honourable the PRESIDENT : I think the honourable member has taken sufficient time. I do not want really to be forced to exercise the general powers that I possess in regard to regulating the business of the House. I think sufficient latitude has been given to the honourable member who has spoken for two hours, and if he would, I think he ought to conclude his remarks now.

Mr. K. F. NARIMAN : I do not want to say anything further in that case.

The Honourable the PRESIDENT : Does not the honourable member want to say anything further ?

Mr. K. F. NARIMAN : I have a lot to say but since I have to submit had dling of the Chair, whatever the view may be, and if the Chair ments me to conclude my remarks in five minutes, it is not possible for me to do justice to the matter in five minutes. As I have said, I want to show that Mr. Harvey does not deserve this concession, and that cannot be done in five minutes considering the enormity of the evidence and the number of instances I have got to go through. Incidentally I may point out with due deference to the Chair that the Chair's remark that I have already taken two hours is not exactly correct. I have so far

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had about 1½ hours only and, therefore, if the Chair permits me half an hour more....

The Honourable the PRESIDENT: I am sorry if I said that the honourable member had taken two hours. I would, however, once more request the honourable member to conclude his remarks within five minutes if he can possibly do so.

Mr. K. F. NARIMAN: It is not possible.

The Honourable the PRESIDENT: Does the honourable member proceed with his remarks?

Mr. K. F. NARIMAN: I do wish to proceed with my remarks but only if half an hour more is allowed to me.

The Honourable the PRESIDENT: I do not think it will be in the interest of the House to give the honourable member half an hour more.

Honourable MEMBERS: To-morrow, to-morrow.

The Honourable the PRESIDENT: Do I understand that the honourable member Mr. Nariman does not wish to proceed?

Mr. K. F. NARIMAN: I have made my position absolutely clear. I do wish to proceed for half an hour more.

The Honourable the PRESIDENT: I have made my position perfectly clear that I do not intend that the honourable member should have more than five minutes more; if he wishes to take those five minutes, he may or he may conclude his remarks just now.

Mr. F. J. GINWALLA: May I point out, Sir, that your decision is this that there is either no time limit or there is time limit.....

The Honourable the PRESIDENT: The last Standing Order XII (7) contains the general powers of the President and says:—

"The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Act, the Rules or the Standing Orders."

I think in a matter like this, in which I know the whole country is interested, sufficiently great latitude has been given to the honourable member, but there are several other honourable members who wish to speak, and I think if the honourable member Mr. Nariman will be persuaded to limit his remarks to five minutes more, I shall hold the Council on for five minutes more, but if he cannot, I would request him to conclude his remarks.

Mr. K. F. NARIMAN: I have already submitted that it is not possible to conclude my remarks in five minutes. I again repeat that I want to address the House for half an hour more, but if the Chair rules that I cannot do so, I have got to submit to the ruling of the Chair.

The Honourable the PRESIDENT: The Chair's ruling is that the honourable member cannot be given more than five minutes.

Mr. K. F. NARIMAN: I submit to the Chair's ruling and therefore I do not wish to proceed any further. At the same time I must enter my protest that I do not think that the ruling is constitutional.....

(Cries of "Order, order".)

The Honourable the PRESIDENT: Order, order. I think I understand my powers and I think in this particular instance, I have given sufficient latitude to the honourable member and I therefore accept his submission to the ruling of the Chair and adjourn the House.

Mr. K. M. MUNSHI: Before you adjourn the House, Sir, I should like to know whether the Honourable the General Member will place before the House the observations submitted to the learned Advocate General and his opinion thereon.

The Honourable the PRESIDENT: What is that document to which the honourable member refers?

Mr. K. M. MUNSHI: The advice the Law Officers of Government gave in this matter.

The Honourable Sir COWASJI JEHANGIR: I said that Government acted in accordance with the advice which their Law Officers gave, namely, that the statements made by the honourable member Mr. Nariman were defamatory. That is all I stated.

Mr. K. M. MUNSHI: I want to know whether the Honourable the General Member will be pleased to place on the table of this House the opinion or the advice which he said he had received from the Law Officers of Government.

Rao Bahadur R. R. KALE: For sanctioning the prosecution.

Mr. K. M. MUNSHI: If I mistake not, the honourable member Mr. Pahalajani asked for the Chair's ruling on that point.

The Honourable Sir COWASJI JEHANGIR: Mr. President, this is a question of principle and therefore I regret that since I have not quoted from any document but merely given the House to understand that we took legal advice and acted on that legal advice, I cannot comply with the honourable member's request. I may have stated just as well that I took the advice of a Commissioner of a certain Division. That does not bind me to place the report of that Commissioner on the table of the House and similarly the statement I made does not bind me to place any legal opinion that Government may have taken on the table of the House. That is the principle and, acting on that principle, I regret I cannot place on the table of the House any legal opinion obtained by Government.

Rao Bahadur R. R. KALE: Any papers referred to during the course of discussion in this House, I think, the House is entitled to see.

The Honourable the PRESIDENT: I think I shall have to see the ruling which I gave the last time and refer to the remarks made by the honourable member in his speech with reference to the legal advice, as they will be typed. I will give my ruling to-morrow.

The House is adjourned to 1-30 p.m. to-morrow, Thursday, the 15th March 1928.

MO HB 264—8

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Thursday, 15th March 1928

The Council re-assembled at the Town Hall, Bombay, at 1-30 p.m. on Thursday, the 15th March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
Brander, Mr. J. P.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir

Ghulam Nabi Shah, Khan Bahadur
Gilder, Dr. M. D.
Ginwalla, Mr. F. J.
Gunjal, Mr. N. R.
Haji Mir Mahomed Baloch, Mr.
Harrison, Mr. C. S. C.
Hotson, the Honourable Mr. J. E. B.
Hudson, Sir Leslie
Isran, Khan Saheb Ghulam Muhammad Abdullah Kh
Jadhav, Mr. B. V.
Jairamdas Doulatram, Mr.
Jan Mahomed Khan, Khan Bahadur
Janvekar, Mr. D. A.
Jehangir, the Honourable Sir Cowasji
Jitekar, Mr. Haji Ibrahim Haji Mahomed
Jones, Major W. Ellis
Joshi, Mr. S. C.
Kale, Rao Bahadur R. R.
Kambli, Rao Bahadur S. T.
Karki, Mr. M. D.
Khuhro, Mr. M. S.
Laghari, Khan Saheb Rais Fazal Muhammad
Lalji Naranji, Mr.
Lalljee, Mr. Hooseinbhoy Abdullabhoy
Ligade, Mr. S. P.
Majmudar, Mr. N. G.
Mansuri, Khan Saheb A. M.
Martin, Mr. J. R.
Marzban, Mr. P. J.
Mehta, the Honourable Sir Chunilal
Monteath, Mr. J.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Mulla, Mr. D. F.
Munshi, Mr. K. M.
Naik, Rao Bahadur B. R.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Noor Mahomed, Mr.

OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, RAO SAHEB R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

ASSISTANT SURGEONS: MUSLIMS

MOULVI RAFIUDDIN AHMAD (Central Division): Will Government be pleased to state—

(*a*) how many vacancies of Assistant Surgeons have been filled during the last three years;

(*b*) how many of the new candidates taken were Muslims, how many non-Brahmins and how many Brahmins;

(*c*) how many Muslim candidates applied for Assistant Surgeons' places during that period;

(*d*) the names and qualifications of such Muslim candidates and the result of their application?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Five.

(*b*) One Muslim, 2 non-Brahmins, 2 Brahmins.

(*c*) Five.

(*d*) The attached statement gives the information. One of the five candidates who applied was appointed to the Bombay Medical Service.

Statement

Names of applicants	Qualifications	Result of applications
1. Mr. R. M. Narsinh ..	M.B.B S. (II Class) ..	Selected.
2 Mr G. M. Akbani ..	M.B.B.S.	Not selected.
3. Mr. Mohamad Ibrahim Shaik.	M.B.B.S. (II Class) ..	
4. Mr. Zakeria M. Pirbhai ..	L.M. & S.	
5. Mr. S. S. Haque ..	M.B.B.S.	

RIOTS AT SHOLAPUR : PROSECUTIONS

MOULVI RAFIUDDIN AHMAD (Central Division): Will Government be pleased to state—

(*a*) how many persons were put up for trial by the police as a result of the last communal riots at Sholapur ;

(*b*) how many batches of Hindus and how many of Muhammadans were prosecuted and with what results ;

(*c*) how many Hindus and Muhammadans were suspected of murder, how many were actually prosecuted, how many were sentenced and how many were acquitted ;

(*d*) who were the police investigating officers ;

(*e*) how many of them were Hindus and how many Muhammadans ?

The Honourable Mr. J. E. B. HOTSON : Information has been called for.

SEA-GOING VESSELS LOST IN THE CYCLONE

Mr. R. S. ASAVALE (Bombay City, North) : Will Government be pleased to state

(*a*) the number of coastal steamers, country crafts and boats foundered destroyed or missing in consequence of the cyclone in November last ;

(*b*) the number of passengers travelling therein and how many of them were children under twelve ;

(*c*) the number of officers and khalasis on the ships or boats ;

(*d*) the number of persons who were neither passengers nor servants of the shipowners ?

The Honourable Sir COWASJI JEHANGIR : (*a*) The following coastal steamers were lost :-

S. S. " Jayanti " under the ownership of Messrs. the Bombay Steam Navigation Company, Limited.

S. S. " Sant Tookaram " under the ownership of Messrs. the Indian Co-operative Navigation and Trading Company, Limited.

A statement showing the country craft, boats, etc., which were lost is placed on the Council Table.

(*b*) S. S. " Sant Tookaram "—Number of passengers 82 ; S. S. " Jayanti " —Number of passengers 51.

The number of children under 12 years of age for both vessels is not known.

(*c*) The information is contained in the accompanying statements and in the statement mentioned in the reply to (*a*) above.

(*d*) Attention is invited to the statements referred to in the reply to (*c*) above. The persons on board were either crew or passengers with the exception of ticket collectors and caterers.

List of Casualties during the Cyclone of 11-13th November 1927

Date of accident	Name of vessel	Official number	Cargo	Place of Casualty
11th November 1927	Padow "Poorunprasad."	3603 (Bulsar).	1,728 bags of salt..	Off Harnai ..
11th November 1927.	Mutchwa "Sikhander."	3919-C. (Porbunder).	Timber planks and split bamboos.	Lat. 20°, Long. 72° (Approx.) Arabian Sea.
12th November 1927.	Cotia "Mahadeoprasad."	3310-C. (Cutch Mandvi).	1,630 mat bags of dates.	Lat. 20°, Long. 70° (Approx.) Arabian Sea.
12th November 1927.	Mutchwa "Kadari."	5884 (Bankot).	Nil ..	About 12 miles off Alibag.
12th November 1927.	Padow "St. Antonio."	5679	65 tons coal ..	About 60 fms. off Cross Id. (to the West of).
12th November 1927.	Mutchwa "Allimadat."	17356 (Ratnagiri)	Nil ..	Off Janjira ..
12th November 1927.	Mutchwa "Narayanprasad."	555 (Karanja).	Nil ..	Mody Bunder, Bombay .
12th November 1927.	Toney "Laxmi."	5077 (Uran).	Fish Manure ..	Close to Sunk Rock Light House.
12th November 1927.	Cotia "Ganeshprasad."	180 (Diu).	34,000 Mangalore tiles, 1,000 Ridgings, 25 ventilators.	Off Hafsan, Janjira .
12th November 1927.	Cotia "Lakhmipassa."	692 (Porbunder Bombay measurement No. 6036-8).	2,000 planks, 35 500 Cocoanuts, 3 Khandies Coir.	Off Bombay to the Southward.
11th November 1927.	Dhow "Fateh Mubarak."	. . .	130 tons coal ..	Lat. 17° 50′ N., Long. 67° 32′ E. (Approx.)
12th November 1927.	Mutchwa "Allimadat."	5832	57,000 Mangalore tiles.	West side of Kandari Id. quarter of a mile away.
12th November 1927.	Fatemari "Narayanprasad."	44 (Dodamarg).	172 casks of cement.	Off Alexandra Dock, Bombay.
12th November 1927.	Padow "Vithalprasad."	5414 (Surat).	1,400 planks mango wood and 250 bundles split bamboo.	Seven miles off Bankot ..
12th November 1927.	Padow "Vijaliprasad."	4510 (Bulsar).	23,000 Mangalore tiles and 500 ridge tiles.	Off Janjira about 5 miles off.

reported to Port Officer, Bombay, and statements of Tindals recorded

Nature of Casualty	Lives lost	Remarks
Main and foremast carried away also rudder sailyards and three sails broken.	No ..	Was towed to Bombay by the s.s. " Jalaputra " and to off Mazagon by the B. P. T. S. L. " Siren ".
Mast, yard, sails carried away, sprung a leak and got waterlogged.	No ..	The crew were picked up by Cotia " Mahadeo-prasad " No. 3310-C which was also dismasted and brought to Bombay on 27th November 1927—the crew 8 in number were sent to the Shiping Master, Bombay, for repatriation.
Main mast carried away also yards and sails.	No ..	The crew of the above vessel were rescued on observing signals of distress up by this vessel by passing them lines.
Vessel turned over due to heavy storm ..	1	Out of 13 crew including the Tindal 6 were picked up by S. P. V. " Lady Wilson " thence they were taken to Bombay by Port Trust Launch " Jean " 6 of the crew were rescued by a fishing boat—one man missing. The Mutchwa was towed to Sewree by Port Trust Tug " Thistle ".
Sails blown to ribbons due to stormy wind squall, also shipped a large quantity of water.	1	
Jib boom and sailyard (after) carried away and rudder got unshipped and tiller broken.	No ..	Vessel towed to Bombay by B. P. T. Launch " Jean " from off Kennery Light House.
Capsized due to heavy storm ..	No.	
Waterlogged and drifted away ..	No ..	Crew rescued by the men at the Sunk Rock Light House and brought ashore by B. P. T. Launch " Jean ".
Both masts carried away and lost, also rudder, sails and yards.	No ..	Vessel towed into Harbour by B. P. T. Launch " Jean " from off Prongs Light House.
Two masts carried away also sails and yards and rudder.	No ..	Owing to storm the vessel drifted toward Bombay—a passing Cotia rendered assistance and took the vessel in tow and put them inside the Prongs Light House—afterwards the vessel was towed into Bombay by B. P. T. Tug " Doris " which was despatched to their assistance.
Capsized owing to storm . ..	10	Out of 14 crew 5 were rescued by the Italian s.s. " Pilsna " en route to Aden on 24th November 1927 of which one died due to exhaustion.
Mast carried away ..	5	Out of 14 crew—5 lost their lives 4 were saved by a Cotia at anchor off Worlee and were taken to Uran, the remaining 5 were also saved and were brought to Bombay. Out of the 9 survivors 5 were sent to their Native Country Gangoli, Kundapore and 4 were sent to their country Bhatkal by the Shipping, Master, Bombay.
Anchor rope parted three anchors lost due to storm.	No.	
Sails blown to ribbons, gunvale broken and vessel foundered.	No ..	Crew were rescued by a passing Padow.
Mast carried away also the heal and sails rent.	No ..	The disabled Padow was brought to Bombay in tow by the s.s. " Goalpara."

Date of accident	Name of vessel	Official number	Cargo	Place of Casualty
12th November 1927.	Padow "Oumid-prasad."	5473	Bengal coal 85 tons.	Alongside Hajee Bunder Wharf, Bombay.
12th November 1927.	Padow "Daria Dowlat."	4632 (Surat).	1,500 mango wood planks and 250 bundles split bamboo.	5/6 miles South of Kennery Light House.
12th November 1927.	Mutchwa "Nabibakas."	5188 (Sanekata).	300 khandies fire wood.	Off Janjira ..
		In addition	to the above, various shipmasters reported	
....	Batela "Manek-prasad."	....	Timber ..	Not known
....	M. "Satki" ..	17689 (Ratnagiri).	Loose chunam ..	....
12th November 1927.	Toney of S. L. "Victoria" lent to P. S. "Dolphin."	....	....	Bombay Harbour ..
12th November 1927.	Pattimar "Ravalnathprasad."	139 (Goa Panjim).	Rice grain, sugar, etc.	Lat. 17° 28′ N., Long 72° 48′ E. (Approx.)
12th November 1927.	Mutchwa "Palpati."	790 (Karanja).	Paddy and 6 empty iron casks.	Off Mandwa ..
12th November 1927.	Mutchwa "Sikhander."	5406 (Porbunder).	Laddi Stones ..	Native Craft Anchorage, Bombay Harbour.

Also numerous wireless messages have been received from the shipmasters

Nature of Casualty	Lives lost	Remarks
Swamped and sank due to cyclone ..	No.	
Dismasted rudder carried away, waterlogged and drifted away.	No ..	Crew saved by R. I. M. S. "Cornwallis."
Sank owing to cyclone	No ..	Crew 15 in all were saved by a Fatemari and brought to Bombay and were later sent to their Native Country, Shiroor, by the Shipping Master, Bombay.
casualties which are as follows :—		
....	....	Reported by the Master of the s.s. "Chakla" having rescued 6 of the crew of the vessel dismasted and waterlogged and landed them at Porbunder.
....	Not known.	No trace of the vessel up to now—Crew 5 in number.
Parting of rope ..	..	The Toney was secured on the Southern slip of Apollo Bunder. No trace of it yet in spite of careful search.
Capsized owing to storm	1	Reported by the Master of the s.s. "Siberian Prince" having rescued 8 of the men of the vessel and landed them at Marmagoa. The Tindal was drowned.
....	No ..	Crew saved their lives by swimming to the shore—masts and yards salved vessel itself gone down.
Sank	No ..	The wreck of the vessel was observed—crew presumably gone to the Native place Porbunder.

at sea of their having sighted wreckages of country craft during the period.

(Sd.).

Commander, R. I. M.,

Port Officer, Bombay.

Staff on board the s.s. "Sant Tukaram" on the 12th November 1927

Deck Department

1.	Mohamed Fakeera	..	Captain.
2.	N. Moosa	..	Chief Officer.
3.	S. Ebrahim	..	2nd Officer.
4.	Suleman Mohamad	..	3rd Officer.
5.	Walla Soma	..	Sarang.
6.	Checka Pema (substitute engaged name not known)	..	Sukani.
7.	S. Mohâmad	..	,,
8.	Nana Mangal	..	,,
9.	Ramji Shankar } Survived	..	Casub.
10.	Parboo Walla	..	Khalasee.
11.	H. Esmail (substitute engaged name not known)	..	,,
12.	R. Sardarkha	..	,,
13.	E. Moosa	..	,,
14.	Wallabh Gopal	..	,,
15.	Laloo Walla	..	,,
16.	Dear Walla	..	,,
17.	Bhana Pema	..	,,
18.	Mangal Kesha	..	,,
19.	Zuze Marian	..	Topas.
20.	Pedru Norian	..	,,
21.	Dawood Mohamed	..	Bhandari.
22.	Daya Parbhoo	..	,,

Engine Department

1.	Mathew F. Pereira	..	Chief Engineer.
2.	M. Esmail	..	2nd Engineer.
3.	Mohamed Ameer	..	3rd Engineer.
4.	Dawood Husain (survived)	..	Electrician.
5.	Sadroodin Sk. Mahomed	..	Serang.
6.	Ahmed Nigamuddin	..	Tindal.
7.	Gafoor M. Cassum	..	Casub.
8.	Adome Mohamed	..	Fireman.
9.	K. Mohamed K. Ahmed	..	,,
10.	Shaboodin Sk. Hassum	..	,,
11.	Fakir Kutboodin	..	,,
12.	Usman K. H. Khan..	..	,,
13.	Ayoob Usman	..	,,
14.	Hassookhan Doulatkhan	..	,,
15.	Fakeer M. Jaffer	..	,,
16.	Shaboodin M. Suleyman	..	,,
17.	Vagoodin Mahomed	..	Coalman.
18.	Hussan Mia Ishamsoodin	..	,,
19.	Shamsoodin Sk. Mohamed	..	,,
20.	Abdul G. Hoosain (survived)	..	,,
21.	Sk. M. Mohamed Cassum	..	,,
22.	Mohamed G. Hoosain	..	,,
23.	Ebrahim Esmail	..	Engineer's Boy.
24.	Baba Comroodin	..	Bhandari.

1.	M. A. Lalla	..	Ticket Collector.
2.	Vithal Krishnaji Khadpe	..	Hindu Caterer.
3.	Sitaram Khadpe .. } Boys	..	Hindu Caterers.
4.	Ramchandra .. }	..	,, ,,
5.	Fouis D'Souza	..	Christian Caterer.
6.	Francisco Xavier D'Souza	..	,, ,,

Names of 82 passengers on board the steamer are not known.

(Signed) .....,

Commander, R. I. M.,
Port Officer, Bombay.

The passengers and crew on board the s.s. "Jayanti" on the 12th November 1927

19 Passengers for Harnai.
32 Passengers for Dabhol.
(1) 20 Deck Crew.
(2) 23 Engine Crew.
(3) 2 Ticket Collectors.
(4) 2 Catering Contractor's men.
(5) 1 Bhajiwalla.

Total Number on board .. 99

(1) Captain Ebrahim Dawood Noor.
Chief Officer Dawoodbhai Hassanji.
2nd Officer Badrudin Mirza.
1 Serang.
3 Sucanis.
1 Cassab.
8 Lascars.
2 Topas.
2 Bhandaris.

20

(2) Chief Engineer Mr. T. B. Pais.
2nd Engineer Shaik Kader Shaik Edroos.
4th Engineer Ishamuddin Abdulkhan.
1 Electrician Mahomed Shamk.
1 Serang.
1 Cassab.
1 Greaser.
8 Firemen.
7 Coal Trimmers.
1 Bhandari.

23

(Signed) ..... ,
Commander, R. I. M.,
Officiating Port Officer, Bombay.

S.S. "TUKARAM": COMPENSATION TO FAMILIES OF THOSE LOST

Mr. R. S. ASAVLE (Bombay City, North): Will Government be pleased to state whether any monetary help was given to the members of the families of those who lost their lives in the S. S. "Tukaram"?

The Honourable Sir COWASJI JEHANGIR: Government have no definite information. An appeal for funds to relieve the distress of the relatives and dependants of those missing has been made by a Local Committee of which the Collector of Ratnagiri is a member.

COASTAL STEAMERS: WIRELESS

Mr. R. S. ASAVLE (Bombay City, North): Will Government be pleased to state whether they are considering the advisability of enforcing the adoption of wireless on the steamers running between Bombay and Goa.

The Honourable Sir COWASJI JEHANGIR: The question of re-scheduling the voyages as exempted voyages for purposes of the Wireless

Telegraphy Rules is at present under the consideration of the Government of India and the Government of Bombay have already made certain recommendations to that Government in consultation with the Shipping and other interests concerned.

REVISION SETTLEMENT: ALIBAG TALUKA

Mr. N. R. GUNJAL on behalf of Mr. A. M. ATAVANE (Kolaba District): Will Government be pleased to state—

(*a*) how many notices with one-fourth fine under sections 148 and 152 of the Land Revenue Code for the recovery of increased assessment were issued in the Alibag Taluka of the Kolaba District;

(*b*) how many distraints and how many notices of forfeiture also were issued for the same purpose;

(*c*) whether the increased assessment in the Alibag Taluka for 1925-26 is calculated and shown as remitted in the village papers of the taluka for the purpose of section 104 of the Land Revenue Code;

(*d*) if not, whether they intend to give the remission for the year 1926-27;

(*e*) whether they are aware that the supplementary notices under sections 102 and 103 of the Land Revenue Code were published in different villages of the Alibag Taluka in September 1926, *i.e.*, a month after the notification of introduction;

(*f*) whether it is a fact that valuable distrained articles are allowed to be old for trifling sums in auction, for instance gold bangles weighing 5½ tolas were sold for Rs. 42;

(*g*) whether it is a fact that the Dharawadh Nivaran Committee of Alibag is following a perfectly lawful and peaceful movement for giving vent to their discontent at the revised rates under the re-revision of the taluka;

(*h*) whether they intend to reconsider their decision in the matter of the revised rates in re-revision of the Alibag Taluka and thus give due redress to the grievances of the people?

The Honourable Mr. J. L. RIEU: (*a*) 766 notices were issued under section 152 of the Land Revenue Code for the recovery of increased assessment. Fines under section 148 of the Code were ordered in 685 cases.

(*b*) Distraint of movable property was made in 70 cases, but sales took place in 49 cases only; in the remaining cases the arrears were paid before the date of sale. 250 notices of intended forfeiture were issued, but in no case was any land actually forfeited. In two cases lands submerged by tides and of no use to their occupants were forfeited, but this had nothing to do with the agitation in connection with the revision settlement;

(*c*) The second revision survey rates were announced in the Alibag Taluka in July 1926. The assessment at the old rates had already by then been levied and recovered for that revenue year. There was therefore no occasion to show in the accounts the new rates and consequent remissions under section 104 of the Land Revenue Code.

(*d*) No, because as stated in the reply to (*c*) above, only the old rates were collected in 1925-26.

(*e*) Notices announcing the revised settlement sanctioned by Government were published in all the villages concerned before 31st July 1926 according to sections 102 and 103 of the Code. Owing to certain modifications made by Government in the rates and groups originally proposed by the Settlement Officer, a supplementary notification was published in September 1926. Revision settlements are, however, held to have been introduced in the year in which the provisionally sanctioned assessments are announced under section 103, and not in the year in which any modifications in the assessment are brought into operation.

(*f*) Yes : in some cases because people who attended the auctions were dissuaded by interested persons from bidding up to the full value of the goods put to auction ;

(*g*) So far as Government are aware the movement has now entirely subsided.

(*h*) No. Government do not admit that the people have any legitimate grievances.

TOLL CHARGES : WEST KHANDESH

Mr. M. G. BHOSLE (West Khandesh District) : Will Government be pleased to state-

(*a*) whether they are aware that toll charges in West Khandesh have been recently increased ;

(*b*) whether they are aware that between *Dhulia* and *Jalgaon* the distance is about 56 miles only ;

(*c*) whether they are aware that between these two places there are five toll bars and a motor car has to pay in all five rupees ;

(*d*) whether they are aware that between Dhulia and Pimpalner, a distance of about 47 miles, there are three toll bars and three rupees are recovered from each motor car that passes by the way ;

(*e*) what the reasons for increasing the toll bar rates from eight annas to one rupee per motor car are ;

(*f*) whether they are aware that these rates discourage motor traffic?

The Honourable Sir GHULAM HUSSAIN : (*a*) No. Toll charges in the West Khandesh District have not been increased; the rates are charged in accordance with the sanctioned schedule.

(*b*) Yes. The distance, however, is nearer 57 miles than 56.

(*c*) There are five toll bars between Dhulia and Jalgaon and an ordinary motor car has to pay in all two and half rupees. Five rupees is the charge for a heavy motor vehicle as the rate fixed for this conveyance is rupee one against eight annas for a four-wheeled motor car (a touring car or light lorry).

(*d*) There are three toll bars and the charges are as given in (*c*) above, *i.e.*, a touring car has to pay Rs. 1-8-0 and a heavy motor vehicle Rs. 3.

(*e*) The rates have not been increased.

(*f*) Does not arise.

AGRICULTURAL ASSOCIATIONS

Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(*a*) how many agricultural associations there are in the presidency;

(*b*) whether each taluka has such an association;

(*c*) what grants Government make to these associations;

(*d*) the total amount of these grants;

(*e*) whether any association has not yet received its grant for the current year;

(*f*) if answer to (*e*) is in the affirmative, why those grants have not been paid up;

(*g*) whether it is a fact that Government intend to discontinue these grants from the next year?

The Honourable Mr. G. B. PRADHAN: (*a*) 80.

(*b*) No.

(*c*) Government bear half the annual cost per taluka on account of the pay, travelling allowance and leave and pension contribution of the fieldman or kamgar, the distribution of the seed and manure, field demonstrations, etc., up to a maximum of Rs. 1,000 on condition that the other half is borne by the association.

(*d*) A statement showing the total amount of the grant made to these associations since 1922 is placed on the Council Table.

(*e*) and (*f*) Of the 80 associations 35 have been paid their subsidy; 23 have not applied, while 22 have not hitherto been paid for want of sufficient budget provision. This deficiency has since been made good and the payment will now be made.

(*g*) No, but owing to the financial stringency, it will be necessary to discontinue or reduce the subsidies in some cases.

Statement showing the total amount of the grants made to Taluka Development Association since 1922

Year	Number of Associations	Total amount of grants made
		Rs.
1922-23	11	8,500
1923-24	38	23,582
1924-25	48	24,312
1925-26	59	23,627
1926-27	74	33,344
1927-28	80	*26,402

*Payment made till February 1928.

THE S.S. "JAYANTI" AND THE S.S. "TUKARAM"

Mr. S. K. BOLE: Will Government be pleased to state—

(*a*) the total number of the victims of the s.s. "Tukaram" and the s.s. "Jayanti" which were lost on the Konkan coast;

(*b*) whether any compensation is given to the relations of those who were drowned in the tragedy ;

(*c*) whether they have made any enquiry regarding the tragedy ?

The Honourable Sir COWASJI JEHANGIR : (*a*) The number of lives lost with the s.s. " Sant Tukaram " and the s.s. " Jayanti " is 101 and 99, respectively ;

(*b*) No compensation has been paid by Government. They have no information whether private charity has been forthcoming and if so to what extent.

(*c*) Government appointed a Marine Court of Enquiry to inquire into the circumstances attending the loss of the s.s. " Jayanti " and the s.s. " Sant Tukaram " and the reports of that Court are under consideration.

Mr. S. K. BOLE : May I know whether the danger signals regarding the storm were hoisted in time ?

The Honourable Sir COWASJI JEHANGIR : How does it arise from the question ?

Mr. S. K. BOLE : Ships have sunk on account of the storm.

The Honourable Sir COWASJI JEHANGIR : I must ask for notice for any details of that sort.

NATIVE CRAFTS LOST IN STORM

Mr. S. K. BOLE : Will Government be pleased to state—

(*a*) the number of the native crafts that were lost owing to the recent storm on the Konkan coast ;

(*b*) the number of men that were drowned ;

(*c*) whether any search was made for those who were not found ?

The Honourable Sir COWASJI JEHANGIR : (*a*), (*b*) and (*c*) A statement supplying the necessary information is placed on the Council Table.

List of Casualties during the Cyclone of 11-13th November 1927

Date of accident	Name of vessel	Official number	Cargo	Place of Casualty
11th November 1927.	Padow "Poorunprasad."	3603 (Bulsar).	1,728 bags of salt..	Off Harnai ..
11th November 1927.	Mutchwa "Sikhander."	3919-C. (Porbunder).	Timber planks and split bamboos.	Lat. 20°, Long. 72° (Approx.) Arabian Sea.
12th November 1927.	Cotia "Mahadeoprasad."	3310-C. (Cutch Mandvi).	1,630 mat bags of dates.	Lat. 20°, Long. 70° (Approx.) Arabian Sea.
12th November 1927.	Mutchwa "Kadari."	5884 (Bankot).	Nil ..	About 12 miles off Alibag.
12th November 1927.	Padow "St. Antonio."	5679	65 tons coal ..	About 60 fms. off Cross Id. (to the West of).
12th November 1927.	Mutchwa "Allimadat."	17356 (Ratnagiri).	Nil	Off Janjira ..
12th November 1927.	Mutchwa "Narayanprasad."	555 (Karanja).	Nil	Mody Bunder, Bombay ..
12th November 1927.	Toney "Laxmi."	5077 (Uran).	Fish Manure ..	Close to Sunk Rock Light House.
12th November 1927.	Cotia "Ganeshprasad." ..	180 (Diu).	34,000 Mangalore tiles, 1,000 Rid gings, 25 ventilators.	Off Hafsan, Janjira ..
12th November 1927.	Cotia "Lakhmipassa."	692 (Probunder Bombay measurement No. 6036-S).	2,000 planks, 35,500 Cocoanuts, 3 Khandies Coir.	Off Bombay to the Southward.
11th November 1927.	Dhow "Fateh Mubarak."	....	130 tons coal ..	Lat. 17° 50′ N., Long. 67° 32′ E. (Approx.)
12th November 1927.	Mutchwa "Allimadat."	5832	57,000 Mangalore tiles.	West side of Kandari Id. quarter of a mile away.
12th November 1927.	Fatemari "Narayanprasad."	44 (Dodamarg).	172 casks of cement.	Off Alexandra Dock, Bombay.
12th November 1927.	Padow "Vithalprasad."	5414 (Surat).	1,400 planks mango wood and 250 bundles split bamboo.	Seven miles off Bankot ..
12th November 1927.	Padow "Vijaliprasad."	4510 (Bulsar).	23,000 Mangalore tiles and 500 ridge tiles.	Off Janjira about five miles off.

reported to the Port Officer, Bombay, and statements of Tindals recorded

Nature of Casualty	Lives lost	Remarks
Main and foremast carried away also rudder sailyards and three sails broken.	No ..	Was towed to Bombay by the s. s. "Jalaptura" and to off Mazagon by the B. P. T S. L. "Siren."
Mast, yard, sails carried away, sprung a leak and got waterlogged.	No ..	The crew were picked up by Cotia "Mahadeoprasad" No. 3310-C which was also dismasted and brought to Bombay on 27th November 1927—the crew 8 in number were sent to the Shipping Master, Bombay, for repatriation.
Main mast carried away also yards and sails.	No ..	The crew of the above vessel were rescued on observing signals of distress up by this vessel by passing them lines.
Vessel turned over due to heavy storm .	1	Out of 13 crew including the Tindal 6 were picked up by S. P. V. "Lady Wilson" thence they were taken to Bombay by Port Trust Launch "Jean" 6 of the crew were rescued by a fishing boat—one man missing. The Mutchwa was towed to Sewree by Port Trust Tug "Thistle".
Sails blown to ribbons due to stormy wind squall, also shipped a large quantity of water.	1	
Jib boom and sailyard (after) carried away and rudder got unshipped and tiller broken.	No ..	Vessel towed to Bombay by B. P. T. Launch "Jean" from off Kennery Light House.
Capsized due to heavy storm ..	No.	
Waterlogged and drifted away ..	No ..	Crew rescued by the men at the Sunk Rock Light House and brought ashore by B. P. T. Launch "Jean".
Both masts carried away and lost, also rudder, sails and yards.	No ..	Vessel towed into Harbour by B. P. T. Launch "Jean" from off Prongs Light House.
Two masts carried away also sails and yards and rudder.	No ..	Owing to storm the vessel drifted toward Bombay—a passing Cotia rendered assistance and took the vessel in tow and put them inside the Prongs Light House—afterwards the vessel was towed into Bombay by B. P. T. Tug "Doris" which was despatched to their assistance.
Capsized owing to storm ..	10	Out of 14 crew 5 were rescued by the Italian s.s. "Pilsna" en route to Aden on 24th November 1927 of which one died due to exhaustion.
Mast carried away ..	5	Out of 14 crew—5 lost their lives 4 were saved by a Cotia at anchor off Worlee and were taken to Uran, the remaining 5 were also saved and were brought to Bombay. Out of the 9 survivors 5 were sent to their Native Country Gangoli, Kundapore and 4 were sent to their country Bhatkal by the Shipping Master, Bombay.
Anchor rope parted 3 anchors lost due to storm.	No.	
Sails blown to ribbons, gunvale broken and vessel foundered.	No ..	Crew were rescued by a passing Padow.
Mast carried away also the heal and sails rent.	No ..	The disabled Padow was brought to Bombay in tow by the s.s. "Goalpara".

Date of accident	Name of vessel	Official number	Cargo	Place of Casualty
12th November 1927.	Padow "Oumid-prasad".	5473	Bengal coal 85 tons	Alongside Hajee Bunder Wharf, Bombay.
12th November 1927.	Padow "Daria Dowlat.	4632 (Surat).	1,500 mango wood planks and 250 bundles split bamboo.	5/6 miles South of Kennery Light House.
12th November 1927.	Mutchwa "Nabi-bakas".	5188 (Sanekata).	300 khandies fire wood.	Off Janjira ..
		In addition to the above, various shipmasters reported		
....	Batela "Manek-prasad".	....	Timber ..	Not known ..
....	M. "Satki" ..	17689 (Ratnagiri).	Loose chunam ..	....
12th November 1927.	Toney of S. L. "Victoria" lent to P. S. "Dolphin".	....	....	Bombay Harbour ..
12th November 1927.	Pattimar "Ravalnathprasad."	139 (Goa Panjim).	Rice, grain, sugar, etc.	Lat. 17° 28′ N., Long 72° 48′ E. (Approx.)
12th November 1927.	Mutchwa "Palpati".	790 Karanja).	Paddy and 6 empty iron casks.	Off Mandwa ..
12th November 1927.	Mutchwa "Sikhander".	5406 (Porbunder).	Laddi Stones ..	Native Craft Anchorage, Bombay Harbour.

Also numerous wireless messages have been received from the shipmasters at sea

Nature of Casualty	Lives lost	Remarks
Swamped and sank due to cyclone ..	No.	
Dismasted rudder carried away, waterlogged and drifted away.	No ..	Crew saved by R. I. M. S. " Cornwallis ".
Sank owing to cyclone	No ..	Crew 15 in all were saved by a Fatemari and brought to Bombay and were later sent to their Native Country, Shiroor, by the Shipping Master, Bombay.
casualties which are as follows :—		
....	..	Reported by the Master of the s.s. " Chakla" having rescued 6 of the crew of the vessel dismasted and waterlogged and landed them at Porbunder.
....	Not known.	No trace of the vessel up to now—Crew 5 in number.
Parting of rope	..	The Toney was secured on the Southern slip of Apollo Bunder. No trace of it yet in spite of careful search.
Capsized owing to storm	1	Reported by the Master of the s. s. " Siberian Prince " having rescued 8 of the men of the vessel and landed them at Marmagoa. The Tindal was drowned.
....	No ..	Crew saved their lives by swimming to the shore—masts and yards salved vessel itself gone down.
Sank	No ..	The wreck of the vessel was observed—crew presumably gone to the Native place Porbunder.

of their having sighted wreckages of country craft during the period.

(Sd.) .....,

Commander, R. I. M.,

Port Officer, Bombay.

GOVERNMENT OFFICES, POONA: RENT

Mr. N. B. CHANDRACHUD (Poona City): Will Government be pleased to state—

(*a*) the total amount of rent per month paid by Government in the year 1927 for buildings in Poona taken on lease for Government offices;

(*b*) the number of buildings taken on lease;

(*c*) the amount of rent paid for each building;

(*d*) the built area of each building;

(*e*) what procedure is followed by Government when they select buildings for Government offices;

(*f*) who is responsible for the selection;

(*g*) whether Government call for any offers by public advertisements before making a choice of the buildings and fixing the rent;

(*h*) whether they are aware that the rents paid by Government are far in excess of the rents paid by private persons in respect of the same kind of buildings?

The Honourable Sir GHULAM HUSSAIN: (*a*) to (*h*) The information has been called for.

SUKKUR BARRAGE: ASSISTANT ENGINEER, QUARRIES DIVISION

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether a certain gentleman who was in charge of a Donkey Corps in Mesopotamia and in charge of a Pathan Gang in the Development Department, was employed as Assistant Engineer in the quarries division in the Sukkur Barrage on Rs. 450;

(*b*) if the reply to the above be in the affirmative, what were the qualifications entitling him for employment as Assistant Engineer in the Sukkur Barrage;

(*c*) whether it is a fact that on failure as an Assistant Engineer he was employed as operator on one of the Dragline excavators on the same pay;

(*d*) whether it is a fact that he damaged the boiler of the excavator;

(*e*) whether he had passed any qualifying examination as a Mechanical Engineer?

The Honourable Sir COWASJI JEHANGIR: The information is being collected.

Rao Saheb D. P. DESAI: How long will it take to get the information?

The Honourable Sir COWASJI JEHANGIR: As soon as it is in the hands of Government, it will be placed on the Council table.

CO OPERATIVE BANK, KAIRA: LOAN BUSINESS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased—

(*a*) to state whether it is a fact that indirect pressure was brought by the authorities to bear on the Kaira District Bank to take up the loan business of the Provincial Central Bank with the Matar societies

(*b*) to state the amount debited by the Provincial Central Co-operative Bank to the Kaira District Bank ;

(*c*) to place on the table the correspondence that passed between the Assistant Registrar or the Registrar of Co-operative Societies and the Kaira District Co-operative Bank ?

The Honourable Mr. G. B. PRADHAN : (*a*) No.

(*b*) The liabilities transferred by the Provincial Co-operative Bank to the Kaira District Central Bank for loans to the societies in Mehmedabad and Matar talukas (except the societies in the Dashkoshi tract which continue to be financed by the Bombay Provincial Co-operative Bank) were Rs. 99,452-9-10 as under :

			Rs.	a.	p.
Mehmedabad	Principal	..	16,392	4	6
	Interest	..	328	12	0
Matar except 7 Societies in the Dashkoshi tract.	Principal	..	81,108	6	4
	Interest	..	1,623	3	0
	Total	..	99,452	9	10

(*c*) The correspondence related to the internal affairs of the Bombay Provincial Co-operative Bank and the Kaira District Central Bank. It cannot be placed on the Council Table without the consent of the parties concerned, which Government are not prepared to obtain.

Rao Saheb D. P. DESAI : Is it not a fact that indirect pressure was brought by the authorities to bear on the Kaira District Bank to take up the loan business of the Provincial Bank with the Matar societies ?

The Honourable Mr. G. B. PRADHAN : The reply already given is " no ".

Rao Saheb D. P. DESAI : Of course Government say "no", but have they made enquiries ?

The Honourable Mr. G. B. PRADHAN : The reply is given after enquiries have been made.

Mr. W. S. MUKADAM : Will the Government be pleased to place the papers of the enquiry on the Council table, whether the Assistant Registrar had brought pressure to bear on the Kaira District Bank ?

The Honourable Mr. G. B. PRADHAN : The reply to part (*c*) of the question is that the correspondence which passed between the Assistant Registrar or the Registrar of Co-operative Societies and the Kaira District Co-operative Bank cannot be placed on the table as it relates to the internal affairs of the banks.

Rao Saheb D. P. DESAI : I understand that the Honourable Minister obtained the information from the Registrar and has given it to this House.

The Honourable Mr. G. B. PRADHAN : What else can the Minister do ? He makes enquiries of the officers of Government ; he receives the replies, and the replies are based on that information.

Mr. W. S. MUKADAM: May I know who was the officer who made this enquiry ?

The Honourable Mr. G. B. PRADHAN: Probably the Registrar, but I will make enquiries.

REVENUE ADMINISTRATION, KAIRA DISTRICT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) the amount of rainfall during each of the years beginning with 1915 and ending with 1927 as recorded at the headquarters in Kaira District ;

(*b*) the amount of land revenue either suspended or remitted, in Kaira District during each of the above years ;

(*c*) the amount of tagavi loans issued to and collected from the cultivators and the amount written off during the same period ?

The Honourable Mr. J. L. RIEU: (*a*) The honourable member is referred to the Season and Crop Reports of those years; they are to be found in the Council library.

(*b*) and (*c*) The honourable member is referred to the Land Revenue Administration Reports of those years; they also are to be found in the library.

FLOOD WATER DRAINS: KAIRA DISTRICT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) how many drains there are in the Kaira district to carry off flood waters ;

(*b*) when those drains were constructed ;

(*c*) what expenditure was incurred in each of the last ten years to keep them in repair and to prevent them from silting up ;

(*d*) whether there were any old drains constructed in pre-British times and if so what expenditure has been incurred to keep them in repair ?

The Honourable Sir COWASJI JEHANGIR: The information has been called for.

KRISHNA CANAL, SATARA: CANAL RULES

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) whether any amendments have been made in the Bombay Canal Rules of 1922 ;

(*b*) if so, whether a copy of such orders will be placed on the Council table ;

(*c*) whether any orders have been issued to treat the excess area watered by the bagayatdars as unauthorised waterings and whether any orders for making panchnamas of such unauthorised waterings for the period of the last six or eight months have been issued to officers on the Krishna Canal in the Satara district ;

(*d*) the reasons why fines amounting to more than Rs. 10,000 for two consecutive years have been imposed on the bagayatdars on the Krishna Canal :

The Honourable Sir COWASJI JEHANGIR : The information is being collected.

RAILWAY PROJECT : KARAD-CHIPLUN-ULVA

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) whether the project of the Karad-Chiplun-Ulva Railway is still under consideration ;

(*b*) if the answer be in the negative, what objection Government have to the publishing of the fact for the benefit of persons warned not to obstruct ?

The Honourable Mr. J. L. RIEU (*a*) As the project was found to be financially unprofitable its further consideration was dropped. The traffic prospects of a line from Diva to Dasgaon have, however, been investigated and the question of the exact alignment of such a line is now under consideration.

(*b*) As the survey for the proposed Karad-Chiplun-Ulva Railway has been carried out the purpose of the notifications authorising it has been served. The notifications cannot therefore be cancelled, as otherwise there would be no authority for the survey. The survey having taken place, the notifications impose no further restrictions on the owners of land in the villages referred to therein.

KRISHNA CANAL : WATER SUPPLY

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) the year from which the bagayatdars on the Krishna Canal were made to give more applications than one for the sugarcane crop of twelve months duration ;

(*b*) whether the bagayatdars had to pay more than the rate fixed by Government for the sugarcane crop by the introduction of this new system of more applications ;

(*c*) the acreage of sugarcane on the Krishna Canal for every year since the introduction of this new system ;

(*d*) the total amount of such increase recovered from the bagayatdars in every such year up to the end of 1927 ;

(*e*) whether this was done with the knowledge and authority of Government ;

(*f*) whether this system was introduced because of the shortage of water in the Canal ;

(*g*) whether an application was made by some bagayardars on the Canal to the Superintending Engineer, requesting him to charge the rate fixed by Government and nothing more ;

(*h*) whether the Assistant Engineer in charge of the canal made an enquiry into the matter and as a result asked the bagayatdars to make a fresh application, mentioning therein that no remissions would be claimed by them and that they committed a mistake in objecting to make more applications than one ;

(*i*) whether it is a fact that when this was refused another application as per copy below* was drafted and the bagayatdars were asked to sign it ;

(*j*) whether applications for water were taken of those persons only who signed that application and whether those persons who did not sign it had to go to Karad to sign the application first and then present their water applications.

The Honourable Sir COWASJI JEHANGIR : (*a*) to (*j*). The information has been called for.

BRIDGE OVER THE INDRAYANI RIVER NEAR KAMSHET RAILWAY STATION

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(*a*) whether they are aware that there is no bridge over the Indrayani river near the Kamshet railway station ;

(*b*) whether they are aware that there is only a narrow dam which is absolutely dangerous in the monsoon ;

(*c*) whether they are aware that the villages beyond the river are greatly inconvenienced by the absence of any communication in the rainy season with other villages on the other side of the river and especially in respect of their affairs in the court at Vadgaon or Poona ;

(*d*) whether they are aware that almost every year the stream sweeps away some villagers while passing over the dam ;

(*e*) whether they are aware that the ferry arrangements are quite unsatisfactory to the people and often prove harassing to them ;

(*f*) whether the building of a bridge over the river is in contemplation ;

(*g*) whether the district local board has been asked to submit its suggestions in that behalf ;

(*h*) whether it has been settled by them that the bridge is necessary and, if so, whether the work of erecting it will be taken up early ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

*The copy has been forwarded in original to the Superintending Engineer, Central Circle, along with a copy of the question for report.

Mr. N. R. GUNJAL (Speaking in Marathi) : The fact that many men have been washed away on this dam has been published. How is it that Government do not know it ?

The Honourable Sir GHULAM HUSSAIN : The question does not arise.

Mr. N. R. GUNJAL : I asked one supplementary question and the reply is not to the point. Has not this inconvenience been brought to the notice of Government ?

The Honourable Sir GHULAM HUSSAIN : Government does not know of it.

POLICE SUB-INSPECTOR, DHARWAR : TRANSFER

Mr. L. M. DESHPANDE on behalf of Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(*a*) for how many years Mr. Sumant has been officiating as the sub-inspector of police in the taluka of Dharwar ;

(*b*) whether it is a fact that applications from the villagers of Garag, Tadakod, Amminbhavi, Karadigud, Harobelavadi, Kowlageri, Timmapur and Chandanmatti villages in the taluka of Dharwar were made to the District Magistrate of Dharwar in 1925 for his transfer ;

(*c*) what were the reasons advanced by the applicants for his transfer ;

(*d*) what action was taken on these applications and with what effect ;

(*e*) what the normal period for a sub-inspector of police to officiate in one and the same taluka is ;

(*f*) whether there are any instances in which sub-inspectors of police are kept in the same place for more than five years ; if so, how many ?

The Honourable Mr. J. E. B. HOTSON : Enquiries are being made.

JUDICIAL DEPARTMENT, SATARA DISTRICT : STAFF

Mr. S. C. JOSHI : Will Government be pleased to state—

(*a*) what was the sanctioned strength of the clerical staff of Judicial Department in the Satara District as a whole and in each of the sub-courts separately after the revision of 1922 and what is the present number as a whole and of each court separately ;

(*b*) if the present number is reduced, whether Government have sanctioned the reduction ; if so, the reasons for the reduction in the staff ?

The Honourable Mr. J. E. B. HOTSON : (*a*) A statement giving the information is placed on the Council table.

(*b*) The three vacancies are being left unfilled in view of the Retrenchment Officer's proposals.

Statement giving the sanctioned strength of the clerical staff of the Judicial Department in the Satara District after the revision of 1922 and the present strength of the establishment

—	Staff sanctioned in the revision scheme of 1922	Present staff
District Court (including Public Prosecutor, Satara)	31	29
First Class Sub-Judge's Court, Satara ..	16	15
Sub-Judge's Court, Wai	12	13
Sub-Judge's Court, Karad	13	12
Sub-Judge's Court, Islampur	12	13
Sub-Judge's Court, Tasgaon	10	9
Sub-Judge's Court, Koregaon	9	9
Sub-Judge's Court, Dahiwadi	5	*5
Sub-Judge's Court, Vita	5	5
Sub-Judge's Court, Patan	5	5
Total ..	118	115

CIVIL COURT PATAN : ACCOMMODATION

Mr. S. C. JOSHI : Will Government be pleased to state—

(*a*) whether they are aware that the Patan court building in the Satara District is too small for its purposes ;

(*b*) if so, what arrangements they propose to make to provide suitable and sufficient accommodation ;

(*c*) whether there is any Pleaders' Room at Patan Court ; if not, what arrangements they propose to make for the pleaders ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Yes.

(*b*) and (*c*) It is proposed when funds permit to build two new rooms, one of which will be allotted to the pleaders.

REFRESHMENT ROOM LICENSES : AUCTION

Mr. S. C. JOSHI : Will Government be pleased to state—

(*a*) whether liquor licenses for refreshment rooms are given by the auction sale system ;

(*b*) if not, what are the reasons for not doing so ?

The Honourable Mr. G. B. PRADHAN : (*a*) No.

(*b*) Refreshment rooms have other commodities besides liquor for sale and it would be impracticable to dispose of such businesses by auction.

JUDICIAL DEPARTMENT, SATARA : EMPLOYMENT OF GRADUATES

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(*a*) whether it is a fact that three graduates were appointed in the Judicial Department of the Satara district first as acting karkuns on condition that they would work on Rs. 60 ;

(*b*) whether Government Circular, Finance Department, No. 438, dated the 15th June 1920, provides for the payment to them of Rs. 70 as pay ;

(*c*) whether it is a fact that the said graduates were appointed to act as nazirs and clerks of the courts in the upper grade on Rs. 85 within 6 months of their entrance, ignoring the claims of a number of senior competent permanent clerks working in that district ;

(*d*) if so, whether Government intend to take any and what steps in the matter ?

The Honourable Mr. J. E. B. HOTSON : (*a*), (*b*) and (*c*) The three graduates accepted the offer of Rs. 60, although Rs. 70 was fixed as the starting pay. They were appointed to act as nazirs on Rs. 85, because they were considered more competent than the men whom they superseded.

(*d*) The District Judge has full discretion in regard to promotions in his establishment, and Government do not propose to interfere.

RIOTS IN PANCH MAHALS : GHANCHIS

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether it is a fact that the Ghanchis of Godhra in Panch Mahals District committed a riot some seventy years back and that in the course of the riot the Boras of the place were roughly handled, insulted and disgraced ;

(*b*) whether it is a fact that Government were compelled to bring the military from Baroda to help in quelling the rioters ;

(*c*) whether it is a fact that the same Ghanchi community had committed a riot in Godhra in Samvat 1968 when Mr. Ghosal was the Collector of Panch Mahals ;

(*d*) whether it is a fact that in this riot Ghanchis of Bazar and Ghanchis of Gohia fought among themselves to such an extent that the Police had to interfere, that a big number of persons from both the parties were prosecuted and that the case was going on for many months ;

(*e*) whether it is a fact that the same community of Ghanchis committed for the third time a riot in Godhra in Samvat 1977 when Mr. Clayton was the Collector of Panch Mahals ;

(*f*) whether it is a fact that the Police were compelled to open fire to quell the riot ?

The Honourable Mr. J. E. B. HOTSON : Enquiries are being made.

ASSAULT BY SUB-INSPECTOR'S SON, GODHRA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether they are aware that on the 25th December 1927 a Muhammadan boy, the son of the Sub-Inspector of Police in Godhra Taluka of Panch Mahals District, went to the city tank at Godhra at nearly 10-30 a.m. and without any provocation slapped a Hindu young lady who had gone there for washing her clothes ;

(*b*) whether it is a fact that the lady on receiving a slap fell down in the water and got up quite nervous and received another slap on her cheeks and a kick in addition ;

(*c*) whether it is a fact that the same boy had troubled Hindu gentlemen and Hindu ladies of Jhalod in 1924 when his father was a Sub-Inspector of Police there :

(*d*) whether it is a fact that this trouble was brought to the notice of the Collector then ;

(*e*) what steps they had taken in the matter then and intend to take now ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Government are aware of this unfortunate incident. It appears that the boy who committed the assault is mentally deranged and not under proper control.

(*b*) to (*e*) Government understand that the Honourable Member has brought these facts to the notice of the District Magistrate, who has advised the aggrieved parties to file criminal complaints.

TODDY : DOMESTIC LICENSES

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether it is a fact that domestic licenses to Kaliparaj people for tapping toddy trees are being issued only to those who were licensed to do so in the previous year ;

(*b*) if the reply to (*a*) be in the affirmative, whether they are aware that it is a serious hardship to those who had no license in the previous year but whose trees have become fit for tapping only in the succeeding year ?

The Honourable Mr. G. B. PRADHAN : (*a*) No.

(*b*) The question does not arise.

BEGARI CANAL : SILTING

Mr. B. G. PAHALAJANI (Western Sind) : Will Government be pleased to state—

(*a*) the rise due to silt in the head of the Begari canal from mile 62 to mile 76 since 1914-1915 up to the present day ;

(*b*) the depth (in feet and inches) of silt cleared by excavation from all or any of the miles 62 to 76 in each year when excavation took place ?

The Honourable Sir COWASJI JEHANGIR : The information has been called for.

CANALS : SILT CLEARANCE

Mr. B. G. PAHALAJANI (Western Sind) : Will Government be pleased to state whether the Deputy Commissioner of Upper Sind Frontier has requested for immediate silt clearance of the tail of the Begari and the Idan and Sir Vahs ?

The Honourable Sir COWASJI JEHANGIR : No.

Mr. B. G. PAHALAJANI : Has any demand been received after the answer was prepared ?

The Honourable Sir COWASJI JEHANGIR : Demand from whom ?

Mr. B. G. PAHALAJANI : From the Deputy Commissioner.

The Honourable Sir COWASJI JEHANGIR : Not that I know of.

WESTERN NARA WATER SUPPLY

Mr. B. G. PAHALAJANI (Western Sind) : Will Government be pleased to state—

(*a*) what was the depth of water in the Western Nara in miles 72 to 88 at each regulator within that length ; during 1924-1925, 1925-1926, 1926-1927 ;

(*b*) what is the total area commanded by the Western Nara within the above mileage and the land revenue assessed thereon ;

(*c*) what has been the total area under cultivation on the above mileage in the years 1923-1924, 1924-1925, 1925-1926, 1926-1927 and the land revenue actually collected thereon during those years ;

(*d*) what is the total loss of land revenue to the Government on this area on account of failure of water therein in each year mentioned in (*c*).

The Honourable Sir COWASJI JEHANGIR : The information has been called for.

CONSTRUCTION OF COURT BUILDINGS, POONA

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state with reference to the questions and replies on the subject at pages 1521 to 1524 of Volume XX of the Official Report :—

(*a*) the amount of the original estimate for the construction of the Court Buildings, Poona, at 11 per cent. below which, the work was given to the contractor ;

(*b*) the individual quantity, rate and total cost of the several items which were later on substituted by modified items ;

(*c*) the individual quantity, rate and total cost of the several modified items substituted ;

(*d*) who prepared the plans and estimate of the work ;

(*e*) whether the plans and estimate were approved and adopted by Government before the work was sanctioned ;

(*f*) who later on suggested the idea of " giving adequate dignity and finish to the building ; "

(*g*) whether the suggestion was duly considered by Government to be of such an imperative nature as to necessitate the introduction

of the modifications in the materials and details of the construction of the building causing the contractor's original contract amount to be increased ;

(*h*) whether the conduct and control of this work has been entrusted to any responsible Government Engineer ;

(*i*) if so, what his rank is ;

(*j*) who prepares and passes contractor's bills for payment ;

(*k*) whether these bills and the payments thereof are checked by any Government Auditor ;

(*l*) whether the work as it stands to-day has been considered to be completed and finished up to the standard of workmanship required under the contract ?

The Honourable Sir GHULAM HUSAIN : The information has been called for.

GOVERNMENT SERVANTS : BACKWARD COMMUNITIES AND MOSLEMS

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(*a*) the number of posts in the City of Bombay in the various Departments of Government (giving separate figures for each Department)—

(1) up to Rs. 100,

(2) between Rs. 100 and Rs. 200,

(3) between Rs. 200 and Rs. 500,

(4) between Rs. 500 and Rs. 1,000,

(5) between Rs. 1,000 and Rs. 2,000,

(6) above Rs. 2,000 ;

(*b*) how many of these are held by members of the backward communities ;

(*c*) how many of them are Moslems ?

The Honourable Sir CHUNILAL MEHTA : Information is being collected.

GOVERNMENT BUILDINGS, BOMBAY CITY

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(*a*) the number of bungalows and buildings they have built in the City of Bombay for Government officers during the last ten years ;

(*b*) the total cost of each giving separate figures for land, construction, fittings, development, etc ;

(*c*) the annual outgoings on each giving separate figures for taxes, maintenance, interest, sinking fund, depreciation, etc. ;

(*d*) the annual rent realised on each ;

(*e*) the net rate realised on the capital invested on each, or loss if any ?

The Honourable Sir GHULAM HUSSAIN : (*a*), (*b*), (*c*), (*d*) and (*e*) The attached statement furnishes the information required by the Honourable Member.

Statement showing buildings constructed for Government officers

Serial No.	Name of building	Date of construction or resumption	Capital cost			
			Land	Construction inclusive of development	Water supply, electric and sanitary fittings, etc.	Total
1	2	3	4	5	6	7
	Provincial Buildings	Year	Rs.	Rs.	Rs.	Rs.
1	Bungalow called "Barrington House" on Malabar Hill ..	1917-18	1,31,857	77,639	15,947	2,25,443
2	Bungalow called "Crismill" on Narayan Dabholkar Road ..	1917	21,255	72,847	16,776	1,10,878
3	Four flats known as "Lands End House" on Malabar Hill ..	1919	1,28,300	1,28,949	31,352	2,88,601
4	Bungalow called "High Mount" on Narayan Dabholkar Road ..	1921	73,721	29,473	4,668	1,07,862
5	Bungalow called "The Eyrie" on Winter Road	1921-22	63,693	1,02,998	8,089	1,74,780
6	Bungalow called "Fintona" on Narayan Dabholkar Road ..	1921	75,726	26,535	4,154	1,06,415
7	Red Brick Bungalow in the compound of the Royal Institute of Science ..	1921	(A)	10,609	1,208	11,817
8	Rocky Hill Flats Nos. 7 to 12	1923	4,00,478	3,41,188	56,553	7,98,219
9	Rocky Hill Flats Nos. 1, 3 and 5	1923	2,00,543	2,06,823	19,713	4,27,079
10	Bungalow called "Rylstone" on Cumballa Hill	1927	2,46,000	2,63,355	33,465	5,42,820
11	Quarters for three Inspectors in the Central Excise Lockup, Mathew Road ..	1922-23	4,980	44,437	7,597	57,014
12	Quarters for the Custodian, Small Causes Court	1920-21	4,940	24,779	1,274	30,993
13	New Jail for the Undertrial Prisoners at Arthur Road—					
	Quarters for the Superintendent ..	1925-26	3,557	24,690	3,820	32,067
	Quarters for the Jailor ..	Do.	1,779	12,345	1,866	15,990
	Quarters for the Deputy Jailor ..	Do.	1,779	12,345	1,722	15,846
	Quarters for the Sub-Assistant Surgeon and three clerks ..	Do.	11,407	37,259	5,233	53,899
14	Civil Jail, Arthur Road.	1925-26	2,281	8,075	952	11,308

in the City of Bombay during the last ten years, viz., 1917-1927.

Annual outgoings				Average rental realised annually	Net gain or loss		Percentage gain or loss on capital cost.	Remarks
Taxes	Maintenance	Interest charges	Total		Gain	Loss		
8	9	10	11	12	13	14	15	16
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
490	2,515	7,890	10,895	6,000	..	4,895	2·17	
299	1,345	3,881	5,525	5,600	75	..	·07	
1,036	3,002	10,101	14,139	10,000	..	4,139	1·43	
205	892	3,775	4,872	2,800	..	2,072	1·92	
748	1,699	6,117	8,564	5,600	..	2,964	1·69	
250	948	3,725	4,923	2,800	..	2,123	2·00	
56	242	414	712	1,000	288	..	2·44	(A) Situated in the compound of the Royal Institute of Science.
3,189	5,683	47,893	56,765	20,000	..	36,765	4·61	
1,572	2,784	25,625	29,981	8,200	..	21,781	5·10	
1,963	4,254	32,569	38,786	5,000	..	33,786	6·22	
259	1,009	3,421	4,689	*Nil.*	..	..	..	
142	430	1,085	1,657	*Nil.*	..	..	..	
146	542	1,924	2,612	*Nil.*	..	..	..	
73	269	959	1,301	*Nil.*	..	..	..	
73	263	951	1,287	*Nil.*	..	..	..	
241	794	3,234	4,269	*Nil.*	..	..	..	
51	164	678	893	*Nil.*	..	..	..	

Serial No.	Name of building	Date of construction or resumption	Capital cost			
			Land	Construction inclusive of development	Water supply, electric and sanitary fittings, etc.	Total
1	2	3	4	5	6	7
	Provincial Buildings —contd.	Year	Rs.	Rs.	Rs.	Rs.
15	Police Accommodation Scheme, Paltan Road—					
	Quarters for four European and three Indian officers	1917-18	15,760	16,060	4,350	36,170
		1922-23	24,680	35,933	7,758	68,371
16	Police Accommodation Scheme, Gamdevi—					
	Quarters for four European and three Indian Officers	1917-18	Leased ground	38,940	9,350	48,290
				17,204	4,011	21,215
17	Police Accommodation Scheme, Lamington Road—					
	Quarters for four European and three Indian Officers	1917-18	1,334	23,867	3,716	28,917
			3,700	66,170	8,512	78,382
18	Railway Police Lines at Dadar—					
	Quarters for eight Indian and four European Officers and five Sergeants.	1924-25	26,840	68,159	12,452	1,07,451
			..	67,897	9,914	77,811
			21,006	56,387	8,929	86,322
19	Police Lines at Alexandra Docks—					
	Quarters for European and Indian Police Officers	1922-23	1,71,780	3,13,092	46,125	5,30,997
20	Police Lines at Maharbawadi. Quarters for European and Indian Police Officers.	1922-23	8,937	81,922	14,145	1,05,004
			4,835	35,459	5,979	46,273
21	Police Accommodation Scheme at Sandhurst Road, East—					
	Quarters for three European and six Indian Sub-Inspectors ..	1922-23	35,269	1,22,954	16,400	1,74,623
			35,949	1,13,634	16,450	1,66,033
22	Police Accommodation Scheme at Sandhurst Road, West—					
	Quarters for three Indian Officers ..	1922-23	13,205	28,164	5,559	46,928
23	Police Accommodation Scheme at Byculla—					
	Quarters for European and Indian Police Officers	1923-24	76,350	1,76,426	31,786	2,84,562
			18,810	32,726	7,150	58,686
24	Police Accommodation Scheme at Chinchbunder— ..					
	Quarters for four European and three Indian Police officers ..	1922-23	56,729	96,239	18,032	1,71,000
			27,300	40,534	8,199	76,033

Annual outgoings				Average rental realised annually	Net gain or loss		Percentage gain or loss on capital cost	Remarks
Taxes	Maintenance	Interest charges	Total		Gain	Loss		
8	9	10	11	12	13	14	15	16
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
142	428	1,266	1,836	*Nil.*	..	..	..	
277	883	4,102	5,262					
215	1,000	1,690	2,905	*Nil.*	..	..	..	
92	437	743	1,272					
130	523	1,012	1,665	*Nil.*	..	..	..	
360	1,373	2,743	4,476					
460	1,565	6,447	8,472	*Nil.*	..	..	..	
365	1,631	4,669	6,665					
375	1,247	5,179	680					
2,278	6,562	31,860	40,700	*Nil.*	..	..	..	
485	1,864	6,300	8,649	*Nil.*	..	..	..	
210	801	2,776	3,787					
782	2,581	10,477	13,840	*Nil.*	..	..	..	
745	2,443	9,962	13,150					
199	670	2,816	3,685	*Nil.*	..	..	..	
1,234	4,074	17,074	22,382	*Nil*	..	..	..	
246	1,012	3,521	4,779					
727	2,249	10,260	13,236	*Nil*	..	..	..	
320	977	4,562	5,859					

Serial No.	Name of building	Date of construction or resumption	Capital cost			
			Land	Construction inclusive of development	Water supply, electric and sanitary fittings, etc.	Total
1	2	3	4	5	6	7
	Provincial Buildings —contd.	Year	Rs.	Rs.	Rs.	Rs.
25	Police Accommodation Scheme at Mazagaon— Quarters for one Indian Police Officer.	1922-23	1,272	9,171	2,097	12,540
26	Police Accommodation Scheme at Mahim— Quarters for 4 European officers and two Indian Sub-Inspectors.	Do. ..	1,200	82,251	2,625	86,076
			480	32,525	1,042	34,047
27	Police Accommodation Scheme at Matunga (Kingsway).— Quarters for four European officers and two Indian Sub-Inspectors.	Do. ..	3,864	80,206	2,600	86,670
			1,749	29,091	950	31,790
28	Police Accommodation Scheme at Delisle Road— Quarters for European officers and two Indian Sub-Inspectors.	1924-25	21,950	60,090	9,766	91,806
			7,275	19,484	3,303	30,062
29	Police Accommodation Scheme at Naigaum— Quarters for European and Indian officers.	1925-26	31,194	72,117	9,168	1,12,479
			7,002	23,386	2,902	33,290
30	Police Accommodation Scheme at Kala Chowki— Quarters for European and Indian officers.	Do. ..	27,990	57,499	7,202	92,691
			13,840	24,788	3,417	42,045
31	Sydenham College of Commerce— Quarters for the Principal.	1922	20,800	16,453	4,265	41,518
32	Royal Institute of Science— Quarters for the Principal.	1923-24	11,766	67,455	6,107	84,728
	Quarters for the Professors.		..	90,040	9,249	99,289
33	Quarters for the Superintendent of Workshop.	1923-24	2,533	18,433	3,227	24,193
34	Rocky Hill Flats Nos. 2, 4 and 6.	1923	A	4,13,616	64,453	4,78,069
35	Sets of huts in the Cumballa Hill— (1) North Block ..	1921-22	A	11,227	3,547	14,774
	(2) South Block ..			10,177	2,759	12,936
36	Executive Engineer's quarters at Matunga.	1922	B			
	2 Blocks.* Block			7,370	125	7,495

Annual outgoings				Average rental realised annually	Net gain or loss.		Percentage gain or loss on capital cost.	Remarks
Taxes	Maintenance	Interest chrages	Total		Gain	Loss		
8	9	10	11	12	13	14	15	16
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
57	230	752	1,039	*Nil.*		..	..	
426	1,351	5,165	6,942	*Nil.*	..	..	..	
168	535	2,043	2,746					
424	1,320	5,200	6,944	*Nil.*	..	..	..	
155	480	1,907	2,542					
402	1,339	5,508	7,249	*Nil.*	..	..	..	
130	440	1,804	2,374					
485	1,493	6,749	8,727	*Nil.*	..	..	..	
146	482	1,997	2,625					
398	1,167	5,561	7,126	*Nil.*	..	..	..	
178	525	2,523	3,226					
156	439	2,491	3,086	100	..	2,986	7·19	
385	1,288	5,084	6,757	800	..	5,957	7·03	
476	1,766	5,957	8,199	900	..	7,299	7·35	
113	421	1,452	1,986	*Nil.*	..	..	..	
1,576	3,870	28,684	34,130	11,280	..	22,850	4·78	A. Land belonged to Government value not shown.
158	163	886	1,049	1,272	..	80	·3%	
	149	776	158 925	780				B. Land owned by Bombay Improvement Trust. Ground rent at the rate of Rs. 50 per mensem is being paid by the tenant.
38	75	450	563	564	1	..	Trifling ..	*Block No. 1 constructed at the same cost has been dismantled in 1927.

Serial No.	Name of building	Date of construction or resumption	Land	Capital cost		
				Construction inclusive of development	Water supply, electric and sanitary fitting, etc.	Total
1	2	3	4	5	6	7
	Provincial Building —contd.	Year	Rs.	Rs.	Rs.	Rs.
37	Quarters for the Deputy Chief Engineer, Marine Lines	1921	A	27,737	6,350	34,087
38	Quarters for the Assistant Engineer, Marine Lines	1922	A	14,334	3,442	17,776
39	Quarters for the Chief Engineer, Colaba ..	The buildings together with the site were transferred to Development from the Revenue Department in 1921.	3,983	17,888	2,892	24,763
40	Quarters for P. A. to Chief Engineer, Colaba ..		4,388	16,317	3,032	23,737
41	Quarters for the Deputy Chief Engineer, Colaba		5,753	17,457	5,555	28,765
42	Quarters for the Assistant Engineer, Colaba.		4,875	5,354	1,824	12,053
43	Quarters for the Second Assistant Engineer, Colaba	1924	2,085	8,958	475	11,518
	Central Buildings					
44	New Custom House, Bellard Pier Bombay.					
	(*i*) Block No. I for the Assistant Collector of Customs ..	1922	B	74,921	6,720	81,641
	(*ii*) Block No. II for the Assistant Collector of Customs (in charge Preventive service) ..	1922	B	80,108	6,712	86,820
	(*iii*) Block No. III for the Assistant Collector of Customs (in charge Preventive service) ..	1922	Do.	79,223	6,871	86,094
	(*iv*) Block No. IV Quarters for Chief Inspector ..	1922	Do.	41,636	3,732	45,368
	(*v*) Block No. V Quarters for Inspector of Customs .	1922	Do.	39,189	3,265	42,454
	(*vi*) Block No. V for the Assistant Custodian ..	1922	Do.	22,634	1,325	23,959

Note.—The buildings against serial Nos. 1-33 and 44 are in charge of the Public Works Department and revenue accounts for rent free buildings are maintained information in columns 13 to 16 have so far been set aside by Government for any of the buildings.

Annual outgoings				Average rental realised annually	Net gain or less		Percentage gain or loss on capital cost	Remarks
Taxes	Maintenance	Interest charges	Total		Gain	Loss		
8	9	10	11	12	13	14	15	16
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
41 4	276	1,193	1,510 4	1,937 4	427	..	1·25%	
41 11	143	1,066 8	1,251 8	1,187 4	..	64	·36%	
37	398	1,486	1,921	1,476	..	445	1·8%	The posts of the office shown against items 40 to 43 have since been abolished and the quarters have been rented to other officers or private persons.
33	381	1,424	1,838	1,836	..	2		
28	512	1,726	2,266	2,268	2		Trifling ..	
16	163	723	902	900	..	2		
28	180	691	899	456	..	443	3·83%	
391	898	4,898	6,187	1,600	..	4,587	5·62	B. These quarters are included main building of new Custom House.
418	870	5,209	6,497	1,100	..	5,397	6·22	
414	823	5,166	6,403	1,250	..	5,153	5·99	
218	491	2,722	3,431	200	..	3,231	7·12	
205	451	2,457	3,203	300	..	2,903	6·84	
118	307	1,438	1,863	*Nil.*	..	..	..	

and those against serial Nos. 34 to 43 in charge of the Development Department. As no capital of items Nos. 11-30 and 44 (*vi*) which are rent free, is not given. No 'Sinking fund' and 'depreciation

Mr. J. C. SWAMINARAYAN : There are many bungalows on pages 31-35 whose rents are shown as 'nil.' Why were those bungalows built ?

The Honourable Sir GHULAM HUSSAIN : There was need for them.

Mr. J. C. SWAMINARAYAN : Are these bungalows being occupied or are they given free to officers ?

The Honourable Sir GHULAM HUSSAIN : It appears so.

Sir VASANTRAO DABHOLKAR : On page 30, column 4 is shown as Land. Does that mean that no money was paid for that land ?.

The Honourable Sir GHULAM HUSSAIN : These are estimates.

Sir VASANTRAO DABHOLKAR : Is it a fact that when the properties were resumed no value was paid for the land ?

The Honourable Sir GHULAM HUSSAIN : Yes.

Mr. B. G. PAHALAJANI : (Asked a supplementary question which was inaudible).

The Honourable Sir GHULAM HUSSAIN : I want notice.

Sir VASANTRAO DABHOLKAR : How can you estimate the value of the land when value was not paid ?

The Honourable Sir GHULAM HUSSAIN : Government have to estimate the value even though no value was paid.

PROSTITUTION IN BOMBAY CITY

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(*a*) the number of brothels in the city of Bombay ;

(*b*) the number of prostitutes of different nationalities and communities such as English, French, Russian, Spanish, Italian, Anglo-Indian, Jew, Japanese, Hindu and Muhammadans residing in the City of Bombay ;

(*c*) the number of children in the brothels in Bombay ;

(*d*) in how many cases the Children Act has been applied for removing children from immoral surroundings ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Brothels are not registered in Bombay and accurate statistics are not procurable. The number is estimated at about 680.

(*b*) For the same reason exact figures cannot be given. The approximate figures annexed relate only to prostitutes living as such in brothels, and do not include those who practise clandestinely. It is impossible to frame any estimate of the number of the latter.

1,310	Hindus.
256	Muhammadans.
64	Indian Christians.
17	Japanese.
14	Anglo-Indians.
13	Arabs.
11	Jews.

11 Russians (Jews).
7 Parsis.
6 Mauritians.
4 Greeks.
5 French.
3 Roumanians.
2 English.
2 Italians.
1 Pole.
1 Hungarian.
1 American.
1 Native of Palestine.

(*c*) 49—36 boys and 13 girls. None of the girls is over 5 years of age. Since the Children Act was brought into force a great number of children have been removed by their guardians from the brothels, over and above those whose cases have come before the Court.

(*d*) In 120 cases involving about 135 children.

Mr. P. J. MARZBAN: Are Government aware that a number of non-Parsi prostitutes pass off under the guise of Parsis? Are Government sure that the number given by them is correct?

The Honourable Mr. J. E. B. HOTSON: I am sorry I cannot profess to any very accurate knowledge.

These figures are based on the professions of the women themselves.

Mr. S. K. BOLE: Will the honourable member be pleased to give the addresses of these prostitutes so that the honourable member can go and make enquiries?

The Honourable Mr. J. E. B. HOTSON: Any person interested could probably get that information from the police.

MOULVI RAFIUDDIN AHMAD: Is there any additional staff appointed for the protection of children in the brothels in connection with the Children Act?

The Honourable Mr. J. E. B. HOTSON: A very small additional staff has been appointed for the Prevention of Prostitution Act and for the Children Act, but for the present that staff is almost entirely employed in working the Children Act. It is too small for the purpose; we should be very glad to appoint some more; only we have not enough money.

MOULVI RAFIUDDIN AHMAD: Will you bring that question before the Council?

The Honourable Mr. J. E. B. HOTSON: That may be considered in the next budget.

PRIMARY EDUCATION: BIJAPUR DISTRICT

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(*a*) whether there has been a demand for the opening of new Primary Schools in the rural area of the Bijapur District;

(*b*) if so, what arrangements the District Local Boards and the Government have made to meet the demand;

(*c*) whether there are many complaints from the villagers in the Bijapur District that they are not getting adequate number of teachers for their schools though the number of children attending Primary Schools has grown enormously;

(*d*) what arrangements Local Boards and Government have made or intend to make in this connection and when will such arrangements be complete ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) It is understood that the people of the Bijapur District want more primary schools.

(*b*) The District Local Board, Bijapur, now controls primary education in the District through its School Board. It is therefore for that body to take the initiative in the matter of opening new primary schools in the District wherever they are needed. If and when the Board submit proposals, they will receive due attention from Government.

(*c*) No such complaints have so far reached Government.

(*d*) It is primarily for the District Local Board and its School Board to consider the question of the entertainment of additional assistants in undermanned schools. Government can consider the Board's proposals only when they are submitted to them for approval.

Mr. S. A. SARDESAI: May I know whether a scheme on the voluntary basis prepared by the school board, Bijapur, and sent through the district local board, Bijapur, has been received by Government; or is it still lying in the Director's office ?

The Honourable Dewan Bahadur HARILAL D. DESAI: So far as I know, no papers have been received as yet by Government with reference to any scheme for expansion on a voluntary basis, but when those papers are received, due consideration will be given.

Mr. D. A. JANVEKAR: Will the Honourable Minister be pleased to make enquiries of the Director of Public Instruction whether he has received a scheme from the district local board, Bijapur ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The honourable member is himself a member of the district local board, Bijapur. However, I have no objection to make enquiries.

Mr. D. A. JANVEKAR: As a member of the district local board and also of the school board, I know that a scheme was submitted long ago—it is now more than a year—but no reply has been received either from the Director or from the Honourable Minister.

The Honourable Dewan Bahadur HARILAL D. DESAI: Inquiries will be made.

Rao Bahadur B. R. NAIK: Does it follow that as far as those local boards which have not taken over the control of primary education, are concerned, the initiative of opening new schools rests with Government in those areas ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No. It is for the board to take the initiative in the matter of opening new schools, and if they are agreeable to pay one-third of the cost, then the question will be considered by Government.

Rao Bahadur B. R. NAIK: The control of education is with Government and yet the initiative rests with the local boards ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes; but it is for the local boards who control primary education to recommend the opening of new schools; they are the proper authorities.

Mr. R. S. ASAVALE: The question was whether there was a demand for the opening of primary schools, but the reply is: "It is understood that the people of the Bijapur district want more primary schools." The reply is not to the point. Will the Honourable Minister say whether there was actually a demand—yes or no ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No demand has been made, but it is presumed that the Bijapur district local board, like other district local boards, want more primary schools.

RAILWAY STATION DHARAMSHALAS

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) how many railway stations between Colaba and Sanjan and between Victoria Terminus and Kasara have dharamshalas;

(*b*) how many of these dharamshalas are in good condition ?

The Honourable Mr. J. L. RIEU: The information has been called for.

ROADS IN MURBAD TALUKA

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) what amount they have spent during the last fifty years for the up-keep of the roads in the part of Shahapur, Murbad and Kalyan talukas adjoining the Western Ghats and extending from the railway lines near the Thalghaut to the railway line near Karjat;

(*b*) whether it is a fact that there is no convenient road for carts in the whole of the Murbad taluka and the parts of Shahapur and Murbad talukas referred to in (*a*);

(*c*) whether these inconveniences have not been brought to the notice of Government up to now;

(*d*) if they have been brought to their notice, what steps have they taken up to now and what steps do they intend taking in the matter;

(*e*) whether it is a fact that they have not considered the case of the Murbad taluka in the matter of road facilities, as they have in other talukas of the Thana district by constructing railroads and bridges;

(*f*) if so, the reasons therefor ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

GUN LICENSES, THANA DISTRICT

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) the number of holders of licenses for guns in the Thana District ;

(*b*) how many licenses have been given for the use of agriculturists ;

(*c*) what measures Government have adopted to provide temporary licenses for the use of agriculturists ;

(*d*) how many licenses have been revoked under the Indian Arms Act and in how many cases notices about revocation were given to the licensees ?

The Honourable Mr. J. E. B. HOTSON : Information has been called for.

LIQUOR LICENSES : NEW PROPOSALS

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) whether they are considering a proposal to give liquor shops to licensees for a fixed sum ;

(*b*) if the answer is in the negative, whether they are considering the matter in any other way ;

(*c*) if so, what the proposal is ;

(*d*) whether they are considering a proposal to fix the rates at which liquor is to be sold ?

The Honourable Mr. G. B. PRADHAN : (*a*), (*b*) and (*c*) The honourable member is referred to the reply to the question asked by Mr. Swaminarayan on 14th March 1928.

(*d*) No.

VADA-BHIWANDI ROAD : TANSA DAM

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) whether the dam on the river Tansa on the Vada-Bhiwandi Road was specially repaired twice during the last five years ;

(*b*) what were the expenses at each special repair ;

(*c*) whether the special repairs were undertaken in order to remove hindrance to traffic ;

(*d*) whether such hindrance was removed by the special repairs ;

(*e*) whether traffic at the place was closed during the last rainy season from the 20th July to the 26th July ;

(*f*) whether there was at the place a boat or ferry formerly ;

(*g*) if so, why it was stopped ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

VADA-BHIWANDI ROAD : MORI AT MILE 25

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) whether they are aware that on account of the Mori near mile 25 on the Vada-Bhiwandi road, in the taluka of Vada, being narrow, water instead of flowing through it gathers in the adjoining field on its eastern side for several days and causes much damage to the rice crops ;

(*b*) if so, do they intend to widen it ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

VADA-BHIWANDI ROAD : MORI AT NEHROLI BRIDGE

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) whether they are aware that the Mori which is to the north of Nehroli bridge and to the east of Pahuni-pada on the Vada-Bhiwandi road stops the flow of water which gathers in the fields on the eastern side and thus causes damage to the crops and washes the road away ;

(*b*) if so, do they intend to widen it ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

VADA-BHIWANDI ROAD : CROSSING OF STREAM

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(*a*) whether they are aware that there is no bridge over the stream running between Vada and Gandhra on the Vada-Bhiwandi road at mile No. 25 ;

(*b*) whether they are aware that in the absence of a bridge it is inconvenient for boys from Gandhra to attend school ;

(*c*) whether they are aware that during floods all the traffic is stopped at this place ;

(*d*) whether they intend to construct a bridge over it in addition to the existing dam ;

(*e*) if so, when ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

VADA-SHIRGAUT ROAD

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether the Vada-Shirgaut road goes through the town of Vada;

(*b*) whether it is sufficiently wide;

(*c*) whether it is a fact that within the last 10 years a child was crushed to death under a bullock cart on this road;

(*d*) whether it is a fact that the increased traffic and specially motor traffic has caused greater inconvenience to the people of Vada and that the people have applied for a diversion of this road from out of the town;

(*e*) whether they intend to divert this road from out of the town?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

BOMBAY AGRA ROAD

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether they are aware that the Bombay-Agra road running through the following villages causes great inconvenience to the residents of those villages, *viz.*, Padgha, Vasind and Asangaon;

(*b*) whether they intend to divert the road from outside those villages?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

KHARIVLI-KANCHAD ROAD

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state whether they intend to construct a road between Kharivli and Kanchad in the place of a cart track between Kharivli and Goreh in the taluka of Vada?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

WOODEN BRIDGES IN THANA DISTRICT

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) how many timber culverts (wooden bridges) there are on the Government roads in the Thana district;

(*b*) the number of them on each road;

(*c*) at what particular place each is constructed;

(*d*) whether it is a fact that they are very old?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

ROADSIDE REST HOUSES : THANA DISTRICT

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) on what roads in the Thana District traffic is stopped by floods ;

(*b*) whether it is a fact that Government have not provided places on these roads where travellers could put up temporarily ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

Mr. S. K. BOLE : May I know from the Honourable Minister how much time he will require ?

The Honourable Sir GHULAM HUSSAIN : I cannot say.

COMMUNICATIONS : THANA DISTRICT

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state whether it is a fact that the G. I. P. Railway Company intends to open a motor service in those parts of the Thana district where there is no railway ?

The Honourable Mr. J. L. RIEU : No.

PARDI TALUKA : SHOPPING CONVENIENCES

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) whether the people of the villages of Vatar, Morai, Kunta, Tarakpardi, taluka Pardi, district Surat, are situated on the other side of the custom line separating Portuguese territories from British Territory ;

(*b*) whether the people of these villages have to go to Udvada and other big villages in order to do their shopping and to get supplies ;

(*c*) whether since this year the gate near Ravatvadi has been closed ;

(*d*) whether the river Kolak cannot be conveniently crossed at any other place ;

(*e*) whether as a result of this thing the people will be compelled to go to Vapi for their shopping ;

(*f*) whether in that case they will have to pay heavy customs duties to the Portuguese authorities ;

(*g*) whether they will save these duties if they pass through Ravatvadi gate ;

(*h*) what is the objection to keep this gate open ;

(*i*) how they intend to remove this serious inconvenience to the people of these villages ?

The Honourable Mr. J. L. RIEU : (*a*) to (*i*) The question relates to a central subject and the Local Government is not in a position to answer it.

Mr. H. B. SHIVDASANI : Will the honourable member be pleased to state whether the customs officers are appointed by the local Government ?

The Honourable Mr. J. L. RIEU : No ; I do not think so.

REPAIR OF TANKS, SURAT DISTRICT

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether the Surat District Local Board is prepared to take in its charge all the tanks in the Surat District;

(*b*) if so, on what conditions and from what date ?

The Honourable Sir COWASJI JEHANGIR: (*a*) and (*b*) The Commissioner reports that the Board is prepared to consider the question of taking the tanks in its charge, provided Government hand over all the revenue derived in the last 20 years from the tanks, excluding the expenditure incurred on them, and assign to the Board all the revenue that may be realised from the tanks hereafter.

Mr. H. B. SHIVDASANI: Are Government prepared to hand over the tanks on those conditions ?

The Honourable Sir COWASJI JEHANGIR: No.

Mr. H. B. SHIVDASANI: On what conditions are Government prepared to hand over the tanks ?

The Honourable Sir COWASJI JEHANGIR: Honourable member should raise a debate on that question in the House.

Mr. H. B. SHIVDASANI: I want to know the Government policy.

The Honourable Sir COWASJI JEHANGIR: Government cannot give their policy in answer to a supplementary question.

Mr. H. B. SHIVDASANI: Do you want a notice ?

The Honourable Sir COWASJI JEHANGIR: If you ask for any information, we shall give it to you.

Mr. H. B. SHIVADASANI: Are not Government considering this question ?

The Honourable Sir COWASJI JEHANGIR: Yes.

Mr. H. B. SHIVDASANI: Why can you not give a definite reply.

The Honourable Sir COWASJI JEHANGIR: I have already answered "no" to your first supplementary question.

RICE CROP IN SADAKPORE

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether it is a fact that the rice crop has failed this year in the village of Sadakpore, taluka Chikhali, district Surat;

(*b*) whether this crop was inspected before it was cut;

(*c*) if so, by whom it was inspected;

(*d*) what was the anna valuation of the crop;

(*e*) what remissions and suspensions have Government decided to grant in view of the failure of this crop;

(*f*) when will this remission and suspension be sanctioned;

(*g*) when would they be notified ?

The Honourable Mr. J. L. RIEU: (*a*) No.

(*b*) Yes.

(*c*) By the Circle Inspector and the Mamlatdar.

(*d*) 10 annas.

(*e*) and (*f*) None, because neither suspensions nor remissions are admissible.

(*g*) Does not arise.

CHECK TOLL BARS

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) what is the object of keeping check toll bars;

(*b*) whether there is any difference between a toll bar and a check toll bar;

(*c*) if so, what is the difference;

(*d*) whether at a check toll bar, bullock carts, etc., have to pay toll even though the cart has not to pass any toll bar;

(*e*) whether Government have considered the question of abolishing the check toll bars in view of their orders abolishing the levy of toll from bullock carts at more than one toll bar on the same day;

(*f*) if so, what decision have they arrived at?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

GUJARAT COLLEGE: GUJARATI LECTURER

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether the present lecturer in Gujarati in the Gujarat College, Ahmedabad, was appointed on a probation for one year in July 1926;

(*b*) whether it is a fact that the Principal of the College and the students are satisfied with his work;

(*c*) whether it is a fact that the results of the examination in Gujarati are satisfactory with respect to students from the college;

(*d*) whether Government intend to terminate his services;

(*e*) if so, what the reasons for the same are;

(*f*) whether the services of persons appointed on probation are liable to be dispensed with even though they may show good and satisfactory results;

(*g*) whether the reason for the termination of his services is the re-engagement of a pensioner who had resigned?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes. The date of the orders was 30th June 1926.

(*b*) The Principal reports that the Lecturer's work has been satisfactory.

(*c*) The Lecturer joined his appointment at the Gujarat College on 8th July 1926. The results of the college in Gujarati in the year 1927 were satisfactory.

(*d*) He has been served with a reasonably adequate notice of discharge with effect from 11th March 1928.

(*e*) and (*g*) The reason for the termination of the Lecturer's services is that Government could secure the services of the previous experienced Lecturer who is a far better scholar of the Gujarati language and literature. This person is a pensioner who was re-employed as Lecturer in Gujarati and worked in that capacity for a number of years but has resigned the appointment with effect from April 1926.

(*f*) Yes, with due notice and for sufficiently good reasons.

GUJARAT COLLEGE: GUJARATI LECTURER

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) what the rules for the employment of pensioners in Government service are;

(*b*) whether suitable candidates for the post of lecturers in Gujarati in Arts colleges are not available;

(*c*) if the answer to (*b*) is in the negative, what is the reason for appointing a retired pensioner as Gujarati lecturer in the Gujarat College, Ahmedabad;

(*d*) whether such pensioners accept less pay and their employment leads to economy?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) The rules are given in Chapter XXI of the Civil Service Regulations.

(*b*) When the post of Lecturer in Gujarati at the Gujarat College fell vacant in 1926, it was advertised. No one of those who applied for the post was found to possess qualifications of the required standard.

(*c*) This question does not, properly speaking, arise, in view of the reply given to clause (*b*) of the question. It may, however, be stated that a pensioner is re-employed as Lecturer in Gujarati at the Gujarat College because he has a far better knowledge of the Gujarati language and literature than the candidates who had applied for the post.

(*d*) Under the latest orders of Government, dated the 22nd August 1927, a retired officer of Government who is re-employed as a Lecturer in Vernacular is allowed to draw his full pension and in addition half the pay of the post of Lecturer in Vernacular, to which he may be appointed on re-employment. As the retired officers in question are granted only half the pay of the posts in addition to their pension, their re-employment leads to economy, because if fresh candidates are appointed, they will ordinarily be eligible for the full pay of the posts, while at the same time the pension of the retired officers in question will continue to be paid.

GUJARAT COLLEGE, AHMEDABAD: GUJARATI LECTURER

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether they are aware that at the time of appointment as Lecturer of Gujarati in the Gujarat College, Ahmedabad, Mr. Gajendrashankar Lalshankar Pandya, M.A., B.T., gave up his permanent post

in the Vanita Vishram, Bombay, by payment of a penalty in view of the stability of Government Service and in full expectation that he would be confirmed at the end of his probationary period;

(*b*) whether the work of Mr. Gajendrashankar Lalshankar Pandya, M.A., B.T., in the Gujarat College during his probationary period was favourably reported by the Principal of Gujarat College;

(*c*) if the answer to (*b*) is in the affirmative, the reasons why Mr. Gajendrashankar Lalshankar Pandya, M.A., B.T., was not confirmed in his Post?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Government had no such information at the time Mr. Pandya was appointed as Lecturer in Gujarati.

(*b*) Yes.

(*c*) He was not confirmed in his post because it was possible to secure the services of a much better and riper scholar like Dewan Bahadur Dhruva.

GUJARAT COLLEGE, AHMEDABAD: TERMINATION OF SERVICES OF GUJARATI LECTURER

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) the date on which Mr. Gajendrashankar Lalshankar Pandya M.A., B.T., was appointed a lecturer of Gujarati in the Gujarat College, Ahmedabad; and his age;

(*b*) whether it is a fact that he had secured second class honours in M.A. with Gujarati and first class honours with distinction in B.T.;

(*c*) the period for which his appointment was made;

(*d*) whether it is a fact that his services are to be terminated in March 1928;

(*e*) if the answer to (*d*) is in the affirmative the reasons for terminating his services;

(*f*) whether it is a fact that some other person is to be appointed in his place;

(*g*) if so, the name, age and qualifications of the person intended to be appointed in his place?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) His appointment as Lecturer in Gujarati at the Gujarat College was notified on 1st July 1926. He, however, took charge of the post on 8th July 1926. He was 31 years of age at the time of his appointment.

(*b*) He is only a passed M.A. and has passed the B.T. examination in 2nd class.

(*c*) He was appointed on probation for one year.

(*d*) Yes.

(*e*) Because it was possible to secure the services of a much better and riper scholar like Dewan Bahadur Dhruva.

(*f*) Yes.

(*g*) Dewan Bahadur K. H. Dhruva. He is 68 years of age. He is a B.A. of the Bombay University, a recognised scholar of Gujarati and

one of the greatest living authorities on the old Gujarati language and literature.

Mr. J. C. SWAMINARAYAN: Is it the policy of Government to engage the services of a retired pensioner?

The Honourable Dewan Bahadur HARILAL D. DESAI: It has been the policy of Government, in the case of vernacular Lecturers to secure ripe scholars and for that purpose, to engage such ripe scholars from those who have retired from service.

Rao Saheb D. P. DESAI: Why should there be a departure from rules in the case of vernacular professors? Are Government prepared to follow the same policy if they find in the next year a better man for selection?

The Honourable Dewan Bahadur HARILAL D. DESAI: In this particular instance, the lecturer who was a Government pensioner, had to give up the post on account of certain orders of Government. In spite of the recommendation of the principal of the college and the Director of Public Instruction to retain his services those orders were passed. He consequently had to give up the post, it was felt that the Government orders were not in the interest of vernaculars, and therefore, Government had to reconsider their orders.

Rao Saheb D. P. DESAI: So, that man retired as a protest?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

Rao Saheb D. P. DESAI: Did Government advertise?

The Honourable Dewan Bahadur HARILAL D. DESAI: As there was a vacancy, the post had to be advertised.

Mr. K. M. MUNSHI: Are Government aware that the man who is appointed had to give up a remunerative job in Bombay to join Government service?

The Honourable Dewan Bahadur HARILAL D. DESAI: I was not aware of it, when the question was considered. But I learnt it subsequently.

Mr. K. M. MUNSHI: Are Government going to consider his case?

The Honourable Dewan Bahadur HARILAL D. DESAI: We cannot revise the present arrangements.

Dr. M. K. DIXIT: How long will the old gentleman be allowed to continue?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government cannot consider the question as long as Dewan Bahadur Dhruva is a better and an able man for his work.

Mr. J. C. SWAMINARAYAN: Are not Government aware that water comes from the eyes of Dewan Bahadur Dhruva and that his age is 68 years?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not know whether water comes from his eyes. He has been found to be quite a fit man for his work in spite of his age.

Rao Saheb D. P. DESAI: Do not Government think that injustice is being done to the present man ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Government do not consider that any injustice is being done to the present man, as he was taken up on probation.

Rao Saheb D. P. DESAI: He was taken on the understanding that if his work was found satisfactory, he would be confirmed. Now the report is that he was found most satisfactory. As a matter of fact, Government were bound to confirm him after one year. As a better man is found, he has to be thrown overboard. Therefore, may I know that in view of the injustice done to the present man, Government propose to consider his case ?

The Honourable Dewan Bahadur HARILAL D. DESAI: His case cannot be considered for the present post. His case may be considered if any other post is available in the department.

Mr. R. S. ASAVALE: Was Dewan Bahadur Dhruva sent for medical examination ?

The Honourable Dewan Bahadur HARILAL D. DESAI: He was not sent for medical examination as he was fit for his work. I may inform the honourable member that several local boards have been asking Government to continue the services of their chief officers after they were pensioned. Some honourable members of this House, who are presidents of the district local boards, have asked us for the continuation of the services of their pensioned chief officers. In view of that, I do not think any medical examination was necessary.

Mr. J. C. SWAMINARAYAN: Is the principle of the Educational Department different from that of other departments ?

The Honourable Dewan Bahadur HARILAL D. DESAI: The principle is the same. But if the pensioner concerned is a capable man, there is no objection to allow him to continue in service.

Mr. J. C. SWAMINARAYAN: Why did Government make a departure from the ordinary pension rules in this special case ?

The Honourable Dewan Bahadur HARILAL D. DESAI: There was no departure from the pension rules in this case. I have mentioned all the facts.

Mr. R. S. ASAVALE: The Honourable Minister stated that he is a fit person for work. May I know therefore if he was sent for medical examination ?

The Honourable Dewan Bahadur HARILAL D. DESAI: We were told by the principal that he was a fit person and hence there was no necessity for the medical examination.

RAILWAY PROJECT : NAWDA-KAPADVANJ : STATION AT VEHELAL

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether a preliminary survey of a branch railway line between Nawda and Kapadvanj was made in the year 1919 ;

(*b*) whether the inhabitants of Vehelal, a village of South Daskroi Taluka, sent a petition dated 1st October 1919 to Mr. G. E. Chatfield, the then Collector of Ahmedabad District, praying that a station may be opened at Vehelal on the said branch railway line ;

(*c*) whether the petition, referred to in (*b*), was forwarded by the Collector to the Government of Bombay ;

(*d*) Whether Government by their memorandum No. 1523-Ry. of 1919 in the Public Works Department, dated 12th November 1919 decided that they would urge the construction of a station at Vehelal after it was decided whether the proposed line was to be constructed as far as Ahmedabad ;

(*e*) whether the decision of Government referred to in (*d*) was communicated to the inhabitants of Vehelal by the then Collector of Ahmedabad by his letter No. R.Y.S.-2, dated 18th November 1919 ;

(*f*) If the answers to (*a*), (*b*), (*c*), (*d*) and (*e*) are in the affirmative, the reasons why Government, by a notification in *Bombay Government Gazette* dated 20th October 1927, ordered a new survey of the said branch line excluding Vehelal altogether from the benefit of that line ;

(*g*) whether the inhabitants of Vehelal have made a demand for a station between Lalpur and Vehelal stating that it would benefit many villages of South Daskroi Taluka, namely, Lalpur, Vehelal, Kubadthal, Zanu, Huka, Para, Ramnagar and Pasunj ;

(*h*) if so, what action Government have taken on the demand referred to in (*g*) ?

The Honourable Mr. J. L. RIEU : (*a*) No.
(*b*) Yes.
(*c*) Yes.
(*d*) Yes.
(*e*) Yes.
(*f*) the attention of the Honourable Member is invited to the reply given to question No. 3 printed at page 18 of the sixth list of questions and answers of the current session.
(*g*) Yes.
(*h*) the matter is under the consideration of Government.

ABKARI COMMISSIONER : APPOINTMENTS MADE

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state the number of appointments made by the Abkari Commissioner during the years 1925-26 and 1926-27 and the castes of the persons appointed.

The Honourable Mr. G. B. PRADHAN : A statement furnishing the required information is placed on the Council Table.

Statement showing the number of appointments made by the Commissioner of Excise during the years 1925-26 and 1926-27 on the non-gazetted executive and clerical staff of the Excise Department, and the castes of the persons appointed

Caste	No. of appointments made during the year		Remarks
	1925-26	1926-27	
1. Brahmins (Kokanastha, Deshastha and Karada).	5	1	
2. Anavil Brahmins	2	....	
3. Gaud Saraswat Brahmins	4	....	
4. Saraswat Brahmin	1	....	
5. Kayastha Prabhus	9	....	
6. Kayasthas	3	....	
7 Mahomedans	10	4	
8. Marathas	3	1	
9. Namdeo-Shimpis	1	2	
10 Daivadnya Brahmins (Sonars) ..	2	....	
11. Bhandaris	2	....	
12. Kumbhar	1	....	
13. Lingayats	3	....	
14. Jains (Deccan)	2	1	
15. Jains (Gujerat)	1	....	
16. Indian-Christians	4	2	
17. Anglo-Indians	1	....	
18. Parsis	6	1	
19. Patidar	1	....	
20. Lewa Kunbis	....	1	
21. Banias	3	....	
22. Mudliar	....	1	
23. Nair	1	....	
24. Bhavsar	1	....	
25. Vaishya	1	....	
26. Rajput	....	1	
Total ..	67	15	

RAILWAY STATION : NASIK ROAD

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(*a*) whether they are aware that there is great hardship to the third class railway passengers at the Nasik Road railway station for want of a sufficiently large waiting room and that the present one is largely occupied by the tea shop and other hawkers ;

(*b*) whether they are aware that there is no shed on the down platform to protect the passengers from rain and sun ;

(*c*) whether they are aware that the present bridge connecting the two platforms is not covered and that there is not a sufficient number of benches provided on both the platforms ?

The Honourable Mr. J. L. RIEU : The information has been called for.

BANDHARA AT PATEGAON

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that the Bandhara at Pategaon village in Chandvad Taluka of the Nasik District has been out of order for nearly ten years;

(*b*) whether it is a fact that the people of the above village do not get any water for irrigation from that Bandhara since then;

(*c*) if so, what action they have taken to put it in order;

(*d*) whether it is fact that no water cess was collected during the last eight years;

(*e*) whether they are aware that the water cess is now being collected this year although the people did not get any water from the Bandhara;

(*f*) whether any provision has been made in this year's budget to put the Bandhara in proper order?

The Honourable Sir COWASJI JEHANGIR: The information has been called for.

DAM ON GIRNA, KADVA AND MOSUM RIVERS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they have any schemes for putting dams to the Girna, Kadva and Mosum rivers in order to increase the water supply of the canals;

(*b*) if so, whether the schemes have been investigated into by the Irrigation Department?

The Honourable Sir COWASJI JEHANGIR: The information is being collected.

JAMDA CANALS, CENTRAL CIRCLE

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) the area irrigated by the Jamda Canals in the Central Circle;

(*b*) whether it is on the increase or decrease;

(*c*) if it is on the decrease what such decrease is due to;

(*d*) whether it is a fact that the canals are dependent on the water supply of the Chankapur tank which is uncertain;

(*e*) what steps they propose to take for the increase of the supply of water in the canals?

The Honourable Sir COWASJI JEHANGIR: The information is being collected.

IRRIGATION IN NASIK DISTRICT

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) the total expenditure on extensions, improvements, maintenance and repairs to bandharas in the Nasik District;

(*b*) the total area irrigated in the Nasik District;

(*c*) the amount of water cess collected in Nasik District ?

The Honourable Sir COWASJI JEHANGIR: The information has been called for.

JUDICIAL DEPARTMENT, SATARA DISTRICT: SECTION-WRITERS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) the number of qualified and non-qualified English section-writers from the Intermediate and Backward communities in the Judicial Department, Satara District;

(*b*) how many candidates from the Intermediate and Backward communities had applied for service in the Department;

(*c*) how many of these were qualified;

(*d*) the number of such candidates whose names were registered;

(*e*) how many candidates were informed during the last four years that there were no vacancies ?

The Honourable Mr. J. E. B. HOTSON: (*a*) For purposes of recruitment for Government service, the communities are divided into two classes only, 'advanced' and 'backward.' The division into three classes, the two mentioned and the 'intermediate' is only for educational purposes. There are four qualified and eight unqualified section-writers belonging to the backward classes employed in the Satara District.

(*b*) 160 candidates from the backward classes.

(*c*) 24 only are qualified, in the sense that they had passed the prescribed test for admission into the department.

(*d*) 90.

(*e*) 70.

BANDHARA WATER SUPPLY: NASIK DISTRICT

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they are aware of the fact that the water supply from the bandharas in the Nasik District is getting precarious;

(*b*) if so, whether they are aware that this indicates that the present system of cropping in the Phad system in the Nasik District requires investigation to make cropping a paying business;

(*c*) whether they intend taking any steps to carry out investigations in the matter ?

The Honourable Sir COWASJI JEHANGIR: Information has been called for.

ODHA RAILWAY STATION: PARCEL SHED

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(*a*) whether they are aware that there is no parcel shed at the Odha Railway Station;

(*b*) whether they are aware that a large traffic in vegetable takes place through this station throughout the year;

(*c*) whether they are aware that parcels of vegetable remain at the station exposed to the rain and sun ;

(*d*) whether they are aware that great hardship is thereby caused to the villagers of the adjoining villages ?

The Honourable Mr. J. L. RIEU : Enquiries are being made.

(*Discussion on the Supplementary Demand for Expenditure on Harvey-Nariman Case resumed*)

The Honourable the PRESIDENT : Order, order. Before the House proceeds on to the discussion left unfinished yesterday, I have to give my ruling on a point of order raised asking the Honourable the General Member to place certain papers on the Council table.

The Honourable Sir COWASJI JEHANGIR : Sir, I understand you are referring to my reference to advice given by a legal officer. I have to state that Government have always considered that any opinion given to them by their legal officers is confidential.

The Honourable the PRESIDENT : Does the Honourable the General Member wish to say that the advice given by the legal officer is confidential ?

The Honourable Sir COWASJI JEHANGIR : Yes, Sir.

The Honourable the PRESIDENT : In giving my ruling I should like to bring to the notice of honourable members a few points which are worthy of their notice in connection with a question like this, so that they may be guided in the future. My ruling on the last occasion was briefly this, that if any Member of Government refers to any document or correspondence and relies on that, then it is the privilege of the House to be in possession of it. One of my worthy predecessors, the late Sir Narayan Chandavarkar, has given a ruling on a similar point. He said :

" That is one of the rules strictly observed in the House of Commons and this House also has observed it, that a Government Member or a Government Minister is entitled not to give out a document which he considers privileged or which he thinks is confidential."

The House of Commons practice on which my predecessor relied is noted down here in Erskine May which is important and interesting. I shall read out portions from it :

" One of the rules and principles of debate may be added here. A Minister of the Crown is not at liberty to read or quote from a despatch or other State paper not before the House, unless he be prepared to lay it upon the table. "

That is the principle. Further :

" It has also been admitted that a document which has been cited ought to be laid upon the table of the House if it can be done without injury to the public interest. "

And further :

" The safeguards are that confidential documents or documents of a private nature passing between the officers of a department and the department cited in debate are not necessarily laid on the table of the House, especially if the Minister declares that they are of a confidential nature."

These are the principles to guide the House in a matter like this. The Honourable the General Member to-day makes a specific statement that the document in question is of a confidential nature, and, therefore, in

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accordance with these practices, I will not call upon him to place it on the Council table. The discussion to proceed.

Mr. R. G. PRADHAN (Nasik District): Mr. President, I should have thought that my honourable and esteemed friend Mr. Nariman would have refrained from speaking on this motion as it has a direct bearing on him, or, if he had chosen to speak on it, he would have invited the House to confine itself to the facts and circumstances as they are stated in the magistrate's judgment and the notification or the resolution issued by Government on the question of paying the costs to Mr. Harvey. But he has preferred to play in this House the role of a pleader in his own case, and possessing, as he does, one of the supposed gifts of an able and competent lawyer, the gift of mystification, I do not know whether he has not succeeded in mystifying the real issues involved in this matter. Sir, it is absolutely essential that this House should realise the two issues, the only issues, involved in this matter and confine itself to a consideration of those issues, and those issues only. The maladministration of the Development Department has given rise, and to a very large extent justifiably given rise, to so much feeling that I should not be surprised if it becomes extremely difficult for many men, both honourable members in this House and others outside the House, to bring an open and dispassionate mind to bear upon the particular issues which we have got to decide to-day. Sir, as you have rightly pointed out, there are, really speaking, only two important issues, and I want to begin my statement of the views on those two issues with a consideration of the first, namely, whether the allegations made by Mr. Nariman against Mr. Harvey have been proved. I would just ask honourable members to refer to the statement which has been supplied to us by Government on the question of this demand. In that statement we find this statement:

> "Government decided that a suit against Mr. Nariman should be instituted at their cost, but subject to the condition that in the event of the complaint being dismissed due to Mr. Nariman proving his allegations the costs should be borne by Mr. Harvey."

There is that expression "due to Mr. Nariman proving his allegations." Obviously, the words "allegations" can mean allegations against Mr. Harvey. So, the first issue is: Have the allegations against Mr. Harvey made by my honourable friend Mr. Nariman been proved? Now, on this point, I do not think that even my honourable friend Mr. Nariman would contend, having regard to the clear findings of the magistrate on that point, I do not think that he would venture to contend for one moment that his allegations against Mr. Harvey have been proved. In dealing with this aspect of the matter Mr. Nariman asked us to go behind the judgment and take his word, his own word, that he has amply succeeded in proving his allegations against Mr. Harvey. Will it be right for us to set aside the distinct and considered findings of a magistrate on this point and accept the word of the honourable member Mr. Nariman, however esteemed and respectable he may be, and though we all feel great admiration for him and for his public spirit, will it be right for us to set aside the distinct finding of

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the magistrate on this important issue and accept Mr. Nariman's own word that he has amply succeeded in proving his allegations against Mr. Harvey? What are the facts with regard to this point? There can be no doubt that he makes serious allegations against Mr. Harvey in the evidence he presented before the Mears Committee. There are, in particular, two important and serious allegations made by him against Mr. Harvey, in one of which it is distinctly stated on the strength of rumours afloat about the working of the Development Department that Mr. Harvey, as one of the higher officers, was guilty of corruption.....

Mr. B. G. PAHALAJANI: It is a wrong statement.

Mr. R. G. PRADHAN: If honourable members would refer to page 8 of the judgment copies of which have been supplied to them and would refer to the charge as framed against Mr. Nariman, they would find:

"That before the Back Bay Enquiry Committee amongst other statements you made the following statements:—

'I may tell Government quite frankly and openly that there are ugly rumours in the city and the whole of the Presidency that higher staff and officers have been receiving secret commissions from manufacturers and this is the reason why in this instance the Department has incurred a loss of three lakhs of rupees. That is the reason why stores are indented in large quantities than are necessary and stores that are not required are also ordered out.'"

Now, Mr. Harvey is admittedly a member of the higher staff, a higher officer, and here is a distinct statement made of ugly rumours prevalent in the city and in the whole presidency that he, one of the higher staff and one of the officers, has been receiving secret commissions from manufacturers and this is the reason why in this particular instance the department has incurred a loss of three lakhs of rupees. There is this distinct allegation of corruption, of receiving secret commissions from manufacturers, against Mr. Harvey. Then later on, on page 9 of the printed judgment supplied to honourable members, you find:

5. I say it is intentional. From the circumstances I can say it was not a mistake.

6. These surplus stores were ordered in order that certain manufacturers might make some earning out of this order. As far as I can see there is no other explanation. Otherwise these stores would not have been ordered to be used as scrap iron.

These statements, if they amount to anything at all, can only amount to serious allegations of corruption, of dishonest intention, dishonest conduct on the part of Mr. Harvey. These are the allegations made by Mr. Nariman. My honourable friend Mr. Nariman, in his speech yesterday, as a shrewd and clever lawyer, tried to make a distinction between statements, allegations and inferences which he drew. What he said was that he made the statement that the change in the figure as regards the indent was made by Mr. Harvey. According to him, that was a statement which he made and he says that it was his inference that that change was made out of ulterior motives with dishonest intentions. That is the distinction between what he calls statements and inferences which he sought to make. It is no doubt a very subtle distinction which does credit to a subtle lawyer, but it is a distinction which will not help him. If I make a particular statement and if from

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that statement I also draw a particular inference and declare that inference, publish that inference, that inference also becomes a statement, and no such distinction as is sought to be made out by Mr. Nariman between a statement and an inference drawn from the statement can be reasonably made. At all events, it cannot help him in a court of law in that particular kind of prosecution instituted against him. So, it comes to this, that certain serious allegations questioning the *bona fides* and the honesty of Mr. Harvey were made by Mr. Nariman and there is the distinct finding of the magistrate that these particular allegations against Mr. Harvey have not been proved. I do not think my honourable friends, after they have gone through the judgment, will question the statement that I am making. Mr. Nariman also cannot deny that there is the distinct finding of the magistrate that he has failed to substantiate, these allegations which he has made against Mr. Harvey, that they have not been proved. On that point our minds ought to be quite clear and I do not think there can be any legitimate room for a difference of opinion as regards this issue. Bearing that fact in mind and having regard to the resolution which Government have issued in connection with the matter, the wording of which I have already read out to you, does it not follow then that since the allegations against Mr. Harvey have not been proved, Government must bear the cost of the prosecution? Will it be right, will it even be possible, for Government to ask Mr. Harvey to bear the cost? Suppose Government to-morrow writes to Mr. Harvey and says "Pay the cost, Rs. 60,800. You must bear that cost. Pay it." Mr. Harvey will say "The allegations against me have not been proved. I flatly refuse to pay the amount. In accordance with the resolution which Government have issued on the subject, the amount must be borne by Government, and Mr. Harvey, in terms of this resolution and having regard to the findings of the magistrate, cannot be legally and justly saddled with this cost.

I have so far considered the first issue, but, Sir, it is perfectly open to us, the honourable members of this House, to refuse to sanction this amount if we hold that Government were not justified in permitting Mr. Harvey to institute a criminal complaint against the honourable member, Mr. Nariman.

Some honourable members may perhaps be under the impression that, if this grant is made, it would amount to our approval of the policy of the Development Department, it will amount to an approval of what has been done by the Development Department. It means nothing of that kind. Our acceptance of this grant will not and does not mean that we approve or in any way condone the misdeeds, the mal-administration of the Development Department. But, if we sanction this grant, it does mean that we approve of the policy and the action of the Government in permitting Mr. Harvey to institute a complaint against the honourable member Mr. Nariman. And therefore, it becomes necessary for us to consider the second issue, namely, whether the Government were justified in giving Mr. Harvey permission to institute a criminal prosecution against the honourable member Mr. Nariman.

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With due reference to all those who may happen to differ from me, I beg to submit that Government, under the circumstances, and in view of all the facts I have already referred to were perfectly justified in permitting Mr. Harvey to institute a prosecution against the honourable member Mr. Nariman. What are the facts? I shall not repeat the statements which the honourable member Mr. Nariman made before the Mears Committee but there is one aspect of the case, as constituted by the facts, to which I desire to invite the attention of the honourable House, and to which I personally attach very great importance. Members of the Mears Committee, in their cross-examination of the honourable member Mr. Nariman, repeatedly asked him, repeatedly suggested to him that it might be a mistake. Member after member of the committee put to him (Mr. Nariman); well, it may be a mistake; it is just possible that it may be a mistake. And what does the honourable member reply? What is his reply? He repeatedly says that it was not a mistake; he repeatedly says that it is intentional. Well, while under cross-examination, if his answer had been "Yes, it is possible that it may be a mistake, but the change of figure and the ordering out of the bars that were not required might have been due to other reasons also. It may have been a mistake, but it may have been due to negligence, also to corruption," if that had been his reply; if he had said "Yes, I quite, agree that it may be a mistake, but I also suggest that it may be due to corruption, and I ask the committee to enquire into the matter thoroughly and to find out whether the mistake was a *bona fide* mistake, or whether it was an intentional mistake committed with ulterior motives;" if that had been the reply given by my honourable friend, and if, in that case, Government had sanctioned Mr. Nariman's prosecution, I would have strongly opposed the policy and the action of Government in doing so. The honourable member Mr. Nariman, after repeatedly being cross-examined on this question, like a brave man that he is, sticks to his guns and gives categorical and emphatic replies to the effect that he excludes every other theory, that he thinks, maintains, and asserts that the change must have been made from nothing but ulterior motives. That is how he puts the position before the Mears Committee. Now, Sir I regret very much that the Mears Committee did not enter into this question. I regret very much that, after having invited evidence on these matters, after having examined Mr. Nariman, and after also having examined the Honourable the General Member, the Mears Committee has not considered this question and given its findings thereon, and I have not the slightest hesitation in asserting that, to this extent, the Mears Committee has been guilty of a serious dereliction of duty.

But then, consider the position. What was the position, as it stood at the time? The position was that serious charges were made by an important and a responsible publicist, carrying great influence and weight, a member of this House, against a responsible and high officer of Government before a committee appointed by Government. Serious charges were made. What was Mr. Harvey to do? His clear duty was to take steps to clear his character, and supposing he had done

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nothing of the kind, it would have been the duty of Government to ask him to clear his character. If Government had not done so, I would have taken Government to task for not asking Mr. Harvey to clear his character. So, it was his clear and distinct duty to clear his character, to do all that he could to disprove the allegations made against him. Naturally, as a Government officer, he turns to Government and asks the permission of Government to institute the prosecution. Would it have been right on the part of the Government to refuse to grant the sanction under the circumstances ? An officer against whom serious charges are made writes to Government expressing his decision to clear his character, and in order to do that asks the permission of Government to institute a prosecution. There is before Government absolutely no alternative but to grant the sanction. The sanction is given, the prosecution is instituted, with what results we all know. I submit, therefore, that, under the circumstances, Government were perfectly right, perfectly justified in permitting Mr. Harvey to institute a prosecution against the honourable member Mr. Nariman. Well, Sir, the honourable member Mr. Nariman asked us again to go behind all these things, and he says that the prosecution instituted against him was a malicious prosecution. Sir, we, as members of this honourable House, as men of common sense, and as men also carrying on our shoulders the weight of serious responsibility, are competent to go and shall be justified in going into that aspect of the matter. The honourable member Mr. Nariman's contention is that the prosecution was not a *bona fide* prosecution, that it was a malicious prosecution instituted with the sole object of putting him down. Well, if such a charge of instituting a malicious prosecution had been made against any person other than any of the members of the present Government, I would perhaps have been inclined to believe in it. But what does this charge mean ? It means that my honourable friend Sir Cowasji Jehangir was actuated by the spirit of malice in sanctioning this prosecution, that his object in giving sanction was to put down an important, responsible and prominent politician and public man like my honourable friend Mr. Nariman. That is in fact the charge which Mr. Nariman makes against the Honourable the General Member. (An honourable member : Where does he make that charge ?) That is what it comes to, that the prosecution was instituted out of malicious motives. Well, Sir, I refuse to accept that, and I refuse to believe that in sanctioning the prosecution, in giving permission to Mr. Harvey to prosecute Mr. Nariman, my honourable friend Sir Cowasji Jehangir could have been actuated by any bad intention or motive, that he could have been actuated or influenced by any other consideration than that of giving Mr. Harvey an opportunity of clearing his character. I do not think any unworthy motive could have actuated the Honourable Sir Cowasji Jehangir in giving the sanction. I therefore do not accept, and I would ask honourable members not to accept, the suggestion which has been made by the honourable member Mr. Nariman that this prosecution was instituted with the intention of putting him down.

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I have, Sir, dealt with most of the important points arising out of this matter. But I look at the matter from a larger point of view, and perhaps, at any rate, some of the members of this House will also be persuaded to look at this matter from a larger point of view. After all this prosecution has been a blessing in disguise. (An honourable member: There we agree). After all, it has resulted in doing good. No doubt my honourable and esteemed friend Mr. Nariman has had to pass many months of anxiety; the prosecution has no doubt absorbed for several months his time and his energies, and it has resulted in putting him to great professional loss and also in causing him considerable mental distress. I am quite prepared to concede all that. But my honourable and esteened friend Mr. Nariman has had his reward in the admiring and loving eyes of his countrymen, in the admiration and love of the rising younger generation, the rising youth of this city and the presidency he has had his reward. And I only hope it had been possible and it would be possible for Government, for my honourable friend the Member in charge of the General Department, or the Member in charge of the Home Department, or the Member in charge of the Finance Department, whoever he may be, to come forward with a supplementary demand for a grant to be made to Mr. Nariman in recognition of the yeoman's, undoubtedly yeoman's, services which he has rendered to the cause of the purity of public administration. He has risen distinctly in the estimation of the public, and if something of this kind could be done it will meet with the approval, I am sure, of the honourable members of this House. My honourable friend from Satara (Mr. B. V. Jadhav) has tabled a resolution practically amounting to that, and I hope it will be possible for him to obtain priority to that resolution over every other non-official bu. iness. This is a kind of prosecution which has resulted in doing so much public good that the public exchequer ought to bear the cost of either side. (An honourable member: Share half and half.) I think Government will be justified in paying Mr. Nariman, as they will be justified in paying Mr. Harvey.....(Laughter).

The Honourable the PRESIDENT: I think the honourable member is digressing.

Mr. R. G. PRADHAN: There is no doubt a digression, but it is such a pleasant digression that it has, at any rate, brought the House to good humour. (laughter). But, Sir, confining myself to the distinct issue involved in this case, I for one have not the least doubt that the action of Government in granting permission to Mr. Harvey to prosecute Mr. Nariman is justified, and in view of the resolution issued on the subject of the cost, there is absolutely no alternative but to pay Mr. Harvey his cost.

Rao Bahadur R. R. KALE (Satara District): Sir, I wish to deal quite dispassionately, without any regard either to the personality of the honourable member Mr. Nariman or the personality of the Honourable the General Member in front of us, on the two points that have been really the points for consideration in this debate. I will take first the

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last point touched upon by my honourable friend the speaker who preceded me, that is, the policy of Government in sanctioning the prosecution in the way they have done. Now, what is the genesis of these proceedings? It will be seen that the honourable member Mr. Nariman had been ventilating the grievances of the people in this Council. He had not gone outside this Council; he had been doing it from the floor of this House. Well, as a result of the exposures that were made, the Mears Committee came to be appointed. He was summoned before that committee and he was forced to give a statement. He submitted a written statement and when called upon to appear personally he did appear and give his evidence. Honourable members are already aware of the evidence that he gave. Mr. Nariman did not make the insinuation in the way the honourable member who preceded me seemed to convey he did. If we read the evidence which he gave before the Committee as well as the written statement which has been summarised in the judgment of the learned magistrate (a copy of which has been submitted to honourable members), and see the allegations made and the circumstances under which the statement came to be made, it will be seen that it was with the greatest reluctance and under the closest cornering that Mr. Nariman was compelled to make the statement that he did about suggesting ulterior motives. I shall come to it later on, when I deal with the second point. For the present suffice it to say that under these circumstances before the members of the Mears Committee when pressed he had the courage to say, that it must not have been a mistake. You will also find that from the findings of the learned magistrate. I may ask the honourable members on both sides to take the finding of the magistrate as it is, without going outside the finding given by the magistrate in this respect. There the magistrate has stated that it was not a mistake, but it was done deliberately. There is no explanation of it forthcoming. Very well, but I would ask this House: "Was not my honourable friend, Mr. Nariman, justified in sticking to his guns and saying that it could not be a mistake?" His conscience was clear, the information which he had received was there and in view of these facts how can he say that it was a mistake? He cannot say that it was done through a mistake. He, therefore, stuck to his guns and he said that it was done intentionally. He was therefore pressed by one of the members of the Mears Committee to say as to why it was done. He then said that it must have been done with some ulterior motive. I shall read chapter and verse, when I shall deal with the second point. Now I am on the point as to the policy of Government in sanctioning the prosecution of my honourable friend Mr. Nariman. I want to say whether the course adopted was a better one or any other course. I am on that point now. The Mears Committee had before them the evidence which opened the eyes of the Government of Bombay and the Government of Bombay was also in possession of the information received from no less a respectable man than an honourable member of this House. That information was before them already. That information was repeated in the evidence given before the Mears Committee,

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specially appointed to investigate the matter. Under these circumstances I would ask "Was it not the duty of Government to set afoot an investigation ?" I have got experience of 35 years as a pleader, as an advocate and also as a public prosecutor in my own district. And I can say that whenever any information is received specially on the charges of corruption, it is not the practice to call upon the informant to come forward and prove those charges or to sanction a prosecution of that informant. It is the duty of the party concerned to investigate the matter. On the charges of corruption I know out of 100 cases, in 99 cases it is very difficult to prove those charges. In the present instance, Government were concerned, and it was their duty to investigate and find out how far the information is correct. There are so many C.I.D. officers at their disposal, and they would have found no difficulty in investigating the matter. They ought to have tried to find out what is at the bottom of the information. If there were so many charges made against their officer, I think at least Government ought to have investigated one or two of the charges and brought them into a court of law. But Government did not do so, and they launched a prosecution against the informant. In the charges of corruption, as I have said, it is very difficult to obtain the necessary information without the help and assistance of the Government agency. But Government would have been able to get information without much trouble. It was not a very difficult task for them to investigate the matter. Therefore, I submit that the proper course for them was to investigate. If so much evidence was produced in the court of law by a private individual, would it not have been possible for Government to secure more evidence on this question ? But no effort was made by Government to investigate the matter. If they had done so, it would have been in the interest of their own servant and also the general public who were clamouring for the investigation. But Government did not choose to do so, and the Mears Committee refused to go into the question too.

There was another point. Mr. Harvey made an application to Government for a sanction to prosecute the honourable member Mr. Nariman. When this application was received, what did Government do ? They gave him a sanction. I submit, Sir, that when a prosecution has to be launched against any person, what is generally done is that a notice is first served on that person. In the present case it was necessary for Government to send a notice to the honourable member, Mr. Nariman, stating that Mr. Harvey wants their sanction to prosecute him for the allegations. But Government did not send any notice at all. Before giving the sanction, they ought to have satisfied themselves by investigation. If after investigation they had found that there was no truth in the allegations, then they should have given a sanction to the prosecution. They did not do that, but they simply took a legal advice. What can a legal officer say on the mere information ? He will simply say that the statement is defamatory. There was no actual evidence before the legal officer and without that evidence,

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he will not be able to say whether it would be possible to get a conviction or not. So, under these circumstances the obtaining of legal opinion was not a proper course at all. But Government chose to put my honourable friend Mr. Nariman on his defence and made him an accused person. My learned friend from Nasik stated that it was a blessing in disguise.

The Honourable Sir COWASJI JEHANGIR : How do you know that Government did not make any investigations ?

Rao Bahadur R. R. KALE : We were not told that the investigations were made after the application was received. Without investigations, to give sanction to any private person or to the Government servant is not the right way in the interest of the public. I know all public prosecutions are at the cost of the public, and any amount of expenditure really is worth having if it is necessary in the public interest to expose and punish officers or at least to show that there was no case, whatever it is. But there must be an investigation and a trial. Do you mean to say that the materials which could be brought before the court by Mr. Nariman, a private person, unaided by any police or Government agency, if such materials disclose a case for being led into a court, was it not the duty of Government to make an investigation ? The Honourable the General Member asks me " How do you know that investigation was not made ? " The very fact that you did not institute a single prosecution against a single man, in spite of the disclosures, itself shows that there was no investigation and that, if there was an investigation, it was not worth the name, because there was your Government agency, whose arms are long, whereas a single individual like Mr. Nariman has been able to place before the magistrate such an amount of material from which you can see that there was ample material for prosecution. Therefore, I do say that, if there had been any investigation worth the name, the result would have been out and before the public. Hence I submit, Sir, as far as the policy of Government is concerned, they are fully justified, in the interests of its own servants or in the interests of the public, to undertake prosecutions once for all in true cases. But what was done here was this. They followed the easiest method of benefiting at the cost of others, because by asking Mr. Harvey to prosecute Mr. Nariman, for defamation, Mr. Nariman was put in a doubly disadvantageous position, because the burden of proving was on him. If he had been prosecuted for false information it would have been much better, because in that case the burden of proving would have been upon the prosecution that he knew the information to be false. But here, he is prosecuted for defamation, where the prosecution has nothing to do except to put forward the paper or the statement which contained the defamatory allegations, and say " Come along, prove your allegations, prove your good faith, prove the truth of your allegations." Whatever the difficulties, the entire onus, the entire burden, is shoved on to the defendant. And I wonder why an enormous expenditure was incurred in engaging a special counsel in a defamation case. I know cases of bribery against officers are difficult

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to prove, and the assistance of eminent counsel is often necessary. But in a case like this, the burden was really placed upon poor Mr. Nariman, and now he is taken to task for not having proved the allegations which he had made. And that brings me to the first point, as to the legal interpretation. I do admit that that is a question of purely legal interpretation of the judgment of the magistrate. I am not going outside the judgment. But, there, too, I have read and re-read the judgment of the learned magistrate, and I feel convinced and I do hope that even here, members on this side and that side of the House, legal members, members with knowledge of law, will come to see what the findings of the magistrate are and see if the findings do not satisfy the requirements of the order, such as it is. The order has been read out to you. Then, the only question is whether the allegations of Mr. Nariman are proved. Now, the allegations of Mr. Nariman are set out in detail on pages 11 and 12 (I have got the copy of the papers placed on the Council table), (Mr. K. M. Munshi: Printed pages 8 and 9), and they are made the subject of the charges. So, the charges are nine in number, categorically stated, and after stating the charges categorically, the learned magistrate deals with the first charge at some length. I shall come to it later. But the other charges 2 to 9 have been disposed of very shortly and I shall first of all dispose of these. Now, what is the second charge? The second charge is:

"In one instance an Executive Engineer had prepared an indent to be forwarded to manufacturers at Home for a large quantity of mild steel bars for concrete piles for the reclamation work and the size mentioned in the original indent by the Executive Engineer was 5/8". This figure was subsequently altered after the indent was prepared but before it was despatched by the Superintending Engineer into 7/8". The quantity required was about 1,200 tons costing nearly three lakhs of rupees. The indent thus altered was sent by the Superintending Engineer to the Home firm and the bars arrived of the size and dimensions of 7/8" which were not required for the works. They were deposited in Matunga Surplus Depôt and a fresh indent had to be sent with correct specifications and fresh consignments arrived and the amount of nearly three lakhs of the first consignment was purely wasted. When a question was raised about it in the Council in the course of a debate the Development Director admitted it but stated that the said alteration was due to a trifling error. No effort was made to explain how such a 'trifling error' could have occurred....."

The Honourable the PRESIDENT: What point is the honourable member trying to make?

Rao Bahadur R. R. KALE: I will just finish the quotation, it is nearly finished:

"No effort was made to explain how such a 'trifling error' could have occurred particularly when the indent was originally correctly prepared by the Engineer and deliberately altered by the sueprior and no explanation was forthcoming."

Now, on that second charge, the learned magistrate at the end of his judgment has found,—I shall read the finding:

"The second charge by itself is not defamatory. At first the prosecution case was that it was due to a 'trifling error' or 'mistake' of the supervisor or some staff that '5' was changed into '7'. If that had been proved it might have been argued that the accused in denying that it was due to a 'trifling mistake' suggested corruption. But I have already held that it was not an alteration made by mistake in writing the figure '5/8'. The order for '$\frac{7}{8}$' bars was a deliberate addition made in the indent sent in by Hamid and that it was a blunder for which a true explanation is not forthcoming. The inaccurate statements made by the accused in this part of his statement are first that the

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bars cost 3 lakhs whereas they were of the value of 2½ lakhs or so; the other inaccuracies are the suggestions that all these ¾" bars were deposited in the Matunga Depôt, that the amount of nearly 3 lakhs was purely wasted, and that fresh indent had to be prepared. By themselves these statements cannot be said to be defamatory."

Now, Sir, on the question whether in the indent "5" was changed into "7" by the Superintending Engineer, that is the third count, this is what the magistrate says:

"In the third charge the statement made by the accused cannot be said to be false. In one sense '5' could not be said to have been changed into '7' by the Superintending Engineer but the addition was made at the instance of the Superintending Engineer."

That is to say, when a man says "Change 5 into 7" and another man does it at his instance, his physical hand may not be there, but the brain is. It was at his instance and it was at his direction that this alteration was made. So, if Mr. Nariman made the allegation that the alteration was made by the Superintending Engineer, it was not false.....(Interruption).....I submit that people outside have no first hand knowledge, and we have got to see whether the statement is held by the magistrate to be substantially true or not, and from that point of view, I am just reading the magistrate's finding and nothing else. You can judge for yourselves.

Now, then, comes the other portion, that is to say, the fourth count. The fourth allegation is: "I do not agree that a mistake was made. It was not made in the original preparation of the indent but in a properly prepared indent, figures are altered subsequently." That is the fourth statement. The magistrate says that this statement standing by itself cannot be said to be defamatory, that Mr. Nariman was not aware of the real facts, that in fact the statement was made by him on information received by him which he had no reasons to disbelieve; that besides, the complainant himself changed his story from time to time in trying to explain how the figure "7/8" came to be written as appears from statements made in the Council and before the Committee. This is also found in favour of Mr. Nariman.

Then the fifth statement is "I say it is intentional. From the circumstances I can say it was not a mistake." The magistrate says:

"Charges Nos. 4 and 5 are statements made by Mr. Nariman to questions put to him by the Committee. They are repetitions of his statements referred to by Mr. Nariman that the alteration could not be due to a 'trifling mistake.' Standing by themselves they could not be held to be defamatory in view of my finding that the order of ¾" bars was not due to a 'trifling error' on the part of a scribe or some staff."

So, the magistrate holds that it was not a mistake, that it was not the result of a mistake but it was intentional, as I have already read out to you.

Then comes the charge No. 6:—"These surplus stores were ordered in order that certain manufacturers might make some earning out of this order. As far as I can see there is no other explanation.

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Otherwise these stores would not have been ordered to be used as scrap iron." On this sixth issue, the finding is :

" Charge No. 6 is an inference drawn by Mr. Nariman. It is a *bona-fide* inference and the complainant himself admits that it would be a legitimate inference to draw if wrong size bars were ordered. The statement that the stores were used as scrap iron is not true. A portion of this quantity was made use of by redesigning certain parts of the chawl."

The inference drawn by Mr. Nariman, the magistrate himself states, was legitimate.....

The Honourable Mr. J. E. B. HOTSON : Does the honourable member ask the House to believe that the magistrate did not understand his own judgment ?

Rao Bahadur R. R. KALE : No, Sir. I am reading to the House the relevant portions of the judgment. It has been made much of by saying that we must go by the magistrate's judgment. I say that the magistrate has accepted the statements or allegations made by Mr. Nariman in so many respects. That is my point, and you will be better able to understand it if I go on reading the relevant portions of the judgment. Here we must distinguish between an inferential allegation and an allegation of fact. As regards this charge the magistrate says :

" Charge No. 6 is an inference drawn by Mr. Nariman. It is a *bona-fide* inference and the complainant himself admits that it would be a legitimate inference to draw if wrong size bars were ordered. The statement that the stores were used as scrap iron is not true. A portion of this quantity was made use of by redesigning certain parts of the chawl."

Then I come to charge No. 7 :—" The altered indent was sent to the Home Manufacturers by the Superintending Engineer." As to this, the magistrate says :

" The statement in charge No. 7 is inaccurate if the Superintending Engineer referred to is Mr. Harvey, but it would be a correct statement if the Superintending Engineer referred to Sykes. For it was he who had to place orders with the Home Manufacturers through the High Commissioner. Standing by itself it could hardly be considered as defamatory."

Then I come to charge No. 8 :—" The indent was altered by the Superintending Engineer." As regards this, the finding of the magistrate is as follows :

" The statement made in charge No. 8 is inaccurate to this extent that the alteration was made by the Superintending Engineer. The indent was altered at the instance of the Superintending Engineer and that by adding the quantity of $\frac{7}{8}$" bars to the original indent."

So, substantially that statement is also correct. Then I come to the last and the most important question. It was a question by Mr. Billimoria, a member of the Mears Committee, and to it an answer was given by Mr. Nariman. The question was :—" Do you suggest any ulterior motive ? " The answer by Mr. Nariman was :—" Yes." On this answer has been founded the whole theory of the allegations of corruption and the learned magistrate says :

" Charge No. 9 is a matter of inference."

Exactly, that is to say, that Mr. Nariman drew an inference when he said that he suggested an ulterior motive. That was an inferential statement.

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Now, then, the whole question is reduced to this, whether any portion of the charge that refers to this matter is really one that Mr. Nariman has proved. What happens, Sir, in this judgment is that the learned magistrate and perhaps other honourable members and the public in general are rather confusing the pleas Mr. Nariman put forward in the case in defending himself with the specific allegations which alone could be made the subject of the charge. He may put forward several pleas in arguments, he may make any number of allegations in arguments saying that corruption was rampant, and he may bring forward evidence also. Remember, Sir, that Mr. Nariman was on the defence. So, he may put up any number of pleas by way of defence. He may say that there was general corruption everywhere ; he may bring forward evidence and yet he may not be able to prove that corruption but the charge was limited to this particular statement in which he said " Yes " in answer to a question which was actually a leading question, namely, " do you suggest any ulterior motive ? " Therefore, it is necessary to examine this. The learned magistrate in the first part of his judgment has devoted a considerable space to the discussion of the first exception which was quoted by Mr. Nariman. But, I ask honourable members to remember that this question of an ulterior motive is not a question of an allegation of fact but really a question of inferential allegation, meaning to say that Mr. Nariman drew a certain inference and in support of that inference he relied upon certain facts and circumstances. Therefore, if he has proved those facts and circumstances, certainly he has proved the allegation.....

Rao Saheb D. R. PATIL : The judgment is wrong ?

Rao Bahadur R. R. KALE : Who says ? Read the judgment carefully. We are asked to go by the judgment. I do not want to go an inch beyond the judgment. The judgment is divided into two parts, first, the question of justification, namely, truth. That is the first part. There is no question about the truth of this inferential allegation which has been the subject of this inquiry. The magistrate has gone into the question of corruption generally because it was pleaded as an additional defence. Having come to the conclusion that that justification is not proved, the magistrate then goes on to consider this question from another point of view, namely, whether the inference was founded on facts and circumstances and here we come to the question of good faith. Good faith means nothing more nor less than proving the circumstances and the facts upon which this inference by Mr. Nariman was based. If, therefore, the facts and circumstances, which led Mr. Nariman to form that inference and give expression to that inference in answer to a question from the member of the committee, are such as would reasonably lead him to draw that inference, then good faith is sufficiently established. Really speaking, the allegation amounts to an inferential allegation, and I do submit that the interpretation of the Government order ought to be liberal. What do you mean by saying that the complaint failed due to Mr. Nariman proving the allegation ? There are allegations of fact and allegations of inference because the

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magistrate draws a distinction between inferential allegations and allegations of fact. An inferential allegation means an allegation based upon certain facts and circumstances. The ulterior motive may be anything. It may be due to several things, for instance the ulterior motive need not necessarily mean corruption. It may be due to an intention to oblige a friend. If I state that 7/8" bars were ordered when 5/8" bars were wanted, the ulterior motive need not necessarily and exclusively be a motive of corruption. I submit it may include other things than corruption; I admit it may include corruption, that is to say, for the purpose of taking bribes for oneself. The change may be due to negligence, to miscalculation. I have read the judgment of the magistrate, and my point is that the ulterior motive need not necessarily mean corruption.

I now come to the last portion of the judgment where the magistrate sums up his findings and also deals with the question of corruption. It will be seen that after dealing with the evidence of Manekchand Jivraj (page 49), the magistrate says on page 51 of the printed judgment:

"Taking into consideration all the above facts, *viz.*, the existence of ugly rumours, complaints of individuals to Nariman about their being made to pay bribes, the ordering of wrong size bars, the excessive quantity, the wrong and contradictory explanation in the Council," etc., etc.

My learned friend who preceded me said that Mr. Nariman had stated that he had proved the first portion of the charge as regards the existence of ugly rumours. He did not say that it was proved or anything of the kind. He himself stated that the charge as framed merely stated the existence of ugly rumours. If there are ugly rumours, that statement does not by itself mean an allegation. It was stated that there were ugly rumours, and the magistrate holds that that is proved, and it is admitted even by Mr. Harvey that there were ugly rumours. So, the existence of ugly rumours is a matter which is proved. Whether the rumours are true or not is another matter, but there were ugly rumours, as has been admitted by the magistrate. He says in his judgment:

"Taking into consideration all the above facts, *viz.*, the existence of ugly rumours, complaints of individuals to Nariman about their being made to pay bribes, the ordering out of wrong size bars, the excessive quantity, the wrong and contradictory explanations in the Council in Exhibit A and Exhibit 149, the sale of these bars at a very lower price than that fixed by Government, Maneckchand Jivraj's representation that he had paid commission to the Development Department and the actual payment of commission to certain officers could it be said that the accused did not act in 'good faith' when he inferred that the 'higher staff of officials' was corrupt?"

No doubt, these circumstances, therefore, have been held proved. If these circumstances are held proved, then I submit that the honourable member Mr. Nariman has proved his allegations which gave rise to his inference. Therefore, the allegation is also proved, according to the findings of the magistrate. That being so, I appeal to honourable members to consider this question from a legal point of view. Read the judgment. The first part of the judgment should be separated from the second part. I do not think I should take up the time of the House in going through the first part of the judgment which deals with the matter of justification. But there are statements even in that portion of the

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judgment which support the contention that the allegation as regards ulterior motive was based upon facts, and those facts have been proved. If that is so, I do submit that here is an opportunity for Government to ask Mr. Harvey (who is a servant under the Government of Madras, which is under the Government of India, and he has to run 13 years of service yet), on this interpretation of the judgment, because the honourable member Mr. Nariman has proved his allegations, to recoup Government for the money that has been spent on the case. It is as a protest that this Council has to express its opinion, and on both grounds, that is to say, on the question of policy as well as on the merits, I do hope that the honourable members of this Council will not pass the grant.

Mr. K. M. MUNSHI (Bombay University): Mr. President, I do not propose to convert the bar of this House into the bar of a judicial tribunal, and I do not propose to discuss the matter as if it lay within your power to decide this evening whether the allegations which the honourable member Mr. Nariman made are proved in the sense in which honourable members urge that they are proved. To my mind, Sir, there are only two questions before the House, as we are more concerned with the public policy of this grant rather than with the legal technicalities with which the patience of this House has been overburdened. The first point, to my mind, Sir, is this: Should we —by we I mean the House—drive the Honourable the General Member into filing a suit against Mr. Harvey for the costs and being met with the defence of the Government Resolution which has been placed before the House? The second point is this: the moneys have been spent, and if the House does not give the grant, there are two courses open to the Honourable the General Member—either he gets its restoration duly certified by His Excellency, or he goes and files a suit against Mr. Harvey. The question, therefore, before the House, is, is he to be driven to this alternative? Sir, on the first question, in a House where there are a number of legal luminaries from Bombay and elsewhere you will never find unanimity as regards the questions which have been mooted in this House, I do not propose to say, as has been done by my predecessors, one a pleader from Nasik and the other a pleader from Satara, that there is no doubt in either of the respective contentions which they have placed before us.

Sir, I sincerely wish my honourable friend Mr. Nariman had not spoken. Sir, this is not a question between Government on the one hand and the honourable member Mr. Nariman on the other. It is not a question between Government which wants to victimise the honourable member Mr. Nariman and the victim that is protesting. It is a question really and simply of this: Government having sanctioned the prosecution, should they be given the expenses or is there any ground of public policy on which this House can say "We shall not do it?" The result of my honourable friend Mr. Nariman's speech has been that the whole of this unfortunate matter has been brought again before the floor of this House. I hope and trust that I shall escape its infection.

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As regards the first point, I do not say that there are conclusive arguments one way or the other. But I do feel, that after having very carefully perused the papers which were made available to me—I do not know what other papers have been placed before my honourable friend the learned Advocate General—I do feel that this is a case in which Government, instead of taking up the attitude which they propose to take, should have the thing settled by a judicial tribunal whether the allegations which have been made have been proved according to this judgment. I will shortly deal with the reason. The Government Servants' Conduct Rule says :

"A Government servant may not, without the previous sanction of the local Government have recourse to any court or to the press for the vindication of his public acts or character from defamatory attacks. In granting sanction to the recourse to a court the local Government will in each case decide whether it will itself bear costs of the proceedings or whether the Government servant shall institute the proceedings at his own expense, and if so, whether in the event of a decision in his favour, the Government shall reimburse him to the extent of the whole or any part of the costs."

Now, Sir, in this connection, I may only point out that the latter part of this rule relates only to the decision in favour of the Government official. With regard to the Government Resolution which has given the sanction in this matter, the point is whether the qualified sanction which was given was within the purview of this rule. Now, I may draw the attention of honourable members to the fact that the word used in the rule is "decision," while the Government Resolution uses the words "if the complaint is dismissed due to Mr. Nariman proving his allegations." Now, Sir, this case, it is sought to be made out, does not depend upon the decision, but it depends upon whether the allegations have been proved or not irrespective of the decision and the question does arise, and I say directly arises whether, according to the terms of the contract with Mr. Harvey, Government are entitled to qualify the rule in the manner in which they have qualified it in Mr. Harvey's favour. Sir, it may be that a judicial tribunal may come to the conclusion that this particular resolution was within the scope of the rule. But it is a question which, in justice and in fairness to this House and to the presidency, the Government must place before a judicial tribunal.

Sir, proving allegations is not the same as a "decision." Decision is the ultimate result of the proceedings. The allegations are what are made in the course of the decision. And therefore when the rule distinctly says "decision" it does not cover a conditional resolution like the one which has been passed by Government in this case.

Sir, then the next point, which has already been covered to a certain extent by the honourable member who spoke before me, is whether the allegations in this case are proved. Now, Sir, when there is about 54 pages of printed judgment it would be too much for anybody, except a judicial tribunal, to definitely pronounce whether the allegations have been duly and properly proved. I find from the judgment, sometimes to my amusement, contradictory statements which are difficult for me to reconcile. Therefore it is necessary that in paying such a large sum as Rs. 65,000, in a matter in which there is so much heat and so much of

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controversy, Government should not take the responsibility of deciding it by a majority of votes or by the opinion of their legal officers, but should take the opinion of a court, by originating summons or any other procedure that may be available to them, whether in this particular case Mr. Harvey is entitled under the contract of his service to these particular costs that are attempted to be given to him.

Sir, some of my honourable friends have maintained that the allegations have been proved. Now, Sir, some of them have stated them; I do not want to repeat them—but really there are three allegations. They have already been referred to; and I am not going to tire the patience of the House by quoting chapter and verse. The first is the existence of certain ugly rumours. It has been admitted by Mr. Velinkar who appeared for the Crown that the rumours did exist. That is one allegation. The second one is—you may read it over and over again, and yet it is the only important part—the second one is this, whether this order placed for the bars was a deliberate one, an intentional one, apart from the question of corrupt motive. The learned magistrate holds, and holds definitely, that it was a deliberate and intentional placing of the order. Then the third thing is with regard to ulterior motive. And the question to be considered, not by this House but by the judicial tribunal, is this: whether in view of the findings of the learned magistrate, when Mr. Nariman stated that it was with ulterior motives that an order was deliberately placed, he did make an allegation of corruption. Sir, my honourable friend from Nasik who made a vehement speech supporting this grant told this House with all the responsibility that his Atlantian shoulders could bear, that Mr. Nariman charged Mr. Harvey with corruption. I will only refer to page 41, where the learned magistrate says: "It has to be borne in mind that Mr. Nariman did not openly prefer a charge of corruption against Mr. Harvey." Therefore, the question is whether the words that he used "with ulterior motives" are such as would, in view of the findings of the learned judge, imply corruption, a charge which he did not openly prefer. To say, Sir, that that question is a question to be decided by the House of laymen or by the vote of the majority in this House, is absurd in the extreme. If Government is free and frank about the matter, they have got only one recourse and that recourse is to a judicial tribunal.....

Mr. G. L. WINTERBOTHAM: Only this House could vote the expenditure.

Mr. K. M. MUNSHI: Expenditure is a different matter. The question is whether the House ought to vote for the grant under the existing conditions. And it is a question of the procedure adopted by Government in sanctioning the prosecution; it is also a question of the rights and privileges of a member of this House. After Mr. Nariman has been unsuccessfully prosecuted, to say that by an executive fiat or the vote of this House it should be decided whether the allegations were proved or not, I repeat, Sir, is absurd in the extreme. I do not say in any militant spirit of antagonism, but I make an humble request. Now

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that a judicial tribunal has done justice to Mr. Nariman, the Honourable the General Member should also do justice to this presidency by having it definitely decided by a judicial tribunal, whether Mr. Harvey is legally entitled to his costs even under the order which the Honourable the General Member made. It may be that it will decide against us, but the House will cheerfully vote the cost of the litigation—it could not be more than Rs. 500 if by an originating summons. If Government want more money, the citizens of Bombay will subscribe it. But let it not be said that the construction of a document like this was taken up in this House and was arrived at by a majority vote of this House.

Then, Sir, there is another aspect of the case, and that aspect is not a legal aspect. It has reference to the relation between the executive Government and an honourable member of this House. Sir, to my mind this is really an important question. Sir, the issue is this : whether the Honourable the General Member should be driven to adopt the other constitutional means of obtaining this money, namely, by a certificate and not by the vote of this House. Now, its decision turns not on anything connected with the Bombay Development Department, but on the conduct of the Honourable the General Member in connection with an honourable member of this House.

Sir, I want to make it clear at this stage that when I refer to the Honourable the General Member, I do not mean and do not intend the words to be meant as anything relating to the individual who happens to be the head of the department. Sir, in the remarks that I am going to make, when I say "the Honourable the General Member" I mean the department that he represents, the brains which advised and the cunning hand that worked behind the whole of the conduct of the executive with regard to an honourable member of this House.

Sir, the question as to this conduct shortly and simply put is this. Yesterday my friend the Honourable the General Member while addressing the House spoke about the feelings of Government when servants of the Crown are attacked. Sir, I fully appreciate, I fully endorse, the view that no sane Government can afford to neglect the reputation of its servants, that they should do everything to see that they are not victimised by any defamatory or vile attack at the hands of any person. But, Sir, the Honourable the General Member—and I use those words in the sense which I referred to before—the Honourable the General Member in connection with this prosecution has not come up to the expected mark to which one would have expected him and his department to come. Sir, the question is not between a private individual and the executive Government; the question is first and foremost between an officer of Government and an honourable member of this legislature. Sir, this legislature, I maintain, is as much an integral and perhaps more precious part of the Government than the executive or any other part and an honourable member of this House, however humble he may be, however humble the constituency he represents, is as great and ought to be considered by Government as respectable and as exalted as the highest officials on the other side of the table. Sir, honourable members are here at

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enormous cost; they are here at considerable sacrifice—their only consolation being a few lines in the papers: they are here in the discharge of a public duty which they have imposed upon themselves: and as representatives of the people in this House they are entitled to the same consideration and the same respect as Mr. Harvey or any official of Government.

Sir, the Honourable the General Member stood up to defend Mr. Harvey and asked "What would be the feelings of Government when Mr. Harvey was terrorised and victimised by the honourable member, Mr. Nariman in this way?" I have come into contact with but a few officers of the Crown and that too most of them in the highest service; and even with my limited experience, I am quite prepared to concede that generally the officers of the Crown maintain a high standard of efficiency, honour and integrity, and that in ordinary cases where they are defamed presumption of innocence should be raised in their favour rather than against them. But in this case, what was the kind of Government servant for whom the heart of Government began to melt so freely? Mr. Harvey was a Government servant, certainly; but what was he? Let us look at him—as the learned magistrate saw him. Mr. Harvey is a man who may not have been necessarily guilty of corruption. But says the learned magistrate: He may be one who may have placed the order either carelessly, negligently but deliberately—one who was guilty of dereliction of duty. This precious Mr. Harvey, gave to the Honourable the General Member incorrect answers for being given to this honourable House not once but twice. This Mr. Harvey, first of all in the course of the trial, said the wrong order was placed by a mistake of the draftsman. Then he altered his story like a third rate litigant in the street and said "We really required 7/8th bars and not 5/8th." This precious Government official wanted to prove at the trial that when he ordered $\frac{7}{8}$th bars, it was not a mistake; that he ordered out just the thing which was required by them. I shall read this part of the judgment, which is at page 17, in order to enable the honourable House to appreciate the difference between the Government servant and an honourable member of this House. It runs thus:

"Up to the 9th of April of last year the Prosecution case all along was that $\frac{5}{8}$" bars were required for foundation piles but by mistake 7/8" bars were ordered. On the 12th April the complainant while he was still under cross-examination stated to the Court that he wished to give certain explanation as regards the ordering out of these bars. His evidence was as follows: Since I gave evidence on 9th (April) I have spent a great deal of time in looking up the remaining documents and I have arrived at the correct explanation about these bars. My previous information was based on what I was told by my establishment and from documents then placed before me. I now have got certain documents which show who has committed the mistake. He then referred to Exhibits Z-3, Z-4, Z-5 and Z-6 and stated that his case was that 7/8" bars should have been ordered. So that the ordering of 7/8" bars was not a mistake."

This is the evidence of the government official whose honour the Honourable the General Member came out to defend. Now let us see what the decision of the learned magistrate is. It is given at page 27 of the judgment. It is as follows:

"Harvey's later suggestion or theory is in my opinion not warranted by the facts deposed to in the oral evidence of the witnesses both before me and the Committee, and

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is inconsistent with his subsequent conduct and the documents already referred to by me.

It is equally untrue to say that these wrong size bars were ordered on account of the mistake of the draftsman or supervisor or of some other person in putting down 7/8" instead of 5/8"."

Sir, after this I challenge any member of Government, any high official of Government, to own this Harvey as one of them.

Sir, and what has been done to protect the interests and the reputation of this favoured servant of the Crown? The honourable member, Mr. Nariman has already referred to certain facts in his speech yesterday. I submit, Sir, that it is the privilege of an honourable member of this House to ask for information from Government about things of which he has heard. That honourable member may not be correct. He may not have sufficient facts to prove them. But is it not his duty to ask questions to Government? Accordingly my honourable friend, Mr. Nariman, wanted some information from Government about these bars and he, therefore, asked for it legitimately. And what was the result? A foregone conclusion that this man, this persistent Nariman who was making imputations, should be punished. The Mears Committee was appointed, and it invited the honourable member Mr. Nariman to give his evidence. The honourable member did not go to give evidence himself; it was the Mears Committee which invited him to give evidence in relation to what he had stated as a privileged member of this House. And how was he treated? Sir Frederick Hopkinson was a determined man and he wanted to see the end. He asked the honourable member whether it was a mistake on the part of the official concerned, he at once stated that "I cannot take it as a mistake, I take it as unnecessary superfluous order." But this was not enough for Sir Frederick. I will just read a few questions of this gentleman and their answers.

"Q. Are your contentions confined to the Back Bay Scheme?

A. That would be covered by the three instances I have given. I have referred to number of others but as they do not come within the scope of the committee they may be left out.

Q. You *cannot escape* from what you have put down.

A. I do not wish to escape."

"You cannot escape." That was said by Sir Frederick Hopkinson: I do not know what was the honourable member going to escape from unless the querist had already spread his net. This was not enough. With reference to Mr. Nariman, an honourable member of this House—he asked "Is he the man who moves among the criminals in the Police Court?" Sir, no honourable member can tolerate such a treatment meted out by any member of the Government service however high he may be, or however high may be the committee of which he is a member. No honourable member of this House can take such a treatment lying down.

Immediately the next day Mr. Harvey applied to Government for sanction to prosecute the honourable member, Mr. Nariman. That

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sanction was granted by Government in terms which are very interesting. I will read them. It is in preliminary :

" If the statement referred to had been made in any other place, Government of Bombay would have without hesitation been prepared to sanction the prosecution which is in their power."

So, you find that Government was feeling helpless. The honourable member, Mr. Nariman, was privileged in making the statements here in this House and so Government could not do anything in that case !

" But since the statement has been made before the Committee appointed by the Government, they are prepared to sanction it.....".

The Honourable Sir COWASJI JEHANGIR : It was in the power of the Government.

Mr. K. M. MUNSHI : I have got it here and I shall read it again. It says :

" If the statement referred to had been made in any other place, the Government of Bombay would have without hesitation been prepared to sanction the prosecution which is in their power."

So, they wanted to but did not like to do it in this particular case.

The Honourable Sir COWASJI JEHANGIR : Not that it was not in their power ; but they did not like to do it.

Mr. K. M. MUNSHI : I know, Sir, the General Member's blood is up and still he is determined to vindicate the honour of this Government servant at any cost, at the cost of the reputation of any honourable member. Sir, then, I will read further :

" That Government has already fully explained the facts in answer to a question in the local Legislative Council, but that explanation has not prevented Mr. Nariman from repeating his allegations. "

So, the sole object of this sanction was to prevent the honourable member Mr. Nariman from repeating allegations, a substantial part of which he has proved. Then,

" In the opinion of the Governor in Council, it would be unfair to Mr. Harvey to refuse to give him the sanction asked for by him and thus enable him to have these allegations proved or disproved in a court of law. The officers of the Directorate have for years been *subjected* to Mr. Nariman's undeserved attacks and have shown *exemplary patience* in the face of them. "

So, the whole burden is : " Mr. Nariman is a persistent agitator, he has been troubling us ; down with him at any cost ! "

And, then, Sir, comes the resolution. Sir, instead of the reputation and the life of an honourable member and the thousands which the prosecution has cost, being at stake, if an ordinary 50 rupees bond had to be drawn up a third rate pleader of a fourth rate mofussil town would have used greater accuracy and skill. " The proceedings should be instituted at the cost of the Government, but if the complaint is dismissed due to Mr. Nariman having proved his allegations, the costs should be borne by Mr. Harvey," runs the Resolution ! Now, Sir, I ask you to refer to the Government Servants' Conduct Rules. The rules give two alternatives to Government—either to launch a prosecution themselves, or allow the officer to file a prosecution, the costs of which in certain circumstances the Government may bear. Why did they not follow the

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words of that rule ? Even if the decision went against Mr. Harvey, why have they been so kind, so lenient, to our favourite Mr. Harvey, to the gentleman I described before, so as to leave one more loophole ? Why this extra leniency in his favour ? Why were these words "due to Mr. Nariman having proved his allegations," which are exactly the words which have caused all this trouble to the Council, put in ? Why this exceptional feature in this case ? Who were the men who advised Government that these words should be put in ? Who was the man who drafted it in this way and not in the wording of rule 24 of the Government Servants Conduct Rules, and so inconsistently with it ?

Now, Sir, I will proceed further. After that, Sir, the trial commenced, and Mr. Nariman,—I should just refer to only one line in the judgment. page 43, which refers to the conduct of Government towards an honourable member of this House in the conduct of prosecution against him.

"Mr. Nariman has all along complained, and rightly complained, that he has been severely handicapped by the institution of this case long after the alleged transaction. Most important documents which could have thrown a flood of light, are missing."

and so on. That part of the judgment was already read by my honourable friend Mr. Nariman. Now, Sir, is that the conduct, I ask, which an executive Government is entitled to adopt towards an honourable member of this House ?

I appreciate the feeling of any member of the Government towards its servants. But, Sir, there are feelings and feelings. There are feelings of a Cabinet Minister of the Crown towards his subordinate servants when a Member of Parliament has alleged certain things on a privileged occasion. Sir, there is also the other feeling which inspired a noble and mighty Pharao of Egypt who massacred large tribes because a tribesman laughed at the squint eye of a favoured Nubian slave. I ask, Sir, what would have been the consequences if the magistrate's decision had gone the other way ? Sir, on this occasion I must say that the magistrate who decided the judgment upheld to my mind the highest traditions of British justice that are known in this country. To come to this decision required great courage and great acumen. But, Sir, suppose he had been weak, or had come to a different conclusion. Where would the honourable member Mr. Nariman have been ? His life ruined ; his prospects blighted ; his career gone ; perhaps his professional status forfeited. And the evil spirits of the Bombay Development Department would have been dancing like cannibals on their mangled victim, shouting ' victory ' in the exultation of success, hugging Mr. Harvey as their great idol. This would have been the result. In any other civilised country, would Government have treated any member in the manner in which Mr. Nariman was treated ? To-day, they have done it in his case. To-morrow it can be done in the case of any other member, who dares to ask an unpleasant question in this House, and who furnishes details of it to Government outside. They might set the whole machinery of Government in motion, the whole Juggernath Car, to destroy their victim. Sir, it is purely providential that Mr. Nariman escaped this Juggernath Car. Anybody else would have been crushed.

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Sir, therefore, I submit it is not a question of legality. It is a question really of a constitutional right of a member of this House, a member of this House who made a privileged speech in this House was decoyed, was baited, into repeating the charges before the Mears Committee, and against whom, later the whole ponderous machinery of Government was set in motion in order that he may be prevented from making "*attacks which the Bombay Development and Mr. Harvey have so patiently borne*"! Now, that is, Sir, a question for this House to consider. And apart from the House, Sir, I appeal to the Government that in a matter like this they should not press this to the vote of this House. The majority can give them votes; but a majority vote can never give them the confidence, the respect of the people which the Government must always retain. It is not a question of officials against non-officials or a question of mud-slinging at the hands of the public. But the honourable members of this House have a right to expect from Government that they should not be treated as unwelcome outsiders, as persons coming here with nothing else to do except to come and oppose or criticise the Government officials. They are as much Government officials as any one of them on the other side, and it is their duty and their privilege to attack Government officers if they go wrong and try to bring them to book, and it is the duty of Government to hold the scales even and to see that the thing is investigated, and not to come forward to punish the man who had the courage, at the cost of his life and reputation, to stand up against the might of that Government. Sir, therefore, I appeal to the Honourable the General Member not to press this to the vote of the House. I know he can always succeed in a House like this, but it is not a question of a temporary success, it is a question where, as I say, the best solution out of the whole difficulty would be this: I for myself am prepared to accept the resolution, however bad it is, however outside of the scope of the rule I consider it is. Let this matter not be decided by a majority of the votes of this House or by merely the advice of the law officers, however great and learned they may be. For a Government it is not necessary that the correct thing should be done; it is necessary that the public should know that the thing has been done correctly. And that can only be done if my honourable friend, the General Member, with his usual integrity, with his usual fairness would say "Here is a question which I will not put to the vote of the House; we will get it decided by a judicial tribunal." If he says so, it is all right. If he does not, all I can say is that the Bombay Development Department, like a desolating pestilence, pollutes whatever it touches and that it has infected the fairness even of the Honourable the General Member.

Mr. B. V. JADHAV (Satara District): Sir, after the treat that this House has got from the flourishes of so many distinguished liars (laughter).....

Mr. K. M. MUNSHI: The honourable member himself belongs to that group, I suppose.

Mr. B. V. JADHAV: I do.....

The Honourable the PRESIDENT: I hope the mishap was not intentional (laughter).

Mr. B. V. JADHAV: It was not intentional, Sir. I intended to say "Lawyers" (Laughter). I think I shall plainly state a few points for the consideration of this House. Nobody will question the high sense of duty and service which my honourable friend, the member for Bombay (South), Mr. Nariman, has shown in his service to the public by exposing the misdeeds of the Development Department, and I trust that when the resolution which I have tabled on this account comes to be discussed, this House will unanimously lend their support to it. The present is a demand for a supplementary grant covered by anticipated savings under the same budget head. The amount is Rs. 60,800, and the statement tells us that under ordinary circumstances Government need not have applied for the grant in this House as there was sufficient savings under the same head and Government could have sanctioned it on their own authority.....

Honourable Members: No, no.

Mr. B. V. JADHAV: But they have chosen to treat it as a new item and have submitted this grant for the approval of this House. Now, Sir, Goverment in the General Department passed a resolution giving their sanction to the Defamation Case instituted by Mr. Harvey and Government in that resolution accepted the responsibility of the cost to be incurred with the proviso that in case Mr. Harvey was proved to be dishonest or corrupt, the whole of the amount should be recovered from him. It is a question raised in this House whether Mr. Harvey ought to pay the whole cost or whether he should be asked to pay it. I do not propose to go into the merits of the case. The case is for the decision of the Law Officers of the Crown or of the court of law if the question be referred to it. I do not think that I should presume to go into that question myself. Rightly or wrongly the Government resolution is there, and on the authority of that resolution an amount of Rs. 60,800 has been spent on account of the prosecution. The question now is whether under the present law the Government treasury is liable to be charged with this and I do not think that there will be any two opinions about it. The expenditure has been incurred and has been paid. A question may be raised whether the whole amount or any part of it can be recovered from Mr. Harvey. But Government has actually spent the amount, and I think that that sum is chargeable to the general revenues and this House has to consider whether it will not be right to sanction it.....

Mr. B. G. PAHALAJANI: It is a question of the House stultifying itself.

Mr. B. V. JADHAV: It is not so. The House has to see that they grant the amount. What I want to press upon the attention of the House is that the expenditure has been incurred and it is chargeable to the general revenues and this House is bound to sanction it. If such an incident had happened in England, the Parliament would have granted the demand. If dissatisfied with the conduct of the Minister in charge

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Parliament would have passed a vote of censure against him. It would have driven him from office, but at the same time, as the expenditure was incurred by the nation's accredited agents, *viz.*, the Government, the House of Commons would certainly grant the demand.

Mr. B. G. PAHALAJANI : Can you do it here ?

Mr. B. V. JADHAV : The fact is that in this country, Sir, under the dyarchical system of Government, we cannot drive out the Honourable the General Member, but we can show our displeasure by carrying a vote of censure and that would be quite enough. But at the same time I submit that this House is bound to grant this amount because this amount is a charge on the general revenues.

I subscribe to much of what has fallen from my honourable friend, the member for the University, when he said that it was the duty of Government to protect the reputation of their servants, whether the servant deserves that protection or not is a different question altogether, but we have to see that the servants of Government are left in perfect security to discharge their onerous duties to the public and to Government.

The next question that I want to place before this House is whether it would be wise on our part to refuse this grant to show our displeasure of the conduct of the Honourable the General Member and compel His Excellency the Governor to certify the amount. As the amount has already been spent and as accounts will have to be made up by the end of the financial year, I think there will be no time for submitting the grant again for reconsideration of this House and therefore the only course left will be certification by the Governor. But this House ought to bear in mind the heavy responsibility that we shall then be placing on the shoulders of His Excellency. Ever since the dyarchical form of Government was introduced in this presidency in 1921, this is the only Government which has not as yet been forced to certify expenditure. It stands to the credit of this House that for three generations of this Council we have shown our sobriety and our sense of responsibility and that we have not even on one single occasion compelled the Governor to exercise the reserved and special powers that have been given to him under the Government of India Act.....

Mr. A. D. SHETH : Why not give him the pleasure of certifying ?

Mr. B. V. JADHAV : It will not be a pleasure. It will be a very regrettable duty on the part of His Excellency to exercise that power of certification.....

Mr. B. G. PAHALAJANI : We earnestly hope he will not exercise it.

Mr. B. V. JADHAV : This House has shown that the members of the Bombay Legislative Council stand for constitutional government and have full faith in the advancement of the country on constitutional lines. During all this period of seven years we have conducted ourselves to the admiration of the other provinces, and this presidency possesses the unique honour of having kept the Government under check and not giving them any excuse for certification.....

Mr. A. D. SHETH: It is weakness.

Mr. B. V. JADHAV: It is strength.

Mr. A. D. SHETH: It is play of one against the other.

The Honourable the PRESIDENT: Order, order.

Mr. B. V. JADHAV: I trust that this House will not lose its reputation so very light-heartedly. There may be differences of opinion about the expediency of passing such orders as have been passed by the Honourable the General Member, but there are other ways of showing our displeasure. In order to show our disapproval of the conduct of the Honourable the General Member, we should not do such a thing as will bring discredit upon ourselves, and though we may protest as strongly as we like, it will be wiser on our part to allow this grant.

(*After recess*)

Mr. B. G. PAHALAJANI (Western Sind): Sir, after the able speech of the honourable member for the University (Mr. Munshi), I do not think it is part of my duty to traverse the same ground, but as this is a matter which concerns the privileges of the House, the local Parliament if I may call it, the solution has to be seriously considered by every honourable member who has any interest in the Council. Sir, the constitutional position, as given by Erskine May, as well as by our present rulers and the Government of India Act is that every member of this Council has freedom of speech and is protected from any criminal prosecution for what he utters within this Council. When that is the constitutional position, if any member of this Council is actually drawn, or, I will use the word decoyed, into making a statement which is to form subsequently the subject matter of a criminal prosecution, that freedom of speech and that privilege does not disappear when the statement is made before a committee. This is the constitutional position that this House has to take into consideration. We have a certain statement made within the precincts of this Council, perfectly protected, a statement made after the Honourable the General Member gave replies to questions, replies which are now admitted to be incorrect or false, and that statement is subsequently repeated on invitation before the Mears Committee, and there we are told that the constitutional freedom of speech, disappears. Now, Sir, after he was called before the Mears Committee, and after his written statement was read, he was cross-examined in a way that will do credit to any advocate of the High Court. From the questions that Sir Frederick Hopkinson put to the honourable member Mr. Nariman, I think he was an able counsel—I do not know though whether he is a counsel, but he acted as one and tried to cross-examine Mr. Nariman in a way that will certainly do credit to any advocate. And Mr. Nariman, with his characteristic frankness, I would say, in giving answers finally gave an answer *that he suggested*—these are the words—that he "suggested that Mr. Harvey had ulterior motives": not that he said so, not that it was a positive statement of fact. When asked by Mr. Billimoria in these words: "*Do you suggest* he had ulterior motives?" his answer was "I think he had: Yes," which is nothing more than saying "I believe so"—"I think he had."

The Honourable Sir COWASJI JEHANGIR: Where do you find the words "I think he had?" Is there anything about it?

Mr. B. G. PAHALAJANI:

Mr. Billimoria: "Do you suggest any ulterior motive? A. Yes."

Then, Sir, at page 6:

"Sir Frederick Hopkinson: I have read your document and perhaps all it implies is that a mistake was made by somebody in ordering ⅞" bars instead of ⅝". What would you say?

A.—I cannot take it as a mistake; I take it as unnecessary superfluous order which was not required.

Q.—What do you suggest it was ordered for?

A.—They were ordered to be dumped in Matunga Stores Depôt.

Q.—But I suggest that a mistake was made?

A.—I do not agree that a mistake was made. It was not made in the original preparation of the indent but in a properly prepared indent figures were altered subsequently.

Q.—But even that may be a mistake because it is not a difficult thing to write ⅞" instead of ⅝" and the Superintending Engineer had nothing to do with the indent?

A.—The Executive Engineer prepared it and it was submitted to the Superintending Engineer who altered it.

Q.—Again that might have been a mistake? Do not you make mistakes? Have you never made a mistake?

A.—Not of this description which is unaccountable, which has cost so much and I shall never make a mistake of this kind.

Q.—You do not say it was intentional?

A.—I say it is intentional. From the circumstances I can say that it was not a mistake."

After all this cornering cross-examination, the statement came to be finally made in answer to the question by Mr. Billimoria. "Do you suggest any ulterior motive?" "Yes." In other words, the statement was "I suggest that it was through ulterior motive." What is the finding of the magistrate at page 52:

"It is true that the final decision of the acceptance of tenders and the giving of contracts rested with the Development Director. But it is admitted that Mr. Harvey's recommendation was in every case approved of by higher authorities. So that in the absence of facts now disclosed in the evidence, I am of opinion that it would not be unreasonable for a man of the accused's position....."

The Honourable the PRESIDENT: The wording is "it would be."

Mr. B. G. PAHALAJANI: Yes.

"It would be unreasonable for a man in the accused's position than to have believed in the corruption of the complainant."

Now, Sir, in these circumstances, I shall ask the House to consider whether the allegations made have not been substantially proved. This House, Sir, has certain inherent rights and it is Government's duty to respect those rights. Government in October 1926 passed an order allowing Mr. Harvey to prosecute. Before October 1926 an application had been made by Mr. Harvey asking for sanction to prosecute. When that application was made, was it not the duty of the Honourable the General Member and of the Government to come to this Council, before allowing the prosecution, asking for a token grant? The Government had done it before; the Government did it in the case of Major Pogson; Government have done so at least six times during the last four years. They had come before the House with a token grant in order to obtain the opinion of the Council on certain questions. Now, when that procedure was known to the Government and open to them to get the

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opinion of the Council, did the Government do it? If they could not have done so in October 1926, could they not have waited till February 1927 and got an authoritative opinion from this Council whether financial liability should be incurred for that prosecution? The resolution passed in October took up a pecuniary liability; Government knew that it would possibly create a civil liability; Government were fully aware of it. That being so, was it not the duty of the Government to come before this Council and take the opinion of this Council in a matter of this kind? The Government did not care for the non-official side; they declined to care, knowing the contempt in which the Government holds it,—I think, perhaps rightly refused to care—for the vote of this Council. That course was open to them in October 1926. What did Government do? The feelings of the Government as a whole—I will call them personal feelings of the Government as a whole, because no Government is an intangible object—were very bitter against Mr. Nariman. These feelings were expressed in the Government Resolution in the words "the officers of the department have shown exemplary patience." That was the attitude of the Government, the mentality of the Government. They had before them the evidence given before the Mears Committee by Sir Lawless Hepper, the Director of the Development Department, who admitted that he had made false statements, that he had made false reports to the Advisory Committee, simply through fear. Government had that evidence of Sir Lawless Hepper. Government at the time were charged with incompetence so far as the management and direction of the Development Department was concerned. Government knew at that time that there were ugly rumours and Government knew from the evidence of its own officers before the Mears Committee that everything had gone wrong. And yet, Sir, that Government with one honourable exception went forward to sanction the prosecution. I must say that the Honourable the General Member in giving evidence before the Mears Committee was the only honourable exception that spoke with perfect truth and perfect candour, and Sir Cowasji Jehangir has had that recognition from the Mears Committee. I think the Honourable the General Member cannot deny that at that time he knew that there were considerable grounds to suspect that the department had gone wrong. With that knowledge of everything upside down that the department had gone wrong, he comes and says in the Government Resolution that the honourable member, Mr. Nariman had been attacking the *bona-fides* of the officers and the Directorate and showers a great encomium on the patience of those officers. I am glad that this enquiry in which Mr. Nariman was an accused, has proved to the Government that the credit for patience did not lie with the officers, but it lay with the people whose money has been spent, it lies with the taxpayers whose money has been wasted and upon whose resources for the next six years there is a burden of Rs. 35 lakhs. After that this statement has been made, which clearly shows that it is the outcome of a higher and a personal mentality on the side of the Government members, after all everything has been said and done the

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Government still have a soft corner for these officers. Sir, in the case of this prosecution, the procedure which has been adopted, had never been adopted in any other case. In order to assist their own servant, they had to adopt this procedure in contravention of the very rules which were framed by them. What do the rules say? It is stated that if the allegations made by Mr. Nariman are not proved, the cost will be reimbursed. The money has already been spent by Government over the case and the honourable member, Mr. Nariman, has also been able to prove his allegations. In the resolution you will find the particular words are put in. It is stated in the resolution "if Mr. Nariman is able to prove his allegations, Mr. Harvey will not be allowed any money." It has been sufficiently shown by my honourable friend, Mr. Munshi, that Mr. Nariman has proved his allegations. If you read between the lines of the judgment, every reasonable man will come to this conclusion. At page 43 it is stated:

"Coupled with this was the fact that incorrect explanations were given in the Council. If a false explanation is given by a party, he cannot have much of a grievance if his conduct and action are misconstrued particularly when 'ugly rumours' are afloat.

In a case where corruption is alleged it is well nigh impossible in 99 out of 100 cases to prove it as a matter of absolute certainty. It could only be a matter of inference from certain facts and in generality of cases it rests upon the reliance placed on the oral testimony of people who make those allegations."

Further, Sir, at page 34 of the judgment it is stated:

"There can be no doubt, however, that the order of these bars was a blunder on the part of the department and we have not yet got the correct or true explanation. The answers given by Sir Cowasji Jehangir on materials furnished by Harvey are found to be wrong. Harvey admits this. It is indeed a very serious matter for a department to furnish erroneous or incorrect explanation to the General Member, knowing that the latter is bound to act upon it and make statements in the Council fully relying on these representations."

It will be observed, Sir, that the Honourable the General Member who owes his duty to this Council, was made to give answers which are false and incorrect. If that is so, does it lie in the Honourable the General Member to come here and say that Mr. Harvey did not give this incorrect information? Can he deny that fact in view of the magistrate's remarks? I say "No." The magistrate further remarks on the same page:

"Though I hold that the complainant ordered excessive number of bars and of a wrong size it does not necessarily follow that he did it out of corrupt or dishonest motive. It may have been due to error of judgment, incompetency, carelessness or negligence or wrong calculations or because he acted on the slip of Hamid. Only if the proposition advanced by the accused that there was a combination or conspiracy on the part of these officers, *viz.*, Sykes, Harvey and Hamid, could it be held that it was done out of corrupt or dishonest motive."

So, Sir, the magistrate is not in a position to hold that there was a conspiracy between the three officers. He holds that it may be due to the incompetency and other things. He says that "as long as there is no sufficient evidence about conspiracy, he was not able to give definite opinion about the dishonesty of Mr. Harvey." This House has to read the judgment as a whole and rely on it.

Now, a serious question has been raised whether Government should be allowed to draw this money. It is the duty of every honourable member of this House, I think, to the public outside to expose the

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misdeeds of any Government officer on the floor of this House. The public service done by Mr. Nariman, has been admitted by my honourable friend, Mr. Jadhav. I do not think that this House will be justified in giving the money asked for. My honourable friend from Satara (Mr. Jadhav) said that "this House should preserve its prestige." He said: "This House should not refuse this grant and thereby compel His Excellency the Governor to restore it." I say we are prepared to take our own reputation in our hands. If the reputation of sanity depends upon the decision of this item, the Honourable the General Member ought to have taken its sanction beforehand. It was his duty to take the sanction of this House previously. The money has been already spent and now Government comes forward for the sanction of this House. Government have taken the responsibility upon themselves. I am therefore prepared to have the stain on the character of this House for sanity rather than allow Government to have this money. I can tell Government that they should take the sanction of this House in each and every case. So far as this side of the House is concerned, it will always like that Government should take its sanction beforehand. This was a simple case of defamation which Government sanctioned to be launched. And now they come to us to ask for the cost of Rs. 60,000 and odd. They engaged a highly paid counsel, Mr. Velinkar. Government have spent money after that counsel, they paid the public prosecutor and incurred other expenses for Mr. Harvey. But what happens about my honourable friend, Mr. Nariman? He placed all the evidence before the magistrate and had to spend his valuable time; but he does not get his cost. Mr. Harvey is happy in Madras in Government service as a superintending engineer; the honourable member who is at the head of the General Department sits happy in this House and, Mr. Nariman who took great interest for the public was made to suffer for bringing and exposing the fraud in the court. I say, Sir, that he is a member, to whichever party he belongs, he is an honourable member of this Council, and he has as much right to take part in the deliberations of this Council as any honourable member on the other side. And, Sir, it cannot be that Government, simply because it is a paid Government, simply because it has the honour of having highly paid Government officers, can treat with contempt an honourable member of this House and pen this resolution expressing that bitterness of mentality simply because he happens to belong to the non-co-operation party. That is the mentality that underlies that resolution. That is the mentality that dictated the Honourable the General Member in that offer he made to him to stand in the position of an accused. These were his words, Sir, that he will be given all the privileges, in a criminal case, of an accused, of a person standing charged with an offence, of appearing before a judicial officer to give an explanation or to prove the allegations! He will be given the privilege of an accused standing charged with crime! These are the words in which the offer was made by the Honourable Member. Government, before starting this prosecution, wanted to reduce him to the position

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of an accused person giving him the privileges of a culprit! Then, Sir, Government subsequently had this statement from my honourable friend Mr. Nariman. The committee drew him out, decoyed him into making a statement, and after that statement had been taken and the committee, Sir, cross-examined him, and after a mere suggestion was thrown, Government took the opportunity, because the statement was made outside, to launch this prosecution, in which I hope that Government, the Honourable the General Member, came out with "flying colours."!! But at present Government cannot justify that remark about the "patience of the Bombay Development Directorate officers in the face of the great insults and attacks showered upon them by Mr. Nariman." Government must now admit that Mr. Nariman was correct. Government must admit that the "patience of the Development Department" was misplaced. And Government must admit that there was something much rotten, absolutely rotten, in the Development Department, and Government have conceded it so far in the appointment of a committee. I now, therefore, ask whether it lies in the Government now to come forward, when it has once defied this House, when it has once refused to obtain the sanction of this House, when it did not place even a token demand, to ask for this grant, and whether it lies in the Council now to give that grant to the Honourable the General Member.

Mr. D. F. MULLA (Advocate General): At the outset, Sir, you will allow me to make one or two observations. The first observation is that I am not here to express any opinion which I will not honestly entertain. Nobody has dragged me into this House. I have dragged myself here. (Mr. B. G. Pahalajani: Voluntarily?) The second observation which I want to make is that yesterday in the course of his speech the honourable member Mr. Bechar, who saw me seated on this side of the House, gazed and gazed at this side of the House and threw withering glances at me, probably because I was a newcomer, and said in effect that all the officers of Government on this side, including myself, have conspired together for carrying this motion.....

Mr. N. A. BECHAR: On a point of personal explanation. I never made that suggestion.

Mr. D. F. MULLA: I thought that the suggestion was,—I am very glad it was not,—that there was not that honesty of purpose on this side as there was on the other side. As to that, all I will say is this, that the Kingdom of God is not in my honourable friend alone, and Honesty has not singled out her residence in the heart of the honourable member Mr. Bechar. She dwells in other hearts also and as comfortably as in his.

I now come to the real point before this House, and the question is: Who should bear the costs, whether they should be borne by Government or by Mr. Harvey? And, so far as I am concerned, I have come to a definite conclusion myself. It may be that you will not agree with me, but I hope you will give me the credit of saying that it is an honest opinion of an honest man, because we may differ; and it does not

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follow that, because we differ, therefore, we are dishonest. Now, the determination of this question depends, in the first instance, upon the construction of the Government Resolution. That resolution to my mind is plain, and it says this, that "the proceedings should be instituted at the cost of Government, but if the complaint is dismissed due to Mr. Nariman proving his allegations, the cost should be borne by Mr. Harvey." The question is whether the honourable member Mr. Nariman has proved his allegations, and whether the complaint was dismissed because of his proving his allegations. But, before I deal with this question, I will deal with two questions that were put to me by way of challenge by my honourable friend Mr. Nariman. The first was this: Whether I had heard of any case, either on the Bench or outside, where a man was prosecuted and though the prosecution failed he (the man prosecuting) was compensated. My answer to that is in the negative. The second question which he put to me was whether there were any cases in which a suit was filed by a plaintiff, the plaintiff failed and the court directed that the defendant should pay the plaintiff's costs. My answer is in the negative again. But I do not quite appreciate the point of these questions. It seems to me that these questions have got nothing to do with the question which we have got before us. Here, it is not a question of a losing party paying to a winning party. But here the question, as I say, turns upon the construction of the Government Resolution, where the words are "due to Mr. Nariman proving his allegations." The effect of raising these questions, though not intended, was to raise a cloud of dust and to cloud the issues. But it seems to me that the real question is whether the allegations were proved or not. Now, what was the specific allegation? When you analyse all the charges, and when you analyse the judgment, the specific allegation resolves itself into this, and that to my mind is the crucial allegation, that Mr. Harvey changed $\frac{5}{8}$" into $\frac{7}{8}$". That is No. 1. Deliberately and intentionally; that is No. 2. With a corrupt and ulterior motive; that is No. 3.

Mr. B. G. PAHALAJANI: There was no word like "corrupt" at all.

Mr. D. F. MULLA: That is my analysis. I hope I am entitled to make my analysis, just as my honourable friend was entitled to make his speech. The substantial allegation, as I say, consisted of three parts, namely, the changing of $\frac{5}{8}$" into $\frac{7}{8}$"; deliberately and intentionally, and with a corrupt and ulterior motive. Now, that allegation has failed. And it seems to me that all the crucial and substantial allegations have failed, because, if the allegations were proved, as it is suggested that they were, then, the plea of justification would not have failed. I do not think that, if the allegations were proved, any sane magistrate would have said that the plea of justification has failed. He would then have said that the plea of justification is proved. The two positions are entirely inconsistent. Therefore, if you take as the basis the magistrate's judgment, which I think you must, for you cannot go behind it, and if the finding is that the plea of justification has failed,

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then it follows necessarily that the allegations have not been proved. Now, you must remember that my honourable friend Mr. Nariman was not out to play the innocent game of proving harmless and innocent allegations against Mr. Harvey but he was out to play the bold game of proving that Mr. Harvey was guilty of a corrupt motive. Corrupt motive was the gravamen of the charge. There would be no sting or venom in the charge but for the element of corrupt motive, and I say the whole game would have been dull and uninteresting and not a bold game, but in that charge the learned magistrate has held that Mr. Nariman has failed. He failed to prove that Mr. Harvey was guilty of corruption. Whether you accept it or not, that was, from my point of view, the gravamen of the charge. Now, it is said that he has proved a fact here and a fact there. What does it matter whether this fact is proved or that fact is proved ? Would you not take the law from the learned magistrate himself as he has given it ? The learned magistrate says on page 16 :

"When a plea of justification is set up, the accused must prove that each and every fact stated by him is true in fact."

So, it is obligatory on the accused, as the learned magistrate says, when a plea of justification is set up, to prove that each and every fact stated by him is true in fact.

Then let us turn to page 27 of the printed judgment and see what the learned magistrate says :

"Where in a case of defamation the accused pleads justification, the onus lies heavily on the accused to prove the truth of the facts as set out by him."

Here the onus lies on the accused to prove the truth of the facts as set out by him. On page 38, the learned magistrate says :

"On the evidence, therefore, I must hold that the plea of justification fails."

Now, it is impossible for me to see how these two can stand side by side ; the contention advanced by some of my honourable friends here, namely, that the allegations against Mr. Harvey are proved and this finding of the magistrate that the plea of justification has failed. One of the two is wrong. You must accept the conclusion of the magistrate. Therefore, it follows that the other is wrong.

It was said that the policy of Government in the present case is not a fair one. I may at once tell the House that on this question of policy I cannot speak as confidently as some honourable members here can. What I find is that this resolution is based upon Rule 24 of the Government Servants' Conduct Rules.....

An Honourable MEMBER ; What is the rule ? Read the rule.

Mr. D. F. MULLA : I am sorry I am asked to read the rule. I thought everybody here had studied that rule and learnt it by heart (Laughter). However, as I am asked to read the rule, as a matter of courtesy I must and I will read it out :

Rule 24.—In granting such a sanction, the Government will consider whether Government will bear the costs of the proceedings, or whether the Government servant shall institute the proceedings at his own expense, and, if so, whether in the event of a decision in his favour ,the Government shall reimburse him to the extent of the whole or any part of the costs.

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Now, the first part of the rule is that Government will bear the costs of the proceedings, and my respectful submission to this House is that if it is within the power of Government to bear all costs unconditionally, how can it be said that Government have gone beyond their powers if they undertake to bear the costs conditionally ? That is the point which the honourable members must consider. I do not see how it is outside this rule. If Government possess the wide and extensive powers of bearing all the costs themselves unconditionally, could it be said in principle and in commonsense that the Government went beyond their powers when they said " We undertake to bear the costs of the proceedings with a condition " ? I submit, " Not."

As regards the suggestion that we should invite a judicial decision on the point, I think, it would be a mockery to go to a court of law and say " My Lord, here is the judgment of the magistrate that the plea of justification has failed, yet we are doubtful whether all the allegations have been proved or not." (Laughter.)

Then, again, on the question of policy, it was suggested by my honourable friend Rao Bahadur Kale, that the sanction ought not to have been granted straightway but that there ought to have been an investigation. There is one difficulty. Possibly I may be wrong, but it is this : suppose the Government had put their Criminal Investigation Department into motion and suppose they had found that 100 persons had bribed 100 officers of the department and suppose they had also found that Mr. Harvey had not taken any bribes, what would have been the position in law and in fact ? The charge against Mr. Harvey would stand just the same, even if Government were to say " Oh, we have investigated the charge. It does not matter a bit—a citizen charging another citizen with corruption. Let us hush up everything." Supposing for a moment that full investigation had been made, it would have still been competent to Mr. Harvey to come forward as a Government servant and say to Government " Here is a defamation against me. I want to clear my character in the public. It is not for you, Government, to say ' we have enquired into the matter and we have found that you are not guilty.' " It would be his right, his privilege as a citizen to demand that he should be allowed to prosecute and what could Government say ? It seems to me (I say this with some diffidence) that the policy underlying this rule 24 is this, that it is the duty of Government to protect its servants. Of course I do not for a moment suggest that it is the duty of Government to protect its dishonest servants. What I say is that the policy underlying this rule is that Government should protect its servants in the discharge of their duties. I also think and humbly think that the honour of a Government is involved in the honour of its servants. The two must always go hand in hand, and when a Government asks its servant to vindicate and clear up his character, in fact it asks that its own character should be vindicated. If that not be the principle, I think it would be impossible for Government to carry on. Here, the Government have, from my point of view, based the resolution on the rule 24 and my submission, so far as the resolution is concerned, is that it is capable of

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only one meaning and no other meaning, namely, that if the allegations made by Mr. Nariman against Mr. Harvey were not proved, in that case Government would bear the costs of the prosecution. It seems to me that the allegations not having been proved, the plea of justification having failed, Government are in honour bound to pay the costs. Sir, I have heard the very able and the very intelligent debate in this House, but in spite of all that I have heard I feel that it will be a sad day for India, when it gains self-government, if they were to say to one of their servants "Here you are, you are charged with fraud and corruption; we are convinced that you are innocent, but we won't protect you; you go and shift for yourself."

Mr. J. B. PETIT (Bombay Millowners' Association): Mr. President, I confess that after hearing the honourable the Advocate General, I rise to address this House with very great hesitation on a question which is very largely legal, and our decision on which, as we now see, must rest mainly upon the interpretation the House puts upon the judgment of the magistrate and upon the Government Resolution, conveying to Mr. Harvey the sanction of the Government to sue the honourable member for Bombay (South). I beg to assure you, Sir, that I will not take more time of this House at this late hour than is absolutely necessary. With that end in view, I shall confine myself mainly to the two issues which you very kindly set before the House at the beginning of this debate, namely, first whether the Government were right and justified in sanctioning the prosecution that they did; and secondly whether in view of the resolution in which that sanction was communicated to Mr. Harvey, as also the judgment of the learned magistrate, the Government are entitled to come to this House for this grant and obtain it. Sir, it is unfortunate that we have not got before us the original letter of Mr. Harvey, asking for the permission of the Honourable the General Member to prosecute my honourable friend, the member for Bombay City, South (Mr. Nariman). But, Sir, we have got before us the wording of the Government Resolution conveying to Mr. Harvey the sanction of the Government to prosecute. From that, we are in a position to know authoritatively, that it was laid down definitely that if the suit failed owing to Mr. Nariman proving his allegations, Mr. Harvey was to be paid his expenses by the Government. We are thus face to face with the determination of these two questions, first, whether the suit of Mr. Harvey has failed; and secondly, whether Mr. Nariman has proved his allegations. Our voting for or rejecting the grant, asked for by the Government, must depend upon our decision of these questions. The contention of the Government is that the suit against Mr. Nariman having being decided, according to their interpretation, in favour of Mr. Harvey, the Government are bound and entitled to make good to Mr. Harvey the expenditure incurred by him in this case. The interpretation of this House is however the direct opposite of the interpretation of the Government. In order to come to a fair and impartial decision in this matter, there are several important aspects of this question which have to be considered and taken into

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account. They have occurred to me as a layman, in my endeavours to understand this matter; and I wish to place them for what they are worth before this House for its consideration. They embody the point of view of a layman as against the purely technical opinions of distinguished legal luminaries, such as we have had laid before us in this House during the course of this debate.

It appears to me, Sir, that there are certain important links in this case, which are at present missing but which we are at liberty to try and find out, and to which, if traced, we are entitled to attach very great weight. These I have endeavoured to trace; and I wish to place them before this House for its consideration before it arrives at a decision on this important matter. The whole question, as we are aware, hinges on the second order for the mild steel bars placed by Mr. Harvey, the specifications, dimensions, prices and quantities of which Mr. Harvey had of his own accord reduced to writing in his own hand. This order was very different from the one which his staff required, in accordance with the needs of the Department. It has been brought out in the course of the evidence in the police court and has been admitted here repeatedly, that Mr. Harvey did that of his own accord; that he endeavoured, in the first instance, to hide that fact from the court; and that he was ultimately forced to admit it under the compelling authority of the police court. It has also been proved in the case, that there was no sanction for it, and that he had consulted no one about it. We have also got the fact before us that when, in this House, the Honourable the General Member was asked a question on this matter, Mr. Harvey deliberately supplied inaccurate information, on the basis of which the Honourable the General Member gave his reply, which ultimately, he had to admit, was inaccurate. In consequence of this fact, as also the fact that numerous general allegations against Mr. Harvey have been declared true and held to have been proved, I put it in all seriousness to this honourable House as to why a man of the intelligence of Mr. Harvey, occupying the important and responsible position that he did, should have gone out of his way to make these serious alterations in the order; why he should have admitted this fact, so reluctantly and hesitatingly at the police court practically under pressure; and also, at the same time, on the top of it all, why he should have deliberately supplied wrong information on the matter to the Honourable the General Member, if he was as innocent as we are now asked to believe he was. I would like to ask why, if the second order was really a mistake, he should have taken up this halting attitude and should have hesitated to make a confession in a straightforward manner, and should have endeavoured to prevaricate and made the confession of the offence in the manner which was described to this House by an honourable member a little while ago. In view of all these facts and circumstances, the questions we are all entitled to ask ourselves are: how has Mr. Harvey come out of this trial? What is the impression that his behaviour has created upon our minds? I think, if these questions are dispassionately examined and considered, there can be one and only one answer to

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them; and that would be against Mr. Harvey. From the judgment of the learned magistrate before us, there is no doubt that, while, on the one hand, he has held that Mr. Nariman had made out a case, and also that numerous allegations against Mr. Harvey have been proved, he has on the other hand at the same time, held that, so far as the plea of justification for specific charge of corruption, is concerned, it has failed. That is where purely technical and legal talent comes in and prevails over the commonsense judgment of laymen and that is where the value of trials by juries in such important cases is demonstrated once more. This is the spirit in which I would like this House to consider this whole matter. Personally, Sir, I do not think that Mr. Harvey has emerged at all creditably out of these proceedings. If I may go a step further, I would like to add without meaning any disrespect to the learned magistrate, that whatever his judgment may be, even though we must take it as final—the public are entitled to, and have as a matter of fact, come to their own decision on the facts and inferences brought out in the case. That being so, and if this honourable House is also of the opinion that Mr. Harvey has not after all come out of this case as innocent as he is represented to be, it will have to decide, whether in consequence of this opinion, and having regard to the terms of the resolution conveying to Mr. Harvey the sanction of Government to launch this prosecution, he could equitably be given the cost of the proceedings. My own answer is an emphatic "no." I have no doubt in my own mind that, when the Honourable the General Member sanctioned the prosecution, he did so not only with a view to enable Mr. Harvey to clear his character and establish his innocence but also at the same time, to prove to the public that there was nothing wrong or amiss in the Development Department. He must have believed so at that time. I think many of us believed so at that time. But in view of subsequent disclosures, we have all now come to a different decision; and very probably the Honourable the General Member has done so too. But that is another matter. The result of the case has however unfortunately been very different. Mr. Harvey though technically acquitted has, in my opinion, not proved himself innocent; and I hope the House is of the same opinion. In coming to this conclusion, it may be that we are mistaken in law; and that we are ignoring the niceties and technicalities of the law courts. But from the point of view of the world and looking at the question as practical men of affairs, we can come only to this one conclusion and no other. I may be pardoned for saying this. But, in view of Mr. Harvey's behaviour throughout the entire drama, in view of the facts brought out at the police court, in view of the findings of the judgment, in view of the wrong information he gave to the Honourable the General Member, and in view of the other facts and circumstances connected with this affair, we are practically forced to this conclusion. I am therefore convinced in my mind that after all, Mr. Harvey was not as innocent as might appear to be the case at first sight. It is very unfortunate that the judgment is not as definite on this matter as it

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might have been. It is quite possible that the magistrate was over-kind or over-fair to Mr. Harvey; or that the judgment was influenced by some legitimate doubt in his mind, of which he appears to have given the benefit to Mr. Harvey. But so far as we, as men of the world, are concerned, we are entitled to come to our own decision, and that is, that Mr. Harvey made out no case for himself; and that, even though technically acquitted, he has not come out successfully; and that therefore, Government are not justified in making this demand and the House would not be justified in granting it.

I know that before deciding this point we have to consider another aspect of the question. We are told that, in view of the wording of the resolution conveying the sanction of the Government to Mr. Harvey to launch this prosecution, we are bound to pay the cost. One would be prepared to support the Government, because rightly or wrongly, the undertaking has been given by them under certain eventualities. But, even then, I would first make sure that these events have happened. I would therefore much rather side with my honourable friend the representative of the University, than straightaway give my vote for this grant; because there is an important point involved in it; and it is one which is enveloped in doubt and admits of a very wide difference of opinion. Everything must depend upon the interpretation one puts on the Government Resolution. We are entitled to argue that if Mr. Nariman has proved his charges, then Mr. Harvey should have been punished; but that if, on the other hand, Mr. Harvey has proved his innocence, Mr. Nariman should have been punished. Either of these things should have happened. But we know that neither of these events has occurred. We are thus face to face with a judgment, which may be very good and sound in the technicalities of the law, but which, at any rate, is not as definite as it might have been on these two points. That being so, laymen like myself must be pardoned if we wish to clear our doubts by agreeing with my honourable friend the representative of the University, and asking the Government to refer this matter to the High Court in the shape of an originating summons. If for some reason, this is not done, I for one have no hesitation in saying that having followed the debate with an open mind and come to the conclusion that I have, the Goverment are not justified in asking for this grant and that the House will be well advised in voting against it. I therefore most earnestly advise the House to act accordingly.

Mr. B. T. DESAI (Bombay City, South): Sir, it is with a deep sense of responsibility that I am rising to address the House. I have heard various arguments in favour of this demand for grant as well as against it. The issue before the House is this: Was Government right, even if they had the right, in giving sanction to Mr. Harvey? Now, Sir, the Indian constitution as it stands is anomalous, and it creates anomalous positions. We are here to correct that anomaly. We are told that we are given the power of the purse to a certain extent; that if we give grants Government will get the money, but if we do not there is only one authority, that is His Excellency the Governor, to certify. I must

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say that we should rather exercise our rights and let the Governor, if he is so pleased, to certify and let the Government manage its affairs by certification, than be a party to a grant to which we should not give our assent. It is not a question of sweet reasonableness or a question of prestige, or a question of " all this time we have not forced His Excellency to certify, and we should not do it now. " That is a halting argument ; I will say it is a foolish argument. If we feel that our right is being encroached upon, then let us refuse the grant and let it be restored by certification, because if that power is exercised then we can also take steps to put an end to such an undesirable power that has been vested in the Governor.

Sir, I consider this grant to be a very important one, because a question of principle is involved. The question is when we have got the power of the purse is the Government entitled to give sanction without putting the case before the Council ? I have no doubt that the Honourable Member in charge will get up and say : " Here are our rules ; you are not to question them ; we will go according to our rules." My answer is : " If you are going to stand on your own rights and privileges, the House is bound to stand on its rights and privileges. If you are going to deprive us of our rights, we are not going to act according to what you say. You may have the power of giving sanction, but we consider that you have wrongly exercised your power ; you had no business to give sanction without geting our sanction first. Therefore, we will exercise our power in order to defeat the undesirable power that has been exercised by Government. " Well, Sir, as to the propriety of giving sanction, when my honourable friend the General Member got up and tried to make out a case, from the distress that he exhibited on the face, I thought that he was in the throes of labour, as the proverbial mountain that was in labour ; and like that mountain he produced not a rat, but a rigmarole of statement which had neither argument on its side nor logic nor truth. Now, Sir, what does he say ? He says it was Mr. Nariman who drove Government to give sanction. That is a very nice argument. Government, when they heard of certain charges being levelled against the Development Department and its officers wanted the co-operation of Mr. Nariman. Mr. Nariman being a non-co-operator could not co-operate with the Government. But may I ask the Honourable the General Member whether, irrespective of Mr. Nariman's co-operation or non-co-operation, was he not in possession of that information, namely, that certain charges had been levelled against his departmental officers ? If so, what was his first duty ? And what was his duty ? As a man standing at the head of a Government department, is he anxious to protect the interests of the officers only ? Is he not at all anxious to protect the interests of the public ? If he had the least interest of the public at heart, was it not his duty to look into the matter ? The other day the Honourable the General Member stated in his speech " The honourable member, Mr. Hooseinbhoy, made certain complaints to him regarding the supply of bazaar to Mr. Harvey by Balkison Seth. But what happened ? Mr. Hooseinbhoy later on

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came to me and told me that he cannot prove." That is what he said. Sir, what was at the bottom of this? I wonder how the information given by the honourable member of this House leaked out. Balkison Seth is a very shrewd man and he discontinued purchasing bazaar from the place where he used to purchase before. Naturally, the honourable member Mr. Hooseinbhoy could not, therefore, prove the fact. If the information given in confidence for the purpose of investigation leaks out, then I do not know how the matters stand.....

The Honourable Sir COWASJI JEHANGIR: Does the honourable member insinuate that I informed anybody?

Mr. B. T. DESAI: Then how did the information leak out? The fact is that the information did leak out and therefore Mr. Balkison Seth discontinued purchasing bazaar from that place. I cannot say whether the information given for the purpose of investigation leaked out through you or anybody else, but the fact is there that it did leak out. This Development Department has been found to be absolutely inefficient and absolutely negligent and there is no wonder if such information leaks out. The Honourable the General Member also told us that he invited the honourable member, Mr. Nariman, to give his assistance, but he refused to do so. The Honourable the General Member stated "Well I told Mr. Nariman to lay all his cards on the table, explain the situation." But he does not say clearly what he promised to do. He did not promise him to do anything definitely if he (Mr. Nariman) lay all his cards on the table. It is stated, therefore, that Government was forced by Mr. Nariman to take this step. I am sure, Sir, that if the honourable member Mr. Nariman had given all the secret information, it would have met with the same fate as that of the honourable member, Mr. Hooseinbhoy met. But the honourable member, Mr. Nariman, is a shrewd lawyer and as such he foresaw that perhaps his information would leak out and, therefore, he declined to lay all the cards on the table. I think he has rightly declined to give the information to the Honourable the General Member. The Honourable the General Member says that Mr. Nariman drove him to give the sanction for prosecution. Mr. Nariman was told, he says, to go before a certain officer to be appointed for the purpose of investigation and do what? Like an incriminated officer Mr. Nariman has to give an evidence and do all sort of things. What a *bona-fide* proposal is this? And if Mr. Nariman has treated that proposal with contempt, I think he was perfectly right in doing it. I can say, Sir, that the way in which the committee was proposed to be appointed, really showed that there was no *bona-fide* desire to find out things as they were. The third thing that the Honourable the General Member says is this. He says: "Allegations were made by Mr. Nariman, and he was driven to give sanction ultimately." I do admit that is so. I do admit that Government found the honourable member Mr. Nariman, to be a terrible opponent of Government. And in order to crush him, this trick, this pretext was resorted to.....

The Honourable the PRESIDENT: These are all the arguments which are being repeated.

Mr. B. T. DESAI: I submit, Sir, that there was no necessity for Government to give their sanction for prosecution. If the Honourable the General Member had the interest of the public at heart, he would have taken the help of their own machinery, instead of the co-operation of the honourable member, Mr. Nariman, to find out what the facts were.

I am very sorry to hear the honourable member, the Advocate-General, on this point. What does he say? He says: "If Government had instituted enquiries and if they had found 100 officers guilty and if Mr. Harvey was found to be not guilty, then what would have been the situation?" If that had happened, then the hands of Government would have been strengthened to give their sanction for Mr. Nariman's prosecution, but if Mr. Harvey had been found guilty then what? Therefore, my submission is that the sanction was wrongly given by Government and I say that Government had no right to give this sanction. If Government had exercised their rights according to any statute, I think it is the duty of this House to abolish that statute in the first instance. If Government were serious to do justice they would have done everything possible to find out the truth. When they were told that there was actual robbing and huge frauds going on in this department, the head of the department, whose conduct was brought out in the evidence, ought to have found out whether that was so or not. But nothing was done to investigate. If such a system did prevail in the department, then the only conclusion is that the head of that department, Mr. Harvey, is a part and parcel of that system. Sir, as the honourable member, Mr. Nariman, said that there are not only those matters, but there were the other affairs too. He said "When an engineer brought certain facts to the notice of Mr. Harvey, that engineer was dismissed." Besides, there had been claims which were admitted by the department, although it was pointed out by the engineers concerned that they were false. This is the second thing. The third thing that was pointed out by the honourable member is this. Mr. Harvey supplied false information to the Honourable the General Member, who did not think it right to find out himself what the truth was. As I have said, the Development Department is being managed very negligently and I think the Honourable the General Member was also negligent to a certain extent, otherwise this would have never happened. Now, Sir, just try and imagine, if such a thing had taken place in England, what would have been the fate of the Government, what would have been the fate of the Honourable the General Member, and what would have been the fate of the Development Department? The Government would have gone out of power and the Member would have been forced to resign, and the public would have lynched the officers concerned. This would have been the outcome in any civilised country, in any independent country. But, here, they know very well that the House is divided, that "whatever we can put before the House is going to be passed" on account of certain tactics

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that are followed and certain things which, Sir, are likely to affect the votes, and it is, therefore, Sir, that this demand has been put before the House; otherwise, in the ordinary course this ought not to have come before the House. Well, Sir, then, as you think there is very little time at my disposal.....

The Honourable the PRESIDENT: I would request the honourable member to conclude his remarks.

Mr. B. T. DESAI: I will, Sir, presently. I would ask the honourable members of the House to exercise their privilege and also the power of the purse which they have got in the right direction and to discourage Government in proceeding with these cases in such a way and force Government to consult them before steps are being taken and to obtain the sanction of the House before anything is done by Government under the law.

The last thing I have to say is this. The Government rule has been quoted and the Government Resolution has been quoted. I say, Sir, any one who is invested with common-sense can see that there is a great deal of difference between the rule itself and the resolution. But Government may pass any resolution that Government likes, and you have no concern. Government may override the rule and pass any resolution it likes. That is the position which Government takes, and in this position Government ought to be defeated. Well, Sir, looking to all the circumstances, I say that it is up to Government now to try and see what are the sins of omission and commission on the part of Mr. Harvey, and it must be their duty to prosecute all, one and all, who are concerned with the huge frauds that have been committed in the Development Department, however high they may be, and bring them to justice. Instead of doing that, they should not come with such demands before the House.

(Several honourable members rose.)

The Honourable the PRESIDENT: I find that there are several honourable members who wish to speak. There has been a great deal of talk since yesterday as to there being no time limit. But I think there is a limit to the "no time limit" motion, and that is where I step in. I would allow the honourable member Mr. Jairamdas to speak if he can finish his remarks within five minutes.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): I am obliged to you, Sir. Sir, speaking, as I do, under the limitation of five minutes, I shall condense my remarks as much as possible. Probably but for the last sentence uttered by the honourable member the Advocate General, I would not have taken up the time of the House. He said, Sir, that hearing the debate and the speeches delivered here to-day, he thought that it would be a sad day if the attitude which those speeches indicated was maintained when we had self-government. It appears to me that the various legal issues raised in the course of the debate have clouded the real issue involved in this demand. The learned Advocate General said, I am trying to quote his words, "The real question was: What

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was the interpretation of the resolution passed by the Government ?" That is, were the allegations proved ? And if they were not proved, then the costs ought to be given to Mr. Harvey. I did not know, Sir, till to-day, and I know it from the learned Advocate General, that a mere resolution of the executive Government is a law for this legislature ! Is it suggested that, because Government in the exercise of their executive authority issue a certain resolution wrongly interpreting, in my opinion, the Government Servants' Conduct Rules, the legislature was bound to accept it as the last word and not try to go against it ? The real issue involved in this discussion, Sir, is far graver and it appears to me that it cuts at the very root of the constitution which we have been given since 1921. It is the duty —a duty which Government call upon the voters to exercise,—the duty of the voters to send representatives to this House. It is the duty of those representatives to ventilate public grievances, to criticise the administration with a view to help in its purification, and if in the exercise of that duty, within this Council Hall or in any committee appointed by Government, a member representing the constituency which sends him here makes a statement as a result of persistent cross-examination, I do not think Government are justified in penalising that member because he does his duty. What are the facts of this case ? In the exercise of his duty which the constituency called upon Mr. Nariman to perform, he ventilated certain grievances in this Council in 1924, and not outside it. He did not rush to the press ; there was no malicious intent to defame Mr. Harvey. He put certain questions, moved a resolution in this House and raised discussion on the occasion of the budget, in the years 1923, 1924 and 1925, and he made certain allegations. He put a specific question, the official reply to which has been proved to be wrong. What is the justification given by the Honourable the General Member for sanctioning the prosecution of Mr. Nariman ? He says " I offered him a committee of investigation. " Mr. Nariman thought that committee unsatisfactory. The time came for another committee to investigate this matter, and at the invitation of that committee appointed by Government, Mr. Nariman appeared before that committee and in the course of his evidence made certain allegations. I have taken the trouble to go very carefully through the evidence of both Mr. Nariman and the Honourable the General Member. It was as a result of a persistent attempt to make Mr. Nariman state things as specifically as he could that Mr. Nariman, after a long time, did say that so and so did this and that. I want to ask the General Membe a straight question. He gave us the impression that had Mr. Narima accepted the first committee, the prosecution would not have come about. May I ask him what was the meaning of his invitation to accept the first committee ? Would not Mr. Nariman have come before it to give evidence ? Would any member of that committee have been satisfied with a general allegation ? Would they not have asked Mr. Nariman to make a specific allegation ? Would not that specific allegation have made him open to the risk of a prosecution as now ? I for one am unable to see what difference it would have made if he had appeared before the

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originally proposed committee and not the last committee. The statement of Mr. Nariman for which he was prosecuted was made on a privileged occasion. I accept the decision of the magistrate that the occasion was privileged, that Mr. Nariman made a *bona fide* statement at the time of an investigation by a duly constituted official committee. He made those statements not outside, not with any malicious intent, not in order to persecute Mr. Harvey but in the dicharge of his public duty. To me the only question is this, if any member of this Council votes for the demand, then the vote is tantamount to this that if a non-official member, say, my honourable friend Mr. R. G. Pradhan, makes a statement against the Deputy Superintendent of Police of his place, in this Council as the result of persistent complaints received by him from the public, and if that statement, according to the opinion of Government is not true. then he must stand a prosecution. That is the question in a nutshell.....

The Honourable Sir COWASJI JEHANGIR : Absolutely not. This House is absolutely privileged.

Mr. JAIRAMDAS DOULATRAM : A statement in this House is privileged but a statement made as a result of persistent cross-examination before a duly constituted committee of Government is not privileged ! The magistrate has held that the statement was made on a privileged occasion.....

The Honourable Sir COWASJI JEHANGIR : Point that out.

Mr. JAIRAMDAS DOULATRAM : Look at page 42 of the printed judgment. The magistrate says :—

" The statements were thus made on a privileged occasion before a properly constituted body authorised to receive such complaints and in answers to questions put to him by that body and not irrelevant altogether."

Whether the magistrate held it as a privileged occasion or not, I want to know whether the Honourable the General Member wants us to admit this, that non-official members must not make any complaints and that if non-official members make any complaints before any non-official committees appointed by Government, they must do so at the risk of a criminal prosecution ? Is that the position he occupied a few years ago as a non-official member ? Is that the position which he is prepared to occupy hereafter ? Is that the position which Mr. Ramsay MacDonald will occupy in Parliament if to-morrow in the discharge of his duties as a Member of Parliament he accuses a Government servant of corruption? According to the Honourable the General Member, then, the executive Government of England must in that case threaten Mr. Ramsay MacDonald with prosecution ? Is there no other way of enabling a Government servant to clear his conduct ? Is this the only way, namely, to prosecute a non-official member who makes an accusation—a *bona fide* accusation—on a privileged occasion ? If that is the interpretation of the constitution, then I must say that we have no constitution. If the pistol of prosecution must always be levelled at the head of a non-official member who makes an accusation before the House or before an official committee, I say we have no constitution.....

Mr. G. L. WINTERBOTHAM : I move the closure, Sir.

The Honourable the PRESIDENT : I accept it.

The Honourable Sir COWASJI JEHANGIR : Mr. President, had not this debate lasted for nearly two days, ordinarily it would have been expected that I should reply to every honourable member that has spoken. But I trust that the House and you, Sir, will excuse me if I do not attempt to reply to every argument brought forward by every honourable member, for if I did so, I would take well over two hours, but let it not be said that I deliberately did not answer any particular question or accusation on this present occasion. I do not do so entirely for want of time.

I will take first my honourable friend Mr. Swaminarayan, and in all his speech there was one important point that he brought forward. He said that Government ought to have come to this honourable House before having given their sanction to the prosecution. That point was also made by the honourable member from Sukkur. Mr. President, the very question and the emphasis with which it was brought forward before this House especially by my honourable friend from Sukkur, shows that the honourable members have not understood the constitution under which we at present are governed.

An Honourable MEMBER : Quite so.

The Honourable Sir COWASJI JEHANGIR : They have not understood the constitution under which the most civilised countries in the world are at present governed (Hear, hear). Honourable members have failed to understand the difference between executive actions and actions by a legislative council. If, Mr. President, Government had to come to this honourable House in every case before sanctioning prosecutions, I contend, Sir, there would be no end to it. If my honourable friend the Home Member had to come forward before this House for legal expenses that he incurs on every possible conceivable occasion there would be no Government and there would be a most extraordinary constitution. Sir, I contend that the suggestion put forward by my honourable friend from Sukkur of a token grant was nothing more than asking us to accept a constitution which would be unique. I contend, Sir, that Government under the present constitution have the power or under any future constitution, will be given the same powers and if any Swaraj Government refuses to give the Government this power, that Government would not be able to last for a week. It is all very well to say that we should come to the honourable members before sanctioning every executive action.

I will now come to my honourable friend Mr. Nariman. He spoke for one hour and a half, but he tried his best to cloud the issues. As a matter of fact, listening to his speech one could not but come to the conclusion that he was trying to prove that the magistrate's judgment was wrong. I am not here to criticise the judgment. I am here to accept the judgment as it stands. Judges or magistrates are not infallible. The judgment is there. My honourable friend Mr. Nariman was prepared to take advantage of that part of the judgment which suited him and which acquitted him. To me he seemed to have been trying to argue that the judgment, so far as Mr. Harvey was concerned,

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was wrong, and in order to do that, he read out long extracts from the judgment which were perfectly irrelevant, and I maintain—and rightly maintain—that he attempted his very best to cloud the issues.

The next point that he brought forward of some importance was the reason he gave both to Government and to this House for refusing Government's offer to appoint an officer of high judicial attainments. He said that he was placed in the position of an accused officer of Government. For an honourable member to argue that he refuses to accept an offer which gives him the greatest privileges Government can give, is to argue in the wilderness. Government cannot give greater privileges to anybody than they are forced to give to an officer of Government who is suspected of corruption. That officer has to be given every privilege to prove his innocence, before an enquiring officer, and we thought that the honourable member Mr. Nariman ought to be given the same privileges as would be enjoyed by the officer who was accused of corruption. We could give him no more and no further privileges, and because.....

Mr. F. J. GINWALLA: On a point of.....

The Honourable Sir COWASJI JEHANGIR: I won't yield.

The Honourable the PRESIDENT: The Honourable the General Member does not yield.

Mr. F. J. GINWALLA: On a point of.....

Honourable Members: Order, order.

The Honourable the PRESIDENT: Order, order. The rule of the House is that if a point of information or any other interruption is made, that can be allowed to be stated only if the member who is speaking yields. If the honourable member would flout the order of the President, I think he would think twice before he did that. If there is a point of order, then alone the President can call upon the member speaking to resume his seat.

Mr. F. J. GINWALLA: With due deference to the Chair, I submit....

The Honourable the PRESIDENT: Order, order. I call upon the honourable member to submit to the ruling of the chair.

The Honourable Sir COWASJI JEHANGIR: I strongly contend that my honourable friend Mr. Nariman would not accept that offer for reasons best known to himself, and when he took advantage of the phrase that he would be given the same privileges as are given by Government to their accused officers, he was taking undue advantage of the phraseolcgy of the letter.

Now, I will come to my honourable friend Rao Bahadur Kale. Rao Bahadur Kale laboured hard to explain his point to the honourable House and he will excuse me for saying that the impression he made upon my mind was that, lawyer as he is, he was trying to convince himself against his better self (Laughter) and that he had been attempting to do so for some days and having attempted to do so far some days, he only succeeded this very morning to convince himself that the magistrate's judgment was wrong, or, as my honourable friend the

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Advocate General put it, the judgment pronounced both that the accusations were not justified and at the same time they were justified. He was trying to argue that the magistrate believed both. He seems to have succeeded rather late, because he was not very certain of his facts. Every extract that he first quoted was against himself, and ultimately I could not follow as to whether he quoted anything that was in his favour. But, at any rate, I give him credit for having tried to appease his own conscience, and if he has succeeded in doing so, I can only congratulate him.

He then said that Mr. Nariman ought to have been given another opportunity before prosecution was sanctioned, that an investigation should have taken place. I was not quite able to follow the exact inference of that suggestion, but the position was that Mr. Nariman made an allegation of a specific character against a particular officer of Government, and therefore what Government had to satisfy themselves on was whether that specific allegation was correct or not, and having satisfied themselves by an investigation it was for them to decide whether they should give permission or not; and I can tell the honourable member that Government did have an investigation to find out whether that specific allegation was true or not. The investigation was naturally to the best of the ability of Government.....

An Honourable MEMBER: After the sanction ?

The Honourable Sir COWASJI JEHANGIR: Before; and Government found that the allegation could not be correct, because the very foundation on which the allegation was made was so easily traceable. The honourable member Mr. Nariman said that Mr. Harvey had changed the figure of $\frac{5}{8}$ " to $\frac{7}{8}$." It was quite easy to send for the indent and see whether it was so or not, and since it was found that no change had been made it was quite easy to see whether the foundation of the allegation was right or wrong, and then we had to go further. The investigation of the Government has been borne out by the judgment, and the judgment is that the allegation is proved to be wrong. (Interruption). I am certain of my facts. I am not making incorrect statements. The allegation was that Mr. Harvey changed the figure $\frac{5}{8}$ " to $\frac{7}{8}$." As a matter of fact, what Mr. Harvey did was to write a letter asking the other Superintending Engineer to order out bars of $\frac{7}{8}''$ size; that was his mistake. There was no question of changing the figure $\frac{5}{8}$ " to $\frac{7}{8}$;" the very foundation of the allegation of Mr. Nariman was wrong, and therefore it was not difficult for Government to investigate whether the allegation was right or wrong, and therefore I contend (Interruption)—I will come to the honourable member Mr. Pahalajani and his knowledge of law later on,—that it was not a difficult matter to investigate, and that fact has been proved by the judgment.

Now, Sir, I come to my honourable friend the member for the University of Bombay (Mr. Munshi), and I can only express a hope that, in future, he will devote more attention to matters of the University and matters connected with the University Bill than to any other department of Government. I think there he would be more in his sphere. At any

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rate, he has given us a harangue in this House. I do not know how many months experience he has had of it, but I remember he lectured us from the very first minute that he entered it. We are accustomed to these lectures. My honourable friend lectured his constituents, and now he takes to lecturing us, and we are most grateful to him. Now, let us examine his valuable suggestion. His first suggestion is that the Resolution of Government should be placed before a judicial tribunal for examination. Now, Sir, I ask my honourable friends whether they ever heard of a Resolution of Government being placed before a judicial tribunal for interpretation. Sir, he wants us to take a resolution passed by Government before a judicial tribunal and he wants that judicial tribunal to tell us what that resolution means. Now, Sir, I take it that we are all capable of reading a resolution and understanding what it means, and therefore....(Interruption).....

The Honourable the PRESIDENT: Order, order.

The Honourable Sir COWASJI JEHANGIR: I am not disturbed by these interruptions—and, therefore, as long as such proposals are made, I think they are quite harmless; but such a suggestion cannot be acted upon, and I do not think any Government in its senses would take one of its own resolutions to a judicial tribunal to tell them what they meant when they drafted it.

The next point is, he says that we should ask a judicial tribunal to tell us whether the judgment has pronounced Mr. Harvey guilty or not guilty. Now, Sir, that is not a compliment to the magistrate who wrote the judgment. The honourable member read it and re-read it, and he could make neither head nor tail of it, and therefore he wants us to take it to a judicial tribunal to tell us and the House what the meaning of that judgment is. I knew that such arguments would be raised, and therefore my honourable friend the Advocate General sits behind me. Anything coming from me would be coming from a layman—I am only a layman—and therefore I wanted the honourable House to have the best legal opinion available in Bombay, and the honourable the Advocate General has told the House what he thinks. Now, Sir, are we to accept this practical suggestion of my honourable friend the member for the University of Bombay that the judgment should be taken to a judicial tribunal to tell us what is the verdict in the judgment? It seems that that is rather a curious method. We have had legal opinion taken on it. We have had our Legal Remembrancer's advice. We got the Advocate General to advise us; as a matter of fact there has been more than one Advocate-General in this matter. I will therefore drop those two suggestions.

We then come to the most serious part of his speech. He said that we insulted an honourable member of this House, that we had more respect for our officers than we had for honourable members of this House, and he went further and said that the constitutional position was at stake. I admire the language he used to express his opinions, but I cannot agree with his sentiments. Now, Sir, is it possible that my honourable friend was advocating that if a citizen of Bombay happens to be a Member of

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Government, happens to be a high official of Government, or happens to be a member of the Legislative Council, he should have more license than the law gives him ? Does he mean to contend that because he is a member of this House, he can with impunity go outside this House and repeat allegations of corruption against anybody, whether he be an officer of Government or another citizen of Bombay, and if Mr. Munshi does so, does he contend that such an offence against the law should be condoned because he is a member of this Legislative Council ? (Interruption).

The Honourable the PRESIDENT : Order, order.

The Honourable Sir COWASJI JEHANGIR : Sir, my honourable friend Mr. Munshi has put forward a contention which ought to be rejected immediately by every honourable member who knows his own position as a member of this Legislative Council. He has every privilege in this House ; he can make any statement he likes in this House to draw the attention of Government ; he can say that even I have been corrupt. There is no objection. He can say it in this honourable House, and he is privileged. But he dare not repeat that outside.....

An Honourable MEMBER : Even if he is asked ?

The Honourable Sir COWASJI JEHANGIR : I am coming to that. He dare not repeat it outside, and if he does he must pay the penalty. And I contend that if the future constitution of this country is to give these privileges to members of the Legislative Council, in a very short time you will find autocracy in this country and not democracy. I contend that the constitution does not give powers to members of this Legislative Council to utter words of sedition or words of defamation outside this honourable House. And the honourable member dare not claim those privileges if he knows anything of the constitution of the country. (Interruption).

Mr. F. J. GINWALLA : Mr. Nariman has uttered any words of defamation outside this honourable House ?

The Honourable the PRESIDENT : The honourable member does not yield.

Mr. F. J. GINWALLA : I want to raise a point of order.

The Honourable the PRESIDENT : What is the point of order ?

Mr. F. J. GINWALLA : Was the honourable member in order in making a statement that the honourable member Mr. Nariman made a statement outside this Council, for which he was liable to be punished ? The Honourable the General Member stated that the honourable member Mr. Nariman made a statement outside the House, and he wants the House to believe it, but Mr. Nariman did not make any statement, except before the Committee. I want your ruling, Sir, as to whether the Honourable the General Member was in order ?

The Honourable the PRESIDENT : The honourable member has made no point of order. The Honourable the General Member is making a statement to explain the constitutional position of the honourable

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members of this House in the matter of making privileged statements in the House.

The Honourable Sir COWASJI JEHANGIR: Sir, I repeat that the honourable member Mr. Nariman made allegation outside this House, that Mr. Harvey was corrupt. I repeat that statement.

Mr. F. J. GINWALLA: Where did he make that statement?

The Honourable Sir COWASJI JEHANGIR: The Advocate General has pointed out to you and I am quite prepared to point out to you.....

The Honourable the PRESIDENT: Honourable members should not address each other directly.

The Honourable Sir COWASJI JEHANGIR: I will once and for all finish this matter. Here you are: at page 16, the magistrate himself uses the word "corrupt" about the allegations of Mr. Nariman (Interruption). Sir, I do not want to be interrupted. I am pointing this out as a favour to my honourable friend. If my honourable friend the Remembrancer of Legal Affairs had had an opportunity he would have pointed out several passages from the judgment. (Interruption).

The Honourable the PRESIDENT: Order, order.

The Honourable Sir COWASJI JEHANGIR: The magistrate says: "The point for consideration, however, is whether the complainant did so with a corrupt or dishonest motive."

Mr. F. J. GINWALLA: Please refer to page 11, last line.

The Honourable Sir COWASJI JEHANGIR: Sir, I would ask you to enforce the rules of debate.....

The Honourable the PRESIDENT: I wanted to help the honourable member; but he did not take that help.

The Honourable Sir COWASJI JEHANGIR: The magistrate says in his judgment:

"The main gravamen of the charge is that the alteration of 5/8 into 7/8 was made deliberately by the Superintending Engineer in the indent prepared by the Executive Engineer out of corrupt and ulterior motives."

What is the use of denying these very patent facts?

Let me come to my honourable friend Mr. Munshi again. You will excuse me: I will not take more than four minutes. Now, Sir, he said that Mr. Harvey was careless—perhaps he was—and Mr. Harvey was incompetent. Admitting for the sake of argument that he was, does he mean to contend that because he was careless and incompetent, an honourable member of this House can accuse him of corruption? Is that the contention? Now, Sir, I do ask the honourable House to go down to the bottom of this question.

Then, my honourable friend Mr. Munshi tried to excite the House in a way in which I did not expect. (Interruption). Sir, he talked about what Sir Frederick Hopkinson had said about the honourable member Mr. Nariman and his profession, as if Sir Frederick Hopkinson was an official of this Government and was deliberately put up to do so.

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Nobody regrets more than I do that Sir Frederick Hopkinson should in any way have offended Mr. Nariman, but I do not think it fair that this Government should be made to answer for any questions asked by Sir Frederick Hopkinson. My honourable friend was fully aware of the fact that Sir Frederick Hopkinson has had nothing to do with this Government and at the time he was in Bombay he was in no way connected with the Government of Bombay.

Then he asked, if an honourable member in this House asks a question, is he to be crushed under the Juggernaut car ? Well, Sir, the Juggernaut car would have a good deal of work to do. If for asking a question, even if it be full of insinuations, a member is to be crushed under the Juggernaut car, none of us would be living to-day, I would have been dead long ago. That is not the position. Therefore, why put such exaggerated sentences into one's speech ? You may ask as many questions as you like in this honourable House. Honourable members may accuse any officers of corruption in those questions. They will not be taken to a court of law on that, and no Juggernaut car can be brought against them. Perhaps the honourable member believed it—he may have believed it : he is a young member—and if he seriously believed that by asking a question he would become liable in any way to anybody, he was very much mistaken.

Now, Sir, I come to my honourable friend Mr. Pahalajani. He also read out parts of the judgment. As the time is very short I am not going to deal with his speech much longer, but he read out extracts from the judgment which were very surprising.

Mr. B. G. PAHALAJANI : Sir, you will kindly correct the mistake in the printed copy of the judgment. It is due to me that you should correct it. It is at page 52.

The Honourable Sir COWASJI JEHANGIR : Well, Sir, he quoted all the passages which went to show that in the magistrate's opinion Mr. Harvey was innocent, and then he said....

The Honourable the PRESIDENT : There is just one correction to be made at page 52. In the third sentence in paragraph 3 of page 52, there should be a 'not' between 'would' and 'be'. The sentence should read :

"So that in the absence of facts now disclosed in the evidence, I am of opinion that it would not be unreasonable for a man in the accused's position than to have believed in the corruption of the complainant."

The Honourable Mr. J. E. B. HOTSON : And 'than' should be deleted.

The Honourable the PRESIDENT : Yes.

The Honourable Sir COWASJI JEHANGIR : We shall correct it, if there is a mistake.

Mr. B. G. PAHALAJANI : It changes the whole meaning.

The Honourable Sir COWASJI JEHANGIR : Sir, there is one more point. I shall not go into the quotations of Mr. Pahalajani. They were not relevant and I have no time at my disposal to go into them fully.

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I will take only one point from his speech. That is this : Mr. Pahalajani said that Government had decoyed the honourable member, Mr. Nariman, in making allegations before the committee.....

Mr. B. G. PAHALAJANI : Sir, I deny having said so. I did not say that the Government decoyed Mr. Nariman. I said that Mr. Nariman was decoyed by those who invited him as a witness.

The Honourable Sir COWASJI JEHANGIR : Oh, I see. He now exonerates Government and says that the committee had decoyed Mr. Nariman in making the allegations. At any rate, let me tell him once for all that Government did nothing of the kind. The committee only wanted the honourable member, Mr. Nariman, to give evidence to substantiate his speech of the 3rd March 1925. If the honourable member, Mr. Nariman, was reckless in cross-examination, Government could not help it. Then why use such language that Government had decoyed Mr. Nariman ?

Another point is that raised by my honourable friend Mr. Jehangir Petit. He said that Mr. Harvey deliberately gave wrong information to Government. I do not think he is correct in his statement. What happened is this. Two questions were asked by honourable members of this House, one was asked by Mr. Trivedi and the other by Mr. Nariman. The answer to the first question of Mr. Trivedi was drafted by another officer of Government. That answer was not given to the honourable member on the floor of this House. It was given outside this House. Then the second answer to Mr. Nariman's question stated that the officers of Government had made a mistake in ordering these bars. Now, I may tell this House that a few days after the prosecution was launched, Mr. Harvey appears to have looked into the documents and the files very carefully and he suddenly changed his mind. He then stated that the bars of $\frac{7}{8}''$ were wanted by the department. But the magistrate held that his first explanation was a correct one and that $\frac{7}{8}''$ bars were ordered instead of $\frac{5}{8}''$. The magistrate went further to say that it was proved that Mr. Harvey had made every endeavour to cancel that order. Therefore his second explanation could not be correct. That is the position. I do not wish to detain the House any longer. I have already given the House all the important parts of the judgment, which clearly show that the magistrate did not find Mr. Harvey guilty of corruption.

Question put. House divided. Ayes 63 : Noes 36.

Motion carried. Demand for Rs. 60,800 granted.

Division No. 5.

Ayes

ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
AMBEDKAR, Dr. B. R.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
BALAK RAM, Mr.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.

[Sir Cowasji Jehangir]

Ayes—*continued.*

BRANDER, Mr. J. P.
DABHOLKAR, Sir VASANTRAO
DAWOODKHAN SHALEBHOY, Mr.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DOW Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KAMBLI, Rao Bahadur S. T.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MULLA Mr. D. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAINTER, Mr. H. L.
PETCH, Mr. F. W.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHANKARRAO JAYARAMRAO ZUNZARRAO Mr.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SYED MUHAMMAD KAMIL SHAH, Mr.
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, The
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

Tellers for the Ayes : Khan Saheb A. M. MANSURI and MR. J. ADDYMAN.

Noes

AMIN, Mr. H. J.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
CHANDRACHUD, Mr. N. B.
CHIKODI, Mr. P. R.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
JAIRAMDAS DOULATRAM, Mr.
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
KALE, RAO BAHADUR R. R.
KARKI, Mr. M. D.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY ABDULLA BHOY
MAJMUDAR, Mr. N. G.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
PAHALAJANI, Mr. B. G.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R
PATIL, Rao Saheb D. R.
PETIT, Mr. J. B.
RAJMAL LAKHICHAND, Mr.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.

Tellers for the Noes : MR. JAIRAMDAS DOULATRAM and DR. M. K. DIXIT.

The Honourable the PRESIDENT : Before I adjourn the House, the Honourable the Leader of the House wishes to make a statement.

The Honourable Sir CHUNILAL MEHTA : I have no doubt, Sir, that the Council wish to know what will be the orders of business from to-morrow onwards ? We propose, and I believe that I have got the consent of several members of the House, that we go on with Government business to-morrow and, if the Council desires, we can have an extra hour to-morrow and also an extra hour on Saturday, so that we can

[Sir Chunilal Mehta]

finish the sessions by Saturday afternoon. If the honourable members prefer that course, we will take it. Otherwise, the only alternative will be that we will have to go on till Monday and private business will have to be taken on Saturday and Monday, provided Government business is finished to-morrow, which I am sure it will be. I should like to know the wishes of the House whether they would desire to sit an hour longer both to-morrow and on Saturday. If they do, then we can meet at half past twelve to-morrow and an hour later on Monday. (Honourable Members: "Yes, yes!" "Till Monday, till Monday.")

Mr. N. A. BECHAR: We would be stultifying ourselves.....

The Honourable the PRESIDENT: Order, order. There is no question of stultifying. If the House desires that it should have its two days allotted to it, the Honourable the Leader of the House is willing to go on till Monday. If the House desires that the session should come to its close on Saturday, then the Honourable the Leader of the House is willing to give two more hours by the arrangement he proposed. Now, instead of asking individual opinions, I would ask honourable members who wish that the session should continue till Monday to stand in their places. (Several honourable members stood in their places). Now, those who wish that the session should terminate on Saturday by the arrangement proposed by the Honourable the Leader of the House, will stand in their places. (None stood up). The House will, therefore, continue till Monday, and the private business will continue for two days as arranged.

Mr. N. A. BECHAR: I want to draw your attention to the fact that we have already lost many hours and in view of that fact, and the fact that the Honourable the Leader of the House was willing to give two extra hours, I want to ask whether he would not consent, under the altered conditions, to give those extra hours which we have lost, and especially because on Saturday we shall be sitting for a less number of hours than usual.....

The Honourable the PRESIDENT: The Saturday arrangement is an arrangement which the House had agreed to. The House is adjourned to half-past one to-morrow, Friday, the 16th March 1928.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Friday, the 16th March 1928

The Council re-assembled at the Town Hall, Bombay, at 1-30 p.m. on Friday, the 16th March 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ALLAHBAKSH *walad* Khan Saheb HAJI MAHOMED UMAR, Mr.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M.
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BHURGRI, Mr. J. W.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DASTUR, Khan Bahadur F. M.
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
DOW, Mr. H.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, DR. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAJI MIR MAHOMED BALOCH, Mr.
HAMLEY, Mr. H. R.

HARRISON, Mr. C. S. C.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
LIGADE, Mr. S. P.
MAJMUDAR, Mr. N. G.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
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PRADHAN, the Honourable Mr. G. B.
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RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.

SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
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SYED MUNAWAR, Mr.
THAKOR of KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WASIF, Mr. G. A. D.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT : Order, order. Any new members desirous of taking their seats in the Council ?

Mr. D. R. H. Browne then made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

The Honourable the PRESIDENT : Questions.

CIVIL COURTS : ROZANAMAS

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(*a*) whether it is a fact that the High Court has issued circulars that rozanamas of civil suits should be written in the language of the district ;

(*b*) whether rozanamas in the civil courts of all suits in Satara district are written in English ;

(*c*) whether this practice is in force in any other district in the Presidency ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Rule 117 on page 34 of the High Court Civil Circulars suggests that rozanamas should ordinarily be written in English. Government are not aware of any other circular on the subject.

(*b*) Yes.

(*c*) Government have no information on this point, and as it is a matter on which the High Court have authority to issue instructions, should they think it necessary, it does not appear to be incumbent on Government to interfere in any way.

REVENUE ASSESSMENT, MANEKPORE

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether they are aware that in the village of Manekpore, taluka Bardoli in Surat District, the land revenue assessment for the whole

village is enhanced by 56 per cent. on the dry crop land, in spite of the heavy indebtedness of the village ;

(*b*) if so, whether it is a fact that one of the grounds for such a heavy enhancement was the existence of a ginning factory at the village of Kamalchhod (Valod Mahal) situated at a distance of about two miles ;

(*c*) if so, whether they are aware that there was a ginning factory at Manekpore itself, though not existing at present, at the time of last revision and that that factory was already taken into account ?

The Honourable Mr. J. L. RIEU : (*a*) It is the fact that the total dry crop assessment of the village has been enhanced by 56 per cent.

(*b*) and (*c*) The existence of the ginning factory was not a reason for the enhancement. The latter is justified by the rise in rental and sale values, which again is partly accounted for by the fact that the village is situated close to a pukka road leading to Madhi station on the Tapti Valley Railway. This railway had not been constructed when the last settlement was made.

REVENUE ASSESSMENT, MOTI-FALOD

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether they are aware that the revised land revenue assessment of Moti-falod, taluka Bardoli of the Surat District, has been enhanced to Re. 0-7-3 in a rupee as against 4 annas per rupee recommended by the Assistant Settlement Officer ;

(*b*) if so, the reasons for such an enhancement ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) The present lease multiple of the village is $6\frac{1}{2}$, and corresponding to this high rental value there is an extraordinarily high sale multiple of 107.

Rao Bahadur B. R. NAIK : Is the Honourable the Revenue Member aware that the rental value was ·85 for the first period and 2·75 only for the second period ?

The Honourable Mr. J. L. RIEU : I have not verified that.

Rao Bahadur B. R. NAIK : Were the higher prices for the last five years only preceding the year of revision settlement taken into consideration in arriving at the least multiple of $6\frac{1}{2}$?

The Honourable Mr. J. L. RIEU : Yes.

REVENUE ASSESSMENT, CHORASI TALUKA

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether they are aware that the land revenue assessment on dry crop land in the Chorasi taluka of the Surat district is the highest in the Presidency and also the highest in British India ;

(*b*) if so, whether they are aware that in spite of the heavy indebtedness of the taluka, they have sanctioned a further enhancement of about 19 per cent. on the average for the whole taluka ;

(*c*) if so, whether it is a fact that in enhancing the assessment they have taken the prices of commodities of the abnormal years (1918-25) into consideration ?

The Honourable Mr. J. L. RIEU : (*a*) The incidence of assessment in Chorasi Taluka (Rs. 7-15-0 for the cultivated area) is the highest in the Presidency, but not, it is believed, the highest in British India. But the latter point is not readily verifiable, as taluka figures outside the Bombay Presidency are not published. The incidence for the Surat District as a whole (Rs. 3-7-0) is exceeded by several other districts in British India and by many in Burma.

(*b*) Yes.

(*c*) No. The enhancement is not based directly on the prices of this or any other period, but mainly on proved rental values covering a number of years.

Rao Bahadur B. R. NAIK : Will the Honourable the Revenue Member inform me that when it is a fact which he admits that the incidence of land revenue assessment in Chorasi taluka is the highest in the presidency, why the honourable member, the Settlement Commissioner, Mr Anderson, interrupted and said " No " when I referred to this matter in one of my speeches the other day ? Is the statement of the Honourable the Revenue Member incorrect or that of the Settlement Commissioner is incorrect ?

The Honourable Mr. J. L. RIEU : I understand from the honourable member the Settlement Commissioner that he was referring to the ratio which the assessment bears to the average rental value and in that respect the incidence is not the highest in the presidency. What he means is that the proportion of the assessment to the rental value is not the highest, there are other talukas in which the ratio is higher.

Rao Bahadur B. R. NAIK : As regards (*c*), you do not want to take into consideration the values of commodities. Have not the rental values any bearing on the prices of agricultural produce ?

The Honourable Mr. J. L. RIEU : They do vary, but not directly. In the end they would be affected by them.

Rao Bahadur B. R. NAIK : Is it not a fact that if the prices of agricultural produce are higher, the rental is bound to go up ?

The Honourable Mr. J. L. RIEU : Ultimately, that would be the case.

REVENUE ASSESSMENT, KHOJ AND PARDI-KADOD

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether they are aware that the average rise in assessment in the Bardoli taluka is about 22 per cent. and that the rise in

Khoj and Pardi-Kadod villages of that taluka is as high as 44 per cent.;

(*b*) whether they are aware that although the villages in the last revision were in the second group, the rate of assessment in the villages was higher than that in the first group;

(*c*) whether it is a fact that the villages have been raised from the second to the first group;

(*d*) if so, whether it is due to the proximity of the village to the Bardoli-Kadod road;

(*e*) whether they are aware that the road existed even at the time of last revision;

(*f*) whether they are aware that the road is not better than what it was before and is no better than an ordinary cart track;

(*g*) if so, whether they are aware that the villages are heavily indebted to the extent of Rs. 1,50,000 ?

The Honourable Mr. J. L. RIEU: (*a*) Yes.

(*b*) No. If the villages were in a lower group, then the rate of assessment applicable to them must have been lower. What the Honourable Member, however, apparently means is that the average assessment per acre was higher than in some villages in the group above. This might well be the case if the latter villages had a very low soil classification.

(*c*) Yes.

(*d*) No. The assessment is based on rental values, and possibly the proximity of the road in question has contributed to producing higher rental values. In Khoj the average rental value is 5·14 multiples of the assessment and the sale value 163½ multiples. In Pardi-Kadod the rental multiple is 5·16 and the sale multiple 194½.

(*e*) Yes.

(*f*) The road is now classed as a practicable 2nd class motor road.

(*g*) Government have no information; but if the debt is secured on the rental value of the land, then a high figure of debt would indicate that the rental value is at least correspondingly high.

Rao Bahadur B. R. NAIK: As regards (*b*), is it a fact that the multiple rental value was 2·20 for the first period up to 1914 and 3·08 from 1924 to 1918 for these villages ?

The Honourable Mr. J. L. RIEU: That is a very high rental that the honourable member has quoted.....

Rao Bahadur B. R. NAIK: The increase is 44 per cent. of what it had.

The Honourable Mr. J. L. RIEU: What is the question ?

Rao Bahadur B. R. NAIK: Is it a fact that for the first period the least multiple of the village of Pardi was 2·20, and for the second period 3·08; the average comes to about 2·60, *i.e.*, 36 per cent.; on the top of it 44 per cent. enhancement has been sanctioned for this village ?

The Honourable Mr. J. L. RIEU: I accept that.

REVENUE ASSESSMENT, CHORASI AND BARDOLI TALUKAS

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state—

(*a*) the names of villages of the Chorasi and Bardoli talukas in which they have fixed in revision higher assessments than that recommended by the Assistant Settlement Officer;

(*b*) whether these villages were reclassified;

(*c*) if not, the basis on which such enhancement has been made in each case?

The Honourable Mr. J. L. RIEU: (*a*) Lists are appended.

(*b*) No.

(*c*) Principally rental values.

List of villages in Bardoli and Chorasi Talukas referred to in clause (a) of the answer to question No. 5

Bardoli Taluka—	*Chorasi Taluka—*
Bhamaiya.	Adajan.
Bhatlav Moti.	Amroli.
Chhitra.	Anjna.
Falod Moti.	Athwa.
Kharad.	Bet.
Kuwadia.	Bharthana Kasod.
Mangroli.	Bhatha.
Timberwa.	Dumbhal
Uchharel.	Jahangirabad.
Vadhawa.	Jahangirpura.
Vaghechi-Kadod.	Kapadra.
Allu.	Karanj.
Delwada.	Katargam.
Nagla.	Khatodra.
Pardi Valod.	Kosad.
Pavran.	Limbayat.
Siadla.	Majura.
Titwa.	Nana Varachha.
Agasia.	Navagam.
Ambach.	Pal.
Bahej.	Palanpur.
Bhimpore.	Parvat.
Dumkhal.	Pisad.
Kanjod	Rander.
Kaswav.	Sabargam.
Kosambia.	Umarwada.
Kumbhia.	Utran.
Mordevi.	Ved.
Nalon.	Vedchha.
Nalotha.	Panas.
Pelad-Buhari.	Dindoli (Khalsa numbers).
Vedchhi.	Fulpada.

REVENUE ASSESSMENT, VALOD MAHAL, KALIPARAJ VILLAGES

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state—

(*a*) whether they have received a combined application from the several Kaliparaj villages, namely, Bahej, Mordevi, Kosambia, Kumbhia, Kanjod, Bhimpore, Dunkhal, Ranveri, Naloth, Golan, Kasvav, Vedchhi, Ambach, Hathuka, Godha, in the interior of the Valod Mahal beyond Purna as regards the heavy enhancements of their assessment;

(*b*) whether they are aware that the land of these villages is stony and very inferior ;

(*c*) whether they are aware that there are no water facilities in this tract of land ;

(*d*) whether they are aware that the cultivators of these villages are the most backward Kaliparaj people ;

(*e*) whether they are aware that the tract is very far from the railway ;

(*f*) the grounds of raising the assessment to the extent of 50 to 60 per cent. in these villages ?

The Honourable Mr. J. L. RIEU : (*a*) From some of these villages.

(*b*) If this is the case, then allowance therefor would be made in the soil classification and there would be a corresponding deduction from the maximum rate of assessment.

(*c*) It is not known what is meant by water facilities in this case. These villages abut on three rivers and the rainfall is considerable. There are of course no irrigation canals.

(*d*) Government are aware that the cultivators are largely of the Kaliparaj class. But they do not admit the implication that the assessment is necessarily paid by these cultivators. It is paid by the landlords, who are by no means all of this class. Where Kaliparaj cultivators are themselves owners of the soil, they probably cannot be correctly described as " the most backward class."

(*e*) No. The tract in question is within easy reach of the Bilimora-Kalamba-Waghai Railway.

(*f*) The grounds are rental and sale values.

REVENUE ASSESSMENT, BARDOLI AND CHORASI TALUKAS

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether they had received representations from the Council representatives of the Surat rural area protesting against the enhancements of assessments in Bardoli and Chorasi talukas of the Surat district ;

(*b*) if so, whether it was therein pointed out to Government that—

(*i*) the agriculturists of the taluka of the Bardoli who had no debt in 1886 have got indebted to the extent of Rs. 92,38,000 by now ;

(*ii*) while the value of the crops of Bardoli taluka was estimated at Rs. 28,90,548, the cost of production for the same crops including the assessment was shown to be Rs. 32,00,000 leaving a loss of Rs. 3,00,000 to the agriculturists ;

(*iii*) the multiple of assessment represented by rent was not more than 2·20 up to the year 1914 in the Bardoli taluka and hence there is no case for enhancement of assessment ;

(*iv*) the abnormal years 1918-25 should not be taken into consideration ;

(*c*) if so, whether these points were taken into consideration by them in raising the assessment;

(*d*) if not, what other considerations led them to increase the assessments of these talukas ?

The Honourable Mr. J. L. RIEU : (*a*) Yes.

(*b*) Assertions to this effect were made in these representations. As to (*i*), Government do not accept the bare statement that there was no debt in 1886. If the debt has since increased, it must be mainly because land values have increased proportionately or even more. As to (*ii*), the figures condemn themselves as absurd, for if agriculture were being conducted at an annually recurring heavy loss, there would be no security for the debt said to exist. As to (*iii*), it is a fact that the average lease multiple of assessment was 2·20 during the period 1901 to 1910, but the present assessments were fixed in 1927 and not 27 to 17 years ago. As to (*iv*), Government do not admit that assessments should be made without regard to present-day facts. Some of the years were abnormal; but the figures which were relied upon are those which prevail to-day.

(*c*) The above assertions were considered.

(*d*) The considerations are those stated in the Government Resolution introducing the revision settlement and the reports underlying it.

Rao Bahadur B. R. NAIK : Is it a fact that in the first revision settlement report of this taluka the then Collector Sir Frederick Lely had stated in his report that this taluka had no debt in the year 1866 (1886 is a misprint), when the first settlement was introduced; and it was Rs. 33 lakhs in the year 1896, and is the Honourable the Revenue Member aware that it again increased to Rs. 93 lakhs in the year 1924 ? Government say that there is no proof, but is it not a fact that there is a remark in the first settlement report that this taluka had no debt in the year 1866, and that it had Rs. 33 lakhs in the year 1896 ?

The Honourable Mr. J. L. RIEU : I should like to verify that fact; I have not read the report.

Rao Bahadur B. R. NAIK : I will bring the report for the information of the honourable member.

REVENUE ASSESSMENTS, CHORASI AND BARDOLI TALUKAS

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether it is a fact that the recent enhancement in land revenue assessments of the Chorasi and Bardoli talukas of the Surat district sanctioned by Government are based on the assumption that the talukas are the most prosperous in the presidency;

(*b*) if so, whether any economic enquiry has been instituted by them;

(*c*) if not, whether they propose to undertake such an enquiry in view of the fact that the ryots of the talukas are at present more heavily indebted than they were at the time of the last revision ?

The Honourable Mr. J. L. RIEU : (*a*) Assessments are not based on assumptions as to prosperity.

(*b*) and (*c*) No. In land revenue settlements a general economic enquiry is not strictly relevant. The general economic state of any given area includes the conditions of many persons and industries not connected with agriculture. The true basis of assessment is rental value for it takes into account all the relevant economic factors.

INCREASED ASSESSMENT IN DADARIA AND OTHER VILLAGES

Rao Bahadur B. R. NAIK (Surat District) : Will Government be plesed to state—

(*a*) whether they are aware that the multiple of assessment represented by rent is below 3 for rice land in the villages of Dadaria, Degama, Godadha, Hathuka, Bahej, Kasavav, Nalon and Nalotha ;

(*b*) if so, the reasons for enhancing the assessments in these villages by 60 per cent. ?

The Honourable Mr. J. L. RIEU : (*a*) In the case of three of these eight villages there are no statistics from which to calculate the lease multiple of assessment. In the case of all but one of the remaining five, the multiple is below 3.

(*b*) The final grouping of some of these villages is still under consideration.

INCREASED ASSESSMENT, MADHI AND SURALI VILLAGES

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(*a*) whether they are aware that the land revenue assessments of the villages of Madhi and Surali, taluka Bardoli, district Surat, were enhanced by 50 to 60 per cent. at the first revision settlement and that Government had to give remission for some years on account of the assessments being considered very high ;

(*b*) if the reply to (*a*) be in the affirmative, whether they are aware that the assessments of these villages have been increased by 50 per cent. over and above the 50 to 60 per cent. raised at the first settlement ;

(*c*) if so, the reasons for enhancing assessments by about 100 per cent. in the period of 30 years ?

The Honourable Mr. J. L. RIEU : (*a*) The rates were raised by 33·19 and 46·9 per cent. respectively.

(*b*) Yes.

(*c*) The total enhancement is not 100 per cent. but roughly 80 per cent. The first enhancement covers a period of 30 years, and the second further period of 30 years. It is not correct to represent that both enhancements took place within the same period of 30 years. The reasons for enhancement are first that an important railway from Surat to Amalner has been constructed through these villages, Madhi having a railway station which serves a large area. And secondly during the last

30 years there has been a great development of cotton growing. The sale and lease multiples, which are for a large area, are as follows :—

Madhi

Sales	..73½ times the assessment.
Rents	..4½ times the assessment.

Surali

Sales	..75 times the assessment.
Rents	..3·72 times the assessment.

During the settlement period, the value of land in Surali rose to its present multiple from 17 times the assessment, and in Madhi from 18½ times the assessment.

FOREIGN LIQUOR LICENSE, AHMEDABAD : PETITIONS FOR CONTINUANCE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the foreign liquor " off " license granted to Messrs. E. R. Fanibanda and Sons near Saher Kotda Police Chowki, Ahmedabad, which was to terminate by 31st January 1928 has been ordered to be further continued in response to some petitions of the residents of the Railway Suburb of Ahmedabad ;

(*b*) if the answer to (*a*) is in the affirmative, who are the signatories of those petitions and whether Government will be pleased to put all these petitions on the Council table ;

(*c*) whether those petitions contained the signatures of minors and school boys ;

(*d*) whether the *bona-fides* of those petitions were inquired into by Government ;

(*e*) if so, which officers of Government conducted the inquiries and what were their reports ?

The Honourable Mr. G. B. PRADHAN : (*a*) The Honourable Member is referred to the reply to clause (*a*) of his question asked on the 7th March 1928.

(*b*) The signatories to the petitions include Agents and Managers of Mills, Railway officials, Agents of Banks and Military Officers. Thirteen petitions praying for the continuance of the " off " license are placed on the Council table.*

(*c*) Government have no information.

(*d*) Government accepted the *bona-fides* of these petitioners without enquiry, just as they have accepted without enquiry the *bona-fides* of the petitions which they have received from time to time against Messrs. Fanibanda.

(*e*) Does not arise.

* Kept in the Secretary's Office.

Dr. M. D. GILDER : Is it a fact that the Honourable Minister accepts the *bona-fides* of all petitioners, whether they petition for a shop or against a shop ?

The Honourable Mr. G. B. PRADHAN : There is no reason why the Honourable Minister should not accept the *bona-fides* of both.

Mr. D. A. JANVEKAR : Are the signatories known to the Honourable Minister ?

The Honourable Mr. G. B. PRADHAN : The Honourable Minister is not expected to know the signatories.

Mr. F. G. H. ANDERSON : Mr. President, I desire for one moment of rise to call your attention to a matter somewhat relating to a point to order and somewhat affecting the procedure of this House, in which, I trust, I shall have the universal sympathy of all honourable members. The matter is this, that a few days ago, as the House remembers, I made a somewhat hurried address, somewhat heavily curtailed, on the subject of Bardoli. The address was taken down by the official stenographers, and then was handed to me the next day for correction, but before I had been able to correct a single word, a copy of that transcript was handed to the press, and has appeared this morning in the " Times of India " in the exact form in which it was taken down by the official stenographers. In other words, it is not the report prepared by the representatives of the press, but it is the report borrowed from the Council office. That is a matter which can easily be established by a textual comparison. There is another question about the correctness of these reports ; but of course every member knows that unless he has read through them and corrected some of the more obvious mistakes, he would be very sorry indeed to see them appear in the press. They very often make a travesty of his utterances and would often impeach the reputation for sanity of the member to whom such remarks are attributed. That is the case with this report which has been printed in the " Times of India." I would ask you to express an opinion as to whether it is in order that the official stenographer's report should be handed to the press before the member concerned has even seen it.....

The Honourable the PRESIDENT : I am glad that the honourable member has brought this matter to my notice, and I shall be sorry to find out that, as the honourable member presumes, the verbatim copy from this office has been handed over to the press. I shall have to look into the matter, and if that has been done, I would certainly stop it at once. The press reporters can look after themselves, and it is not for the Council office to help them in that respect. I do not know at this moment whether this has been so, but if it is so, it will be stopped in future.

Mr. F. G. H. ANDERSON : I thank you, Sir.

Supplementary* demand, covered by re-appropriation from 47-Miscellaneous to 9-A Scheduled Taxes, for additional grant for refunds.....Rs. 5,500.

The Honourable Mr. J. L. RIEU : Sir, I move for a demand, by re-appropriation, of Rs. 5,500, from 47-Miscellaneous (Reserved) to 9-A Scheduled Taxes.

Question put and carried.

*Appendix 19.

* Supplementary demand under 5-Land Revenue, for repairs to deras in the Thar Parkar district..... Rs. 9,500

The Honourable Mr. J. L. RIEU : Sir, I move for a grant of Rs. 9,500, under 5-Land Revenue, for repairs to deras in the Thar Parkar district.

Question put and carried.

Additional Grant under 8-Forest.

The Honourable Mr. G. B. PRADHAN : Sir, I make a demand for Rs. 1,22,000, of which Rs. 69,000 will be from the earmarked savings in the provision for non-voted expenditure and Rs. 53,000 will be re-appropriated from the Reserve. The reasons are given in the note† which is in the hands of honourable members.

The Honourable the PRESIDENT : How is the re-appropriation to be made ?

The Honourable Mr. G. B. PRADHAN : Rs. 69,000 will be re-appropriated from the savings under the non-voted items under 8-Forest, and a re-appropriation has to be made for Rs. 53,000 from 47-Miscellaneous to 8-Forest.

Question put and carried.

‡Entertainment of tagavi establishment in the Bijapur District.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to ask for a grant of Rs. 2,960 under 5-Land Revenue.

Question proposed.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I believe this grant is for the establishment of five special circle inspectors. I want to know whether these circle inspectors are going to be employed for the selection of suitable tracts for well works and *wad* works or whether they are going to be employed for the distribution of tagavi. This is not clear from the note.

Secondly, in connection with the report of the Collector, I am reliably told that the Collector has already started an Anti-Famine Institute in the Bijapur District and has got it registered under the Co-operative Societies Act. Bijapur is a famine district, and we know that the people emigrate frequently from that district during periods of famines and scarcity. Still subscriptions are being raised by the Collector himself to the tune of lakhs of rupees in that district. Either the people of the district are rich, or the Collector and his subordinate officials must be exerting official pressure on people to pay subscriptions to the Anti-Famine Institute, of which the Collector himself is the President. He is exerting all his influence to collect subscriptions from the people. If the people have not made complaints, it is because they have to complain against the District Magistrate and Collector and it is too much to expect that they will have sufficient courage for making such complaints. Therefore, I am bringing this fact to the notice of Government. A few years ago about a lakh of rupees were collected for the Blind Relief Association and now subscriptions are being collected for the

* Appendix 20. †Appendix 21. ‡ Appendix 22.

[Mr. P. R. Chikodi]

Anti-Famine Institute. If the district is so rich as to contribute lakhs of rupees, where is the necessity for this House to grant this paltry sum of Rs. 3,000 ?

The Honourable Sir CHUNILAL MEHTA : What is the amount ?

Mr. P. R. CHIKODI : I am told that the subscriptions promised are about two lakhs, and Rs. 75,000 have already been collected and a building for the Institute is shortly going to be erected. I am placing these matters before the Government in order that they may be inquired into. I want that the Collector should be asked to stop having anything to do with the collection of subscriptions of this nature. Let the people do it and let me see how much they will collect.

Mr. D. A. JANVEKAR (Bijapur District) : Sir, I come from the Bijapur District, and I must remove the misunderstanding which my honourable friend is labouring under. This sum of Rs. 3,000 is being provided for payment to the establishment that has been employed on tagavi work, namely, in connection with loans that have to be given to carry out the scheme of the Water Diviner and also bunding schemes. I know these circle inspectors are also employed to help the ryots by going round and showing them suitable tracts.

About the Anti-Famine Institute, which has been referred to by my honourable friend, it is a fact that there has been started an anti-famine institute under the name of Wilson Anti-Famine Institute. But it is not a fact that the Collector of the District has put pressure upon any ryots to pay subscriptions.

Mr. P. R. CHIKODI : I do not want to be told anything by a man who is himself a member of that Institute, and who comes from the Bijapur district.

Mr. D. A. JANVEKAR : I am one of the members of that Institute. The public have themselves come forward and helped this institute ; they want an institute of this kind so that it may be of help to the people of the district. There are no complaints from any part of the district, as I personally know. I do not know from whom my honourable friend from Belgaum got this information.....

The Honourable the PRESIDENT : What is the relevancy of all this ? I understood the honourable member Mr. Chikodi to say that as the institute is looking after this work which is proposed to be provided for, this provision is not necessary. Is that the point ?

Mr. P. R. CHIKODI : It is not necessary. I am also bringing a grievance to the notice of Government. The Anti-Famine Institute is intended for famine and this provision also is intended for famine. Well, if the people are so rich as to be able to pay lakhs of rupees voluntarily, where is the necessity of making a demand for this sum ? I say collections are being forced.

The Honourable the PRESIDENT : That is to say, that that Institute ought to look after that work ?

Mr. P. R. CHIKODI : Certainly, when the honourable member says that the people are voluntarily subscribing.

The Honourable the PRESIDENT : Then, where was the misunderstanding to be corrected ?

Mr. D. A. JANVEKAR : The misunderstanding is, it was stated by the honourable member that the Collector, as President of the Institute, was harassing the people and forcibly taking subscriptions from them.

The Honourable the PRESIDENT : That has nothing to do with the demand.

Mr. D. A. JANVEKAR : I would like to tell my honourable friend that because this amount is collected, it does not necessarily follow either that it is forcibly collected or that the people are rich. Possibly my honourable friend is under the misapprehension that the amount is being taken from one and all. It is not so. Tagavi is being paid to the poor agriculturists, but this Institute is being helped by the rich people alone.

Mr. S. A. SARDESAI (Bijapur District) : Sir, as there seems to be a good deal of misunderstanding as regards this, I wish to clear that misunderstanding. This Anti-Famine Institute was opened by the Collector in response to the wishes of many of the leaders of the Bijapur District. I myself had been pressing the Collector, ever since he came to Bijapur, to open an agricultural institute to help agriculturists. In response to the wishes of several leaders he opened this Anti-Famine Institute. No sort of *zulum* is practised by the Collector and subscriptions are paid voluntarily. Many rich persons have contributed towards it and the sum is now nearly Rs. 75,000 and there are no complaints from any corner of my district. I think the honourable member from Belgaum is under a misapprehension : some people seem to have misrepresented to him about the Anti-Famine Institute. The Anti-Famine Institute is a very useful institution : it helps not only rich agriculturists, but also poor agriculturists. It has been doing excellent work ; they have been providing ploughs at a cheap rate, distributing merino sheep, and doing everything connected with agriculture. This institute is not a private institute ; it is an institute sanctioned by the Registrar of Co-operative Societies and duly recognised by Government ; and therefore there ought to be no such misrepresentation. I hope that these few remarks have enlightened the honourable member and he will be quite satisfied with the explanation.

The Honourable Sir CHUNILAL MEHTA : Mr. President, I just want to explain that I know nothing at all about this Anti-Famine Institute : nor has the Honourable the Revenue Member received any complaint of the nature that the honourable member from Belgaum referred to. I am asking for this grant as this establishment is required for the distribution of tagavi, and I can assure the honourable member from my previous knowledge of the district and also from the evidence that was placed before the Royal Commission on Agriculture that nowhere is this work of providing *wad* works and wells more important than in the famine-stricken tract of Bijapur. It is also perhaps within the knowledge of the honourable member that the Deputy Director of Agriculture, who I understand is much respected by the people of the

[Sir Chunilal Mehta]

Southern Division, has himself put before Government various schemes of *wad* construction on a fairly extensive scale which require a considerable amount of money and which also require a certain amount of technical assistance. That money has to be found through tagavi loans, and in order that the tagavi loans should be properly distributed, it is desirable that this distribution should be subject to the supervision of this staff which the Collector is asking for. I do not think that the honourable member intends to say that every possible care should not be taken in the distribution of tagavi so that it is used for the purpose for which it is taken. The simple issue before this House now is that this establishment is required for the distribution of tagavi. The honourable member has used it as a peg to hang certain other criticisms on, which is more or less usual. I have no knowledge of any undue pressure having been used at all. Government do not, of course, and I also do not, approve of any undue pressure. I must say that the construction of works against famine relief is most important and it is nowhere more important than in Bijapur. Not only the present collector, but his predecessor also, Mr. Gordon, took considerable interest in encouraging this work. I do not think there is anything wrong in the Collector taking interest to encourage people in the construction of these works.

Question that the demand for Rs. 2,960 under 5-Land Revenue be granted put and carried.

*Contract for the printing, publishing, etc., of school wall maps.

The Honourable Mr. J. L. RIEU : Sir, I ask for a grant of Rs. 26,829 under 5-Land Revenue.

Question proposed.

Mr. L. M. DESHPANDE (Satara District) : Sir, this demand is made for the printing, publishing, storing and selling of departmental school wall maps. The Director of Public Instruction invited tenders and the manager of the Government Photozinco Press submitted a tender. I do not know, Sir, whether the manager of a Government Press, who is a Government servant, can submit a tender. Besides, we find that the contract made with Messrs. Datar & Sons expired, and under the terms of that contract they have to be paid Rs. 26,829 being the cost of the stock. We should like to know whether the latter was called upon to submit his tender or not.

The thing is this. These maps are required for schools and we are told that there is a saving under 31-Education Transferred, and, therefore, the sum of Rs. 26,829 is to be utilised from that source for 5-Land Revenue. I do not understand what school maps have to do with Land Revenue. In the present instance we are asked to pick up some amount from Education and spend on the Land Revenue. I do not know what consideration is there so essential, that the item from Education should be changed into an item for Land Revenue. There is one sentence in

*Appendix 23.

[Mr. L. M. Deshpande]

the note which says "As the expenditure on account of the Government Photozinco Press is debitable to 5-Land Revenue," it is therefore proposed to transfer the sum of Rs. 26,829 from "Education" to "5-Land Revenue." The Photo Zinco Press, as I have said, is not a department which is doing work of the education department. It is doing the work of some other department, and that is the work of Land Revenue.....

The Honourable Sir CHUNILAL MEHTA: It is not so. It can do the work of any department.

Mr. L. M. DESHPANDE: Can it do the work of other departments? Whatever it may be, I should like to know whether the manager of that press, who is a Government servant, can submit a tender or not.

Mr. F. G. H. ANDERSON: Sir, I think I can fully satisfy the honourable member on the points raised by him. When the Photo Zinco Press was started, it was entirely for the purpose of printing the village and taluka maps required by the Revenue Survey. It was therefore necessary for Government to engage efficient staff and also to purchase machinery. When Government had, therefore, spent a large amount in obtaining proper machinery and staff for this press, it was necessary for Government to get a full return on that money which was invested. If there was no sufficient work for this press, and it had been kept standing idle with heavy overhead charges and an inadequate return therefrom, this House would have severely blamed Government for the waste of public funds.

This Photo Zinco Press was from the beginning entrusted with the preparation of all map-printing and similar matter for the Government of Bombay. It is in fact well-known to this House and I shall, therefore, not go into details. As regards the school maps, I may say a contract was given many years ago by the Director of Instruction for printing the maps, and supplying them to all schools. These maps were actually printed by this press since many years. This press has been doing a large amount of outside printing; I may say that it has been practically doing the map-printing work of all departments. It does the work of printing maps and plans, printing of posters and diagrams for the Bombay Government, for the Central Provinces, for the Mysore Government and also for the Baroda State. A large number of items of private work they have also to do. If that were not so, the cost of each individual map would obviously be enhanced, by the necessity of meeting overhead charges, depreciation on machinery and several other charges such as employees' pay. Therefore, we had been printing the maps for many years.....

MOULVI RAFIUDDIN AHMAD: May I know if maps in all languages were being printed?

Mr. F. G. H. ANDERSON: Yes, in all languages that are used in this presidency, Sindhi, Gujarati, Marathi and English.

MOULVI RAFIUDDIN AHMAD: Was it also in Sindhi?

Mr. F. G. H. ANDERSON: I beg your pardon. I am not quite sure whether we had Sindhi school maps. They may have been done in Karachi on a separate contract. That is the situation. So, it will be observed that these maps were actually being printed at the Photo Zinco works. When the time came for inviting tenders for the contract, the question was then raised as to why this press should not supply the maps direct to the schools. However, the tenders were invited and forms sent to different contractors and a long time was given to them to make those tenders. When the time came for these tenders to be opened, it was found that there were none which accepted the Director's conditions. Therefore, the Photozinco Press was finally asked what prices they would charge for the supply of maps. They then sent us the prices in the form of a tender. Of course, no Government office can submit a "tender" to another Government office, but for the sake of comparison, these prices were submitted in the form of a tender. It was then found that the press charges were very low and moderate. We challenge anyone to supply these maps at lower rates than the Photozinco Press. That is the case. Therefore, the provision appears under 5, Land Revenue, because the manager of the Photozinco Press takes work from all parts of the world that he can get.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I do not understand the exact position in this demand. Suppose some other tender was accepted, tender of some other private press had been accepted. Then, in that case the manager of the private press would have taken over the stock of Mr. Datar. In that case the Educational Department would not have been required to pay anything to the manager of that private press for taking over the stock. Of course, the new contractor, who would supply those materials whenever required by the Educational Department would have received the value only for articles supplied by him. Here, in the place of another contractor the manager of the Photo Zinco Press has submitted a tender and has got the contract for the printing of the maps. Now, the real procedure ought to have been that the manager of the Photo Zinco Press should have taken over the entire stock of the retiring contractor and should have paid the amount from the provision made for him under the head 5-Land Revenue, by even asking for a supplementary demand under Land Revenue rather than take away the whole amount from the Educational Department at once. Now, these maps will remain with the Manager of the Photo Zinco Press, and the whole amount has to be paid by the Educational Department. These maps will be supplied, and at that time also perhaps the Educational Department, when it requires those maps, will be taking from the stock with the Photo Zinco Press and at that time also they will be paying for the maps which may be supplied from the stocks taken from Datar. I think, if the Photo Zinco Press is taking work on commercial principles, then this liability ought to have been taken over by the Photo Zinco Press itself. It may sell the maps to the Educational Department or to others. But just now taking away the whole amount from the educational budget is, I think, quite out of order. This demand ought to have been made under 5, Land Revenue; rather than take away

[Mr. J. C. Swaminarayan]

the money from the Educational Department, which is always being starved by Government, in this way. If this amount of Rs. 26,829 was with the Education Minister, of course, it was a saving and he could have reappropriated this saving for some other work of utility in the Educational Department itself. Unfortunately, now, what would have been a saving in the Educational Department is attempted to be taken away by another department. This is the difference between the transferred departments and the reserved departments. When there is a saving in a transferred department, a reserved department comes forward and takes away that saving. If this saving was with the Education Minister, he could have reappropriated it for giving a building grant or some other help to some educational institution, which would have benefited by it, and he could have very well utilised it in that way. But instead of allowing the Education Minister to spend his saving in his own department, Government take away his saving from him in such an underhand procedure or manner. If they required an additional demand for 5, Land Revenue for the purpose of the Photo Zinco Press, which is worth being asked for, let the demand be made under 5, Land Revenue, a supplementary demand, and let them not take away the money from the Education Minister and let 5-Land Revenue show the profits after undertaking all the liability which it has incurred. Here, the other department incurs the liability and the profit will be shown in the Photo Zinco Press under 5, Land Revenue. That is not the correct procedure, and I do not make out why the Education Minister should have allowed such a procedure. The Photo Zinco Press takes the stock from a private press, and the Education Minister pays away the amount from his own pocket. I do not think this is a procedure to which he should have agreed, and I think he should guard the interest of his own department and should not allow his savings to be frittered away in this manner.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I do not like to waste the time of the House. I am concerned only about the nature of these maps. I have myself put questions in this House with regard to Urdu maps. It is three years that the Urdu maps have not been printed, and every time when questions were asked here, we were told that the contract was given and arrangements were being made to hasten the result. Now, we are told that the Photo Zinco Press has taken the contract. From what I have heard from the honourable member Mr. Anderson, I think he told us that the Photo Zinco Department was undertaking work for all departments. If that was so, then what was the necessity for the Director of Public Instruction to advertise and go to private firms who would naturally charge more than the Photo Zinco Press ?

Then, Sir, I do not really know whether the Photo Zinco Press was not competing with private firms. Complaint is made in this House that the Photo Zinco Press competes with private firms and, therefore, private printing work suffers. I do not know if that aspect of the question can be considered by the House now ; neither have I the time for that discussion. I should certainly like to know why the Director of Public

[Moulvi Rafiuddin Ahmad]

Instruction did not go to the Photo Zinco Department in the first instance, and why all this delay of three or four years has been caused regarding Urdu maps in the Bombay presidency.

Dr. M. K. DIXIT (Surat City): Sir, we find that the Photo Zinco Department has begun to trade in this fashion and trying to compete with private firms, and my honourble friend Moulvi Rafiuddin has touched that point. But one point which strikes me is this, that the Photo Zinco Department is being maintained by the Land Revenue Department and the money to the extent of Rs. 26,800 is to be reappropriated from the transferred department, that is to say, the Education Department, for purchasing a stock from the old contractor, and this stock to remain with the Photo Zinco Department. Now, Sir, as I understand it, this is a surplus stock which is lying with the old contractor which will have to be handed over to the new contractor, that is, to the Government Photo Zinco Department. I understand all this stock will have to be sold to the private booksellers' firms at one time or another.

Now, when this material worth about Rs. 26,800 will be sold to private firms, they will purchase this at a certain discount and the money will go to the Photo Zinco Department. Will this money that will be recovered from the private booksellers be refunded and put to the credit of or to the account of the Education Department or will it remain with the Revenue Department ? In all fairness, I think the money ought to be credited to the account of the Education Department and it should not be taken into account by the Revenue Department which, if it keeps the money, will show it as a sort of a profit for that department, and some day we shall be told that Government trade in the Photo Zinco Department has made such a huge profit. In all fairness, I again repeat, the money which will be recovered by selling this stock to private booksellers should be credited to the Education Department, and I hope the Honourable Minister will ask for that money from the Revenue Department if it receives that money.

Mr. S. A. SARDESAI (Bijapur District): Sir, I strongly oppose this demand because the Revenue Department, I think, has to pay the old contractor Messrs. Datar and Company of Poona. If the Educational Department judiciously employs this money for some other purpose, it would be a great boon for this presidency.

Since more than ten years Government have promised to give to the Bijapur district an industrial school for the benefit of backward classes and especially Mahomedans, and this scheme has been sanctioned by Government and His Excellency the Governor, when he was at Bijapur the last time, also promised to open this industrial school. For this industrial school Government had to finance only Rs. 14,000 for the present and therefore if they utilise this amount for the benefit of this school, it will be highly equitable. By an injudicious distribution of money like this, Government will starve the Education Department. The Education Department is a very important department and yet the Revenue Department wishes to have the lion's share in everything

[Mr. S. A. Sardesai]

The Revenue Department wishes to take this money from the Education Department, depriving many schemes like the industrial school scheme of Bijapur. This education scheme is very important in many respects. There are no school buildings and there are many other needs of the Education Department and Government find it difficult to finance educational schemes. At such a critical time, it is very strange that the Revenue Department should have come forward with a huge demand of over Rs. 26,000. I appeal to Government members and also to the Honourable the Finance Member especially not to take away the amount from the Education Department, because the Education Department is in need of opening industrial schools and making some other educational arrangements. This is, I think, a critical time. I think this demand is a most unreasonable one. I oppose the demand.

Mr. N. A. BECHAR (Karachi City): I am rather surprised that this demand has been brought up in this manner. It has not been explained to us by Government as to whether there were not any savings possible in any other department from which they could transfer this sum of Rs. 26,829 in order to meet the liability now created, that they want to apply the axe to the Education Department, a department which should have been the last to be touched. It is a matter of great regret that even this small sum is being robbed from the Education Department. I do not wish to go into the many complaints with regard to the want in the Education Department. We have made numerous complaints to the Honourable the Education Minister with regard to the needs of education in Sind, and the other members representing the other divisions have made similar complaints and the one invariable answer has been that there are no funds. I put it to you, in all seriousness, if there is no money in the Education Department to meet its own needs, where—from does this Rs. 26,829 come to meet this demand which is outside their legitimate sphere? That is one pointed question which I want to put to the Government, and in all fairness to this House they should answer it in a straight manner before they expect the House to allow this reappropriation. I do not wish to make any lengthy speech because the thing is quite clear. What we want is that we want an assurance from the Honourable the Education Minister that this small reappropriation of Rs. 26,829 has been permitted after all avenues have been explored and after knowing that there is not the slightest saving in any other department in order to cover that small expenditure and assuming that that is so, why a supplementary demand is not being asked to be met out of current balances. The strongest complaint we want to make is why the Education Department alone is going to be depleted of its resources in this manner. We hope that the Honourable the Minister for Education will resist all attempts on the part of the Reserved half to deprive the Education Department of its scanty resources.

The Honourable Sir CHUNILAL MEHTA: Sir, as this matter relates to a transfer of funds which was sanctioned by the Finance Department and as the allegation is that the Education Department has been starved

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or rather that money has been taken from that department which ought not to have been taken, I rise to answer the charge that has been made. It is already fully explained, if I may say so, in the note. If the honourable member who has spoken just now had read carefully this note and had also listened to what the honourable member, the Settlement Commissioner, stated, I do not think that the speeches that have been made after he spoke would have been made. The facts of the case are that Messrs. Datar and Company's agreement came to an end. Tenders were called for.....

Mr. N. A. BECHAR : I have read the note.

The Honourable Sir CHUNILAL MEHTA : The honourable member has read it but I am afraid not understood it. (Laughter).

The Honourable the PRESIDENT : May I interrupt the Honourable the Leader of the House and ask him also to inform the House if the agreement with Messrs. Datar was with the Education Department or any other department ?

The Honourable Sir CHUNILAL MEHTA : That agreement was with the Education Department. On its termination the Education Department invited tenders. The matter related entirely to the Education Department. In the replies to these tenders there was no tenderer. that came forward who would accept the condition which had been made long ago with Messrs. Datar and Company that all their stock would be taken up by the incoming tenderer. The House was informed that a tenderer from Lahore offered to take up the contract but that tenderer refused to accept this condition. It was therefore that Government had to give this contract to the photo-zinco office. That was one of the reasons. The other reason was that the photo-zinco office would turn out these copies at a very much cheaper cost than would be possible for any other private contractor. This amount of Rs 26,000, therefore, had to be found by Government, and obviously the department that is to benefit by it must pay for it, and the Education Department has therefore to bear the cost. But it would be wrong to say that the Education Department has in any way lost by this transaction. On the contrary, it has considerably gained, as I will try to point out.

These copies are required by the Director of Public Instruction. The cost of those maps would have to be paid by the Education Department this year or in the future as required ; the full cost would have to be paid, which would be very much more than the Rs. 26,000 that are represented by these stores. As a matter of fact, then, the Education Department would have had to pay very considerably more than this sum of money which has now been taken from savings, and I might point out that it is a saving from the non-voted grant under 31-Education. It is, therefore, a transaction which pertains wholly to the Education Department, and is rightly debited to the Education Department, and also it is a transaction which is very favourable to that department. Had the photo-zinco press not taken up this work, very much more for the cost of the maps would have had to be paid by the Education

[Sir Chunilal Mehta]

Department and by the public. I am given to understand that the cost of each map would have gone up by at least Re. 1, if the photo-zinco press had not taken up this contract. Therefore, I hope it is quite clear to the House that neither the Government nor the Honourable Minister for Education did anything wrong in entering upon this very favourable transaction, and that it is not a case of favouring a reserved department at the cost of the transferred department. It only happens to be entered under 5, Land Revenue because the photo-zinco press is under Land Revenue.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, as the Honourable the Leader of the House has explained the whole situation, I have nothing further to add.

Question put and carried.

*Supplementary demand, covered by reappropriation from 47—Miscellaneous Transferred to 32—Medical Transferred, for grant-in-aid to Kambar municipality for a new dispensary.....Rs. 19,296.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I make a demand for Rs. 19,296, to be taken from 47—Miscellaneous Transferred and to be carried to 32—Medical. The grant is required for a grant-in-aid to the Kambar municipality towards the construction of a new dispensary. The dispensary building is in a very precarious and positively dangerous condition, and for some years the matter has been waiting for want of funds. This year it was reported by the Commissioner in Sind that the building cannot last any longer. Under these circumstances, this grant is demanded, and the expenditure is absolutely necessary.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, with reference to this grant, there is some information which is necessary to be given by the Honourable Minister. It is a matter of considerable regret that, so far as the hospitals in the mofussil are concerned, neither the Honourable the Minister, nor the Finance Department, nor the Government seem to care for them. This is one of those instances where a mofussil dispensary building is in danger of falling. It has been in that condition for the last three years, and in spite of the most urgent demands made by the Surgeon-General, the Honourable Minister in charge thinks that the reason given is not sufficient, and no grant should be given. The Finance Department cannot realise the urgency of these demands made for mofussil hospitals by the Surgeon General. Of course, Bombay city's claims are met, but so far as the mofussil is concerned, and this Kambar municipal hospital is one, it has taken a long time to have its claims met. Therefore, I would ask the Honourable Minister to tell us exactly when this building began to be in a dangerous and rickety condition, when the first report was made by the Surgeon General that it was so when the papers came to him, what steps he took to put the building in order, how often the Finance Department refused to grant him the

*Appendix 24.

[Mr. B. G. Pahalajani]

funds, and under what circumstances the grant is now being made. I want this information, because the treatment that is given to mofussil dispensaries is really very hard.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I endorse every word that has fallen from the honourable member who preceded me, and I would like to get some information from the Honourable Minister as to how it is that though this municipality has been demanding money since 1912, no help was given to it for building the dispensary. The matter was again brought to the notice of the Honourable Minister in the year 1924, and yet no funds were allotted at the time. It is indeed regrettable that for such an important matter as that of medical aid to the poor people, Government are not allotting funds. Kambar, though not a big town, is probably a taluka town, as there is a municipality there, and the population there must be at least some thousands. There must be several people daily attending this dispensary. The report is that the old building is in a dangerous condition, and it might fall at any time. It is stated that water is leaking through the walls, and yet the walls were not sufficiently and properly repaired. Sir, I think this is not the fault of the Honourable Minister but of the Finance Department. This demand of the transferred department must not have been allowed by the Finance Department. Sir, this question ought to have been considered properly every year. I do not know whether the Honourable Minister in charge of the department was asking the Finance Department for the money or not, when the demand was made by the Commissioner in Sind or the municipality concerned.

I have now to bring to the notice of this House the point whether such a big amount is necessary for a dispensary in a taluka town. The demand is made for Rs. 19,296, and a sum of Rs. 19,296 will be provided by the municipality. That means that nearly Rs. 38,500 will be required for the new dispensary building. I want to know whether proper enquiries have been made by the department that such a big building is required for the dispensary only. I do not think that such a big building costing Rs. 38,500 excluding the cost of land is necessary in such a small taluka town. If the value of land is also taken into account, the cost of the building would come to nearly Rs. 50,000. It would therefore be better if the Honourable Minister would make it clear as to what is the population of Kambar, and how many patients are attending the dispensary daily at present.

If so, I want to know whether this building includes quarters for the whole staff including the doctors and the menials. I also want to know whether it is an indoor dispensary or an outdoor dispensary. If it is an indoor dispensary then a building of this character will be required. If it is only an outdoor dispensary, then I do not think that such a huge building is at all necessary. Even in Bombay you will find that buildings having outdoor dispensaries only do not cost more than Rs. 20,000 or Rs. 25,000. If you look at the building erected for this purpose at Gokuldas Tejpal Hospital, although it appears palatial, its cost would not be more than Rs. 30,000. Therefore, the honourable House should

[Mr. R. S. Asavale]

know whether it is an indoor or an outdoor dispensary. I should be glad to sanction more sums for village dispensaries and medical aid to poor villagers. With these remarks I do not oppose the grant ; I support it, but I request that the Honourable Minister will give information on the points raised by me.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I will take up the time of the House only on one or two points. The Honourable the Minister of Education has come forward for a grant which is to be given for this municipality as half the cost of the building for its dispensary. I think there are several other district local boards and rural areas which are crying for such help, but practically nothing has been done for them. I will remind the Honourable the Minister for Education that Government had given only Rs. 2,16,000 as grant for medical aid in the year 1925-26 to District Local Boards covering a total area of 123,000 square miles with a population of 1,52,00,000 which represents only 2½ pies, that is less than quarter of an anna per head per year, for medical help to rural areas. The district local boards have applied to the Honourable Minister several times for assistance in this respect, but the reply given to them was " No, owing to lack of funds. " Like the previous speaker, I do not grudge voting this grant to this particular municipality ; at the same time, I wish to urge that when local boards go to the Honourable Minister for Education for such help, he should not give the ready excuse that Government always give, *viz.* " Very sorry ; these local boards deserve assistance, but we have no money. " With these words, I would not like to oppose the grant.

Mr. S. A. SARDESAI (Bijapur District) : Sir, much as I appreciate the utility of this demand, I wish to enquire of the Education Minister when this building was built, who were the contractors and which executive engineer passed it. I make this enquiry, because Government have been wasting money over so many public buildings, and that is highly inexcusable. I can point out one instance. In my own taluka of Hungund one dispensary was built about ten years ago. I think it was done by contractors, and contracts were given through the executive engineer Mr. Bose. The building was not built as provided in the draft. In the draft scheme there was to be a foundation of ten feet, but Mr. Bose had a foundation of only four feet. And what was the result ? There were cracks everywhere in the building. If such buildings are passed by the executive engineer and if defects are found afterwards, I think the executive engineer is personally responsible for refunding the money spent on such buildings. I think this is a similar case. Government have been spending money everywhere without proper supervision, with the result that buildings are erected without regard to the original plans. I suggest that the Honourable Minister should see when this building was built, which engineer passed it, and whether the executive engineer can be taken to task. With these few remarks, I support the grant and do not oppose it.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, so far as I know the dispensary building concerned was built about 1850. In

[Dewan Bahadur Harilal D. Desai]

1912, as the statement before the honourable House shows, it was reported by the Revenue, Medical, Sanitary and Public Works Department officers, that the building was very old and rickety. Since then, as Government could not find money for constructing a new building, the building was being repaired and used in the best way possible. In 1924 again, it was reported that a new building was required to be put up, but then also it was not possible to provide any money in the budget. In March 1926, Government passed a resolution sanctioning plans and estimates amounting to Rs. 38,592 and agreeing to pay their share of Rs. 19,296, and the amount was to be provided for in the budget for 1926-27, but along with other provisions this provision had to be cut out for want of funds. In the current year, 1927, a report was received from the Commissioner in Sind that the building, in spite of the repairs, had become positively dangerous and would not stand any longer. Consequently Government have provided this amount, and made this demand for a grant for the purpose. There are complaints made when Government are not able to provide grants on account of want of funds, and there are complaints also when we provide for a dispensary which is in urgent need of a good building! (Honourable Members: No complaints.) Every taluka dispensary is both an outdoor and an indoor dispensary, and consequently the buildings cannot cost less than Rs. 38,000, because the medical officer has also to be provided with quarters. The estimates as prepared by the Public Works Department have been sanctioned.

There was a complaint of my honourable friend from Bijapur that there is no supervision by the Public Works Department on their subordinate officers. As to that my honourable colleague has to give the answer rather than myself. But that is quite another matter.

As regards the other complaint that the rural areas are being neglected, I have on another occasion submitted to this House that I am aware of that and I am trying my best to get as much from the Finance Department for the medical relief of the rural areas as possible and I may tell this House that I shall do all I can.....

The Honourable the PRESIDENT: A question was asked whether the dispensary is an indoor one.

The Honourable Dewan Bahadur HARILAL D. DESAI: I may state that in talukas the dispensaries are both indoor and outdoor.

Question put and carried.

7, Stamps.

The Honourable Mr. J. L. RIEU: Sir, I ask for a grant of Rs. 50,500 under 7 Stamps.*

Question proposed.

Rao Bahadur R. R. KALE (Satara District): Sir, I wish to ask the honourable member as to whether the Government of India was asked to compensate this Government for this loss caused owing to the refund having been made on account of stamps on cheques.

*Appendix 25.

The Honourable Sir CHUNILAL MEHTA: Yes.

Rao Bahadur R. R. KALE: It seems to me, Sir, that if by an Act of the Government of India this Government is deprived of such a large amount of revenue, is it not at all very strange? And I do not know whether any legal action cannot be taken in this matter. I think it is a matter for further consideration.

Question put and carried.

*Expenditure in England—Secretary of State and High Commissioner.

The Honourable Sir CHUNILAL MEHTA: Sir, I ask for a demand of Rs. 29,000—Expenditure in England.

Question put and carried.

†Grant-in-aid to 5-H Week Fund equal to the receipts on account of the Totalisator Tax and Entertainments Tax in connection with the extra Race meeting of the Western India Turf Club.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I ask for a demand of Rs. 45,000, to be transferred from 47-Miscellaneous to 32-Medical.

This is an item with reference to the medical aid to the Bombay Hospital Nursing Associations and the Sir Leslie Wilson Hospital Fund, Bombay. The Western India Turf Club had given a day of racing, which was the 14th of March 1928, for the benefit of the Nursing Associations and the amount which will be recovered from the Totalisator and the Entertainments taxes, and which is estimated at Rs. 45,000 will go into the Government Treasury and will have to be given from the reserve at the disposal of Government under 47-Miscellaneous. Under these circumstances, it is only an adjustment, that is, money received from the totalisator and entertainment tax has to be given to the fund for the benefit of the Nursing Association. Government is to give up their income from these taxes to the Fund.

Question proposed.

Mr. S. A. SARDESAI (Bijapur District): Sir, I think this is a very useful demand, and I have to make a very important suggestion in this matter. The totalisator and entertainment taxes have got a big collection and, as I have seen on the Race Course this totalisator income is increasing by leaps and bounds and yet the income that is handed over to Government is very small. I think even in the entertainment tax there is no proper supervision and the income given to Government is very small. These two items require strict supervision and I know by strict supervision Government will get more money from both these sources. With this suggestion, I support the grant.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I would like to know from the Honourable Minister if more amount than Rs. 45,000 is recovered, what would be done in that case? Will it be credited to the Government account? And if less amount is recovered, where the additional amount will be taken from? Unless this is clear, we cannot support the grant.

*Appendix 26. †Appendix 27.

The Honourable Dewan Bahadur HARILAL D. DESAI: If less amount is recovered, less will be transferred. There is no likelihood of recovering a larger amount.

Question put and carried.

The Honourable Sir CHUNILAL MEHTA: Sir, I want to know your wishes whether you would like to take first the two resolutions for the appointment of committees.....

The Honourable the PRESIDENT: There are several honourable members interested in the appointment of these committees and I think they are probably under the impression that the question of appointment of these committees would be reached later. I do not know whether they are in the House or not. But their presence is rather necessary, as they have been asking about this since last two days. I think we shall, therefore, take up the question after tea.

The Honourable Sir CHUNILAL MEHTA: Sir, in that case, the Honourable the Revenue Member may be allowed to move his resolution about the railways.

The Honourable Mr. J. L. RIEU: Sir, I beg to move the resolution which runs as follows:

"This Council recommends to the Governor in Council to accept the guarantee required by the Railway Board against loss in working of the proposed railway lines in Sind known as the Sind Left Bank Feeder Railways, the guarantee being Rs. 4 lakhs a year for the first five years after opening of the lines for traffic and thereafter the actual loss in working subject to the maximum of Rs. 2 lakhs a year, these amounts being repaid to this Government with interest should the lines subsequently prove remunerative."

The system of feeder railways, to the financial guaranteeing of which on the terms indicated in the resolution I now request this Council's approval, consists of a loop line striking off from the Hyderabad-Rohri section of the main line of the North-Western Railway at Tando Adam, running more or less parallel to that line for some 130 miles or so, and rejoining it at Mehrabpur.

For the benefit of those honourable members who are not acquainted with the locality I have a map here, which honourable members may like to see, on which the proposed lines are marked.

Two short transverse connections linking up the loop line with the main line will join the latter at Nawabshah and Pad Idan stations. The total length of the line will be a fraction over 162 miles. The system, which will be on the broad gauge, will serve the fairly wide zone lying between the Indus and the existing railway. The whole area will be commanded by the Rohri Canal, which is the main channel of supply for Barrage irrigation on the Indus Left Bank. It lies partly in the Hyderabad district but principally in the Nawabshah district and parts of it, more especially the northern part, are already populous and fairly fertile, though at present served only by inadequate inundation canals. It is estimated that there are 2½ lakhs of acres of unoccupied Government land in the area to be served by the proposed system. The local demand for this line, a demand that is quite independent of considerations connected with the execution of the Barrage project, being based on the general necessity of improved communications, has for a number of

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years been very insistent, as I can testify from personal experience, having as Commissioner in Sind frequently been approached on the subject by the local punchayats and leading individual residents. The impending execution of the Barrage project makes the improvement of communications in this area an absolute necessity, and the only question that could arise is whether such improvement should take the form of a system of feeder railways or the construction of new roads and the improvement of the existing ones. This is a point to which I shall refer later.

The Railway Board have carried out through the agency of the North Western Railway a preliminary survey of the project. Separate figures have been worked out for two successive periods of five years, during the first of which it is expected that the Barrage project will be in very partial operation only, while during the second period the results of the Barrage will have begun to assert themselves more fully. The principal results of this survey are as follows: The total estimated capital cost of the lines is Rs. 90,19,720, to which has to be added a sum of Rs. 7,25,498 on account of interest during construction, making a total of Rs. 97,45,218. During the first five-year period after the completion of the project the annual interest charges on the capital cost at 4¾ per cent. will amount to Rs. 4,62,898, while the annual working expenses at Rs. 87·41 per mile per week *plus* 5 per cent. of gross earnings for hire of rolling stock will be Rs. 7,66,061. The annual total outgoings will thus be Rs. 12,28,959. Against this the annual gross earnings are estimated at Rs. 5,85,274. There is thus an anticipated annual loss of Rs. 6,43,685. Towards meeting this annual loss the Bombay Government are asked to contribute Rs. 4 lakhs per annum. The anticipated results for the second period of five years are as follows: It is expected that an additional capital outlay of Rs. 10 lakhs will be necessary, raising the capital cost of the lines to Rs. 1,07,45,218, the annual interest charges on which will be Rs. 5,10,398. The annual working expenses at Rs. 121·25 per mile *plus* 5 per cent. on gross earnings for hire of rolling stock will be Rs. 10,88,843, making a total for outgoings of Rs. 15,99,241. Against this the annual gross earnings are estimated at Rs. 13,36,071. The annual loss during this second period of five years will accordingly be Rs. 2,63,170, out of which Government are asked to guarantee annually a maximum of Rs. 2 lakhs.

The question whether this Government should accept the terms on which the Railway Board propose to undertake the project has been most carefully considered in consultation with the local officers, namely, the Commissioner in Sind, the Chief Engineer, Lloyd Barrage, and the Revenue Officer. The views of the representatives of the several important local bodies concerned, including commercial bodies, had been obtained at a conference presided over by the Commissioner in Sind in 1926, and these were all strongly in favour of the execution of the project.

Although from the financial forecast of the project it appears that, at any rate during the first ten years of working, the project will not prove remunerative, a prognostication, however, of which local opinion,

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including commercial opinion, emphatically disputes the correctness, this is a view of the question which entirely overlooks, as of course it must do when attention is restricted to the immediate direct results of the working of the project, the effect which the project will have in greatly enhancing the market value of the unoccupied lands which will be for sale in the tract to be served by the proposed railways. This, I submit is a very important consideration, for there can be no doubt that without the development of the existing unsatisfactory communications of this tract the results expected from land sales cannot be obtained. Now, the aspect of the question which I desire to place before the Council is this. The cost of the projected lines, including interest, works out at Rs. 60,000 per mile, and this the Government of India will pay in the first instance. The contribution of the Local Government at Rs. 4 lakhs a year during the first five years works out at only Rs. 2,468 per mile per annum, and after that period when the guarantee is reduced to two lakhs at a maximum rate of only about Rs. 1,200 per mile per annum. And when the project begins to pay, as it may confidently be expected to do, the Local Government will gradually be re-imbursed all its disbursements with interest. Now the alternative method of securing the development of communications essential to the prosperity of this important tract is the construction of a net work of metalled roads capable of bearing heavy traffic carried on by means of carts, motor buses and motor lorries. The cost of constructing such roads in Sind would be anything up to Rs. 50,000 per mile, while the annual cost of maintenance would probably be not less than Rs. 1,500 per mile. Thus the eventual cost of the roads would approximate closely to the cost of the railway including capital and recurring charges, with no hope of any direct return, while on the other hand the railway, which would offer cheaper transport facilities for both passengers and produce, can be secured by means of limited annual payments on the part of the Local Government which represent only a fraction of their total capital cost and which will, it is expected, eventually be entirely refunded to them.

The question of the best time at which to undertake the construction of the proposed railway lines has been carefully considered by Government. It is expected that the lines will be ready for operating within a period of three years from the date of commencement of construction. It is obviously undesirable that the completion of the railway project should anticipate to any great extent the functioning of the Barrage project, since the remunerative character of the former project is dependent on the effects of the latter. To the extent to which the railway lines will be in operation before these effects make themselves felt, by so long will the period during which they will be working at a loss be prolonged, with a corresponding extension of the period after the first five years, the Local Government will be liable to reimburse the annual losses on their working up to a maximum of Rs. 2 lakhs per annum. But on the other hand it is obviously desirable that when land sales in the tract in question are undertaken, prospective buyers should be definitely assured of the provision of the necessary transport facilities for their produce

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by seeing the lines actually under construction. Now it is anticipated that Barrage irrigation will be available from some date in 1931; that is to say, that the irrigation project will begin to function effectively in the rabi season of 1931-32. Land sales will probably commence two years ahead of this, say in 1929-30. It is desirable therefore that construction operations on the Barrage should be initiated next cold weather at the latest. There is also a further consideration. The Railway Board have been pressing us for a final reply to their proposals, as they are anxious to undertake at once the detailed survey necessary before actual construction can be begun. There is a risk, if we delay communicating to them our acceptance of the terms offered, that the project will be crowded out by some of the more directly remunerative railway projects which are being pressed upon their attention by this and other Local Governments, with the result that this particular project might be indefinitely delayed. Such a delay would be prejudicial to the financial prospects of the Barrage project so far as this important part of the Barrage area is concerned. It is therefore very necessary that this Government should be in a position to intimate as soon as possible to the Railway Board its acceptance of the guarantee conditions. I have endeavoured to show that the conditions are such as it is in the interests of this presidency to accept, and I trust therefore that the Council will express their approval of such acceptance by adopting the resolution which I am moving.

Question proposed.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to make some suggestions on this demand. May I ask the Honourable the Revenue Member whether this is not an unprecedented procedure of asking this Council for such a high demand, and I ask him sincerely whether this is not an unprecedented demand, because, from what I have been able to gather from several competent European railway experts that I know, I think this is not the correct procedure. The great railways in India like the Southern Mahratta, the Great Indian Peninsula and the Bombay Baroda Central India, too, have received Government guarantees but on the percentage system. I may say here for the information of the Honourable the Revenue Member—he may probably be already aware of it—that even the Southern Mahratta Railway Company did never receive such big sums, but the guarantee of Government was that in case of loss, a certain percentage of that loss was to be borne by Government. This rule not only applies to the Southern Mahratta but to the Great Indian Peninsula and many other lines, and according to the statement made by the honourable member I think this sum is to be taken back from the railway contractor, or is this to be given to them to make up the loss ? I wish to know from the honourable member whether Government are taking back this amount or this will be as a guarantee of loss and so not recoverable. If I understand him correctly, this amount is returnable.....

The Honourable Mr. J. L. RIEU: Yes.

Mr. S. A. SARDESAI : I think this is an unprecedented demand and Government will do well in guaranteeing the loss of this railway as they have guaranteed the loss on other railways in India, not merely in this presidency but also in other parts of the country. Government themselves do not know what the loss will be or what the profit will be. Government are simply led by the figures supplied to them by the Railway Board. From what source are Government likely to know whether there will be such and such a loss or such and such a profit ? Everything is based upon speculation, and I think Government will be well advised to follow the simple procedure as it is followed in connection with many other railways in India.....

The Honourable Mr. J. L. RIEU : What procedure ?

Mr. S. A. SARDESAI : The loss is guaranteed on a percentage basis. Suppose there is a loss of several lakhs, such and such a percentage of it is to be borne by Government. This is my opinion because I have heard it from many competent European officers expert in railway administration who have been in intimate touch with the workings of other railways.....

MOULVI RAFIUDDIN AHMAD : In Bijapur ?

Mr. S. A. SARDESAI : Not in Bijapur but in Madras, Hubli and other railway centres, where there are a good many railway experts. If I remember correctly, this procedure is unprecedented and it has never been followed, namely, a Provincial Government going to make an annual contribution of 4 or 5 lakhs to make up for losses. The European Companies are very big and are not in need even of a guarantee on a percentage basis. When India has gone down so low in financial matters, it is high time for Government to refuse such a demand because these English Companies are very rich and they can very well do without guarantee of losses. This is a novel procedure and I hope therefore that the Government will follow the old procedure to give a guarantee on the percentage basis. With these few words, I oppose the grant.

Rao Saheb D. P. DESAI : (Kaira District) : Sir, the resolution puts down what the Government policy will be in future regarding railways in this presidency. This Government has started on a new policy altogether of guaranteeing railways constructed by the Government of India. As I understand it, this railway is to be constructed by the Government of India and this Government is going to assure the Government of India against any losses, losses to the extent of about 4 lakhs for the first five years and losses to the extent of about 2 lakhs afterwards. I would like to know from Government whether this new policy has been initiated after due consideration ; whether this new policy initiated by this Government of guaranteeing railways in this presidency is going to be a settled policy to be followed in every part of the province where the possibility of railway construction exists. If so, I have nothing to say, but as regards that policy I do state this one fact, whether this Government should guarantee a railway to be constructed by the Imperial Government, the profits when they accrue on which railway are to be wholly enjoyed by that Government.

The Honourable Mr. J. L. RIEU : No profits.

Rao Saheb D. P. DESAI : After all, this Government is not sharing in the profits. There is nothing in the resolution to show that this Government has entered into agreement with the Government of India that, if the line begins to earn profits, this Government will be allowed a share in those profits in consideration of this Government having guaranteed losses for a certain number of years. Therefore I think the Bombay Government has committed a blunder in not safeguarding the interests of this presidency.....

The Honourable Sir CHUNILAL MEHTA : Which is more profitable ?

Rao Saheb D. P. DESAI : I think when the line begins to work, this Government also must share in the profits since they have come forward to bear the losses.....

The Honourable Sir CHUNILAL MEHTA : And pay all these losses of interest ?

Rao Saheb D. P. DESAI : Suppose the line does not work at a profit, then this Government will be tied to their Rs. 4 lakhs for the first five years, and Rs. 2 lakhs a year for all the time to come. In principle, Government do share in all the losses incurred on the working of the railway, but, if the railway makes any profit, then there is nothing either in the speech of the Honourable the Revenue Member or in the resolution by which this House can be assured that it will share in the profits when they are realized. In that case you get back only that much amount which you have actually paid. But my chief point is this, that this is a matter which affects the Imperial Government. The Imperial Government formerly guaranteed the railways constructed by private companies. Now, if the Imperial Government constructs the railway then I think it should not ask for any guarantee from the local Government. If the Imperial Government concede so much to private companies and bears their losses it should bear its own loss as I think it is the duty of the Railway Board to construct the railway if the provincial Government recommends that a particular railway should be constructed and the Imperial Government should undertake the responsibility. Of course, as that department belongs to the Imperial Government, they must bear the loss or profit if any. I think we maintain peace and order, and whatever profits the railway makes through our maintaining peace and order go to the Government of India. So, in my opinion, since it is the duty of the Imperial Government to construct railways, they should bear the profits as well as the losses of the concern, and the provincial Government should have nothing to do with it.

But if this new policy is to be initiated by this Government, I cannot understand why they should not recommend the construction of other railways which the Imperial Government are not prepared to undertake. The Imperial Government do not construct railways where the people demand it, on the argument that the railways cannot pay. So, if they do not see their way to construct such railways, this Government can very well come forward and guarantee either the interest or guarantee the losses on those railways. If this railway is constructed, then I

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cannot understand why similar railways in other parts of the presidency should not be constructed. Demands have been made by the people, but the Imperial Government have held back the construction, on the sole ground that the railways could not pay. Again in my opinion, the Gaekwar's Government is exploiting the British territory by constructing railways in our neighbourhood. Why ? Because the Gaekwar is very anxious to increase his own railway revenue by exploiting his own territories as well as the territories belonging to others, and he is taking all the risk of present losses for future gains. Our Government being very slack in this respect,—or rather they do not attach much importance to the matter—allow other governments to construct such railways and derive the profits. I can cite two examples. The Bhavnagar State is exploiting this presidency ; the Gaekwar is also exploiting our territories through their railway policy. The Gaekwar has, as I stated, constructed a railway in our neighbourhood and though we have made repeated demands to this Government and to the Imperial Government that railways should be constructed through these territories by them, still those railways are not being taken in hand. In such cases usually the state representatives go to Simla, see the Railway Board and all the officials, and perhaps get the concession and immediately construct the railway. I can show that the Gaekwar has constructed a railway between two territories belonging to this Government. On both the sides British territory is situated, and in the strip of land between that the Gaekwar has constructed a railway. Naturally, the territory on either side being British territory, it is exploited by the Gaekwar's railway. Now, that is allowed under the very eyes of this Government ; and our Government takes no objection to such things, and at the same time does not see its own way to recommend to the Imperial Government to undertake railway construction in these territories. Two years back, when the present Finance Member was the Revenue Member, I suggested to him that he should send one of his Secretaries to the Railway Board and discuss with them the advisability of constructing railways in suitable British areas.

The Honourable Sir CHUNILAL MEHTA : I went there myself, and saw the Member for Railways.

Rao Saheb D. P. DESAI : At that time of course he refused. He said it is no concern of ours. He should go to Simla and verbally induce the Railway Board to construct railways in British territory.

Mr. S. A. SARDESAI : On a point of order. This railway belongs to the Central Government and not to the Bombay Government, and as such this demand should not be made by the Bombay Government. That is my point of order.

The Honourable the PRESIDENT : I think the honourable member has not quite grasped the resolution before the House ; otherwise he would not have raised this point of order.

Rao Saheb D. P. DESAI : I would like to know from the Honourable the Revenue Member whether, as this policy of guaranteeing railways

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in this presidency is adopted by this Government, he would investigate the possibilities of constructing railways in other parts of this presidency, to investigate their alignments, their gauges and such other matters which are relevant to this question. In our own district we want very badly railways on the metre gauge, because we know very well that in Gujarat the districts are centrally situated, and it is only metre gauge railways which would connect them at once with Northern India, and with the railways of Western Indian States, which are all of metre gauge. That would be advantageous to the people, because at present in transhipment so much loss is sustained by the agriculturist and the merchants that we are very much handicapped by the broad gauge railway. At junction stations and other places whenever there is a change of gauge, the losses of the merchants are enormous. With that view, we had represented to the Railway Board the advisability of constructing our railways on metre gauge, and connecting all these railways with the metre gauge system in the north and in the Western States. But the Railway Board, after due consideration, did not agree to it. There was no other consideration, I think, except the financial consideration, though so far as that was concerned, we had proved to their satisfaction that it would pay them, and that Government would not have to guarantee or bear any loss, but simply out of policy or from some other cause they did not agree with us. As regards short-circuiting, I know whenever there is a change of metre there is no short circuiting ; that I explained to them. But the Railway Board refused our request. If this Government will support the demands of the people, then they will yield and the schemes already sent from many parts of the presidency will be taken up. Schemes have already been sent from the Southern Division, the Central Division and the Northern Division.....

The Honourable the PRESIDENT : Is the honourable member aware that the limit of fifteen minutes applies to this ?

Rao Saheb D. P. DESAI : Yes, but as this is the first time that Government have come before the Council on the question of railways, I thought I might take up some more time. In any case, as regards this I would not take up any more time of the House. But I would ask the Honourable Member whether he wants the policy of guaranteeing railways to be adopted as a settled policy of the House.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I rise to oppose this resolution, not because I am against building railways in Sind, but because by passing this resolution we shall be accepting the policy and the principle underlying this resolution. I believe in the year 1924 or 1925 the Railway Board laid down this policy after obtaining opinions from all institutions, including local boards, municipalities, the Indian Merchants' Chamber and also from the local Governments. The intention of that policy, it appears to me, is to take away one of the sources of revenue from the local Governments and from the local self-government institutions. In the Madras Presidency, local boards were before this allowed to construct their own railways. Now, on account of this new policy, it is not

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possible for any local boards to construct any railway. In this case, the Government of Bombay have to bear the loss; in the case of local boards, the local boards concerned will have to bear the loss. But when the railways begin to earn profits, those profits are not to be shared by the local board or by the Government of Bombay. This is all a one-sided policy. If you look to the earnings of the railways constructed by the district local boards in the Madras Presidency, you will find that they are now earning a good profit. Now, if we accept the policy of the Railway Board, it will be impossible for the local Government or any local institution to share or to have the profits earned. Why should not the Government of Bombay construct its own railway? Only a few years ago in the district of Kanara, the Bombay Government constructed a forest railway of a few miles. If the Government of Bombay is of the opinion that this proposed railway in Sind will suffer a loss for all time to come, then let us not construct it at all. If the volume of produce to be carried by this railway increases in the future, I am quite sure it will work at a profit. The Railway Board is fully aware of it, and wants to take away all the profits from the district local boards and the local Government. This is a very vicious principle and was only recently adopted by the Railway Board—in the year 1924 or 1925: I do not know the year exactly. It was sent for opinion to all local Governments and important institutions, and the Indian Merchants Chamber, if I mistake not, had opposed this policy of the Railway Board. We shall therefore be acting wisely in rejecting this resolution. Of course in the beginning the scheme may not give a profit, but in the course of years it will be yielding good profits, those profits will come to the local Government if it is constructed and worked by the local Government. Therefore, they should construct and take the profit also. Why should the Government of India take away all the profits? For the first five years, we are to give four lakhs and then go on paying two lakhs, and that amount only will be returned without having any share in the profits. From the business point of view it would be bad business for this Government. It may be quite good for the Railway Board, because the Railway Board, being a commercial department, is out to earn the greatest profit for itself. Therefore, we shall not be yielding to the dictates of the Railway Board; our interest lies in opposing it. We want to say to the Railway Board that we do not want to accept this policy and the principle. We want more local railways constructed by ourselves, as those railways will be a source of income both to the local self-government bodies and to the local Government. I therefore wish to oppose the resolution, and I hope the House will oppose it also.

Mr. B. V. JADHAV (Satara District): Sir, this railway ought to be constructed and developed as the railways in general are profitable in the long run. I agree with the honourable member from Belgaum in saying that the future income from these railways should come to this Government. If this Government is able to finance such a big scheme as the Sukkur Barrage, I do not see why the construction of this railway also should not be linked with that scheme in order to develop the whole

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country. On account of the Barrage and the Canals it is almost certain that the venture will be a successful one, and therefore I agree with the honourable member Mr. Chikodi that the Government of Bombay should construct this railway and should own it.

At the same time, it is quite necessary to have a liberal railway policy chalked out by this Government. In the matter of railway construction, Bombay has been neglected by the Central Government. There has not been a single mile of railway added during recent years; and when we take into consideration the large extensions that are made in the Central Provinces and other provinces, it is evident that the interests of this presidency are being neglected by the Government of India. Therefore it is very necessary for our Government to be alert and to investigate the profitable lines and to get the Government of India to construct them or, if the Government of India is not willing to construct them, to secure powers to construct and work their own lines.

Mr. N. A. BECHAR (Karachi City): Mr. President, I support the resolution that has been moved by the Honourable the Revenue Member. Sir, I am being accused by the other benches of being partial to Sind, and I am told that I have been prompted to make a speech in support of this resolution because this question relates to Sind. Far from it. Sir, I do it for the reason that so far as communications are concerned, the whole of the Bombay Presidency is really suffering very badly, and the more so now, because since the finances of the Railway Board have been separated from the general revenues of the Government of India, the Railway Board have been considering everything in terms of the profit they can get from every line they construct.

Sir, in the year 1926-27 they constructed 420 miles of railway in India but not a single mile was constructed in the Bombay presidency. In 1927-28 they have got under construction 2,551 miles of railways and out of that, a meagre length of 43 miles has been sanctioned for the Bombay Presidency. They have also got a programme of 2,600 miles already sanctioned but one does not know how many miles of that are intended for the Bombay Presidency. They have also got other 40 schemes covering 2,000 miles under consideration, but may I know if anything is being done for the Bombay Presidency? These facts illustrate as to how badly we have fared at the hands of the Railway Board. And yet my honourable friend from Karnatak says that we are sanctioning this in spite of the commitment which this Government is making, in order to induce the Railway Board to construct this railway. Now, Sir, let us examine this position. Under the Railway rules it is clearly laid down that Government or rather the Railway Board will construct only those lines which are paying propositions. But if any province wants any particular railway which is not paying, then a certain sum should be contributed by that province towards the loss that may be incurred in the first few years. Under that scheme some other provinces have gone forward, but this is the only one instance in which we have this orientation of policy in accepting certain commitments to be borne by this Government in order to develop railways in the presidency.

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Apart from the fact that the railways and communications are distinct marks of civilisation, I consider that the only method of opening up the country and to accelerate the progress is by these railways and communications. And when we hear divergent views on this question, one really does not know as to where we are drifting. Sir, the honourable member from Karnatak says that the local boards in Madras are running their railways and running with profit. I agree with him and I know it. But here it is not a question of running a railway at a profit, for which the sanction of this honourable House is obtained. Sir, I am entirely at one with him if he advises the local boards of Karnatak to undertake to run the lines in Karnatak if it pays them and he could bring on behalf of any particular local board in this House a proposal asking Government to approach the Railway Board to sanction the projects desired. But to ask that this guarantee required to construct this railway should not be given is not fair. Because it is clear from the fact that the estimate prepared by the Railway Board does not give any indication of earning profits for the first few years. Therefore, I hope this House will not be misguided by the proposition which has been advanced by my honourable friend from Karnatak. It has also been said by another honourable member from Karnatak that the English companies are very powerful and are very rich companies and that we should not give any kind of guarantee or subsidy for this purpose. Sir, I fail to find any logic in that argument simply because, it is not a private company that is going to construct the railway, but it is the State Railway Board.

Sir, I consider that the railways are one of the biggest national assests. Not only that, but I consider that the Government of India, so far as the railway is concerned, is the biggest socialist state. Take any other countries, particularly England, you will find that the railways there are owned by private companies. The result of it is that the profit that ought to go to the State, which means to the community as a whole, goes only to a few shareholders of that company.

One thing more. I want to bring to the notice of the Honourable the Revenue Member the complaint that has been made by the people of Bhiria with regard to the injustice that is being done to them. This project is expected to cost Rs. 95 lakhs and yet merely because there will be little divergence of the line as is now proposed and it would cost Rs. 2 lakhs extra, they are turning down the proposal for Station at Bhiria. Now, Sir, I submit that the people of Bhiria have been complaining to us—the members of this Council representing Sind—and also have been writing to the Government that they have to walk all along about more than nine miles to go to the station. From this you will imagine, Sir, what must be their troubles. Besides, at this place the trains generally pass at night, and the people have to come and go on the camel's back at night. I hope, therefore, that if the present sanction is accorded, the Honourable the Revenue Member will kindly see his way to rearrange the lines so that the people of this town would be benefited thereby.

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Then, Sir, I would also like to place before the Honourable the Revenue Member the necessity of a railway on the right bank. Larkana, Jacobabad, Sukkur, all these districts most urgently need a feeder railway so also a line from Mirpurkhas to Nagar Parker and unless and until you open up the countryside with these communications, you cannot possibly expect the poor people, the poor cultivators, to get the best return for their produce. Unless and until they are ensured of all these transport facilities, a number of middlemen are encouraged to go into the villages, buy grain and everything else cheap from the villages and ultimately make big profits in the market. Therefore, if you want peasants to prosper, this is the best method. and I hope, Sir, that this small beginning will not be left as it is but will be carried forward into larger attempts developing the presidency all over and as such Sir, the Council will accord its sanction.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I have to oppose this resolution. The first ground on which I oppose this resolution is that an attempt is being made to construct a railway parallel to the existing line, and from the map that was supplied to me I have found out that the railway line that is going to be constructed is not more than 15 to 20 miles at any point throughout its construction. It is practically a parallel railway. In many places these parallel railways are not allowed to be constructed, while here the proposal is brought forward for constructing a parallel line.

Now, the first thing we have been told is that the line is 162 miles long and it will cost about Rs. 60,000 per mile. That is to say, the expenditure would be more than Rs. 95 or Rs. 96 lakhs. Now, the guarantee that is required is practically the whole interest on these Rs. 96 lakhs, which means Rs. 4 lakhs according to the new rate at which the Government of India borrow. The interest on one crore of rupees is practically Rs. 4 lakhs. That is to say, the Government of Bombay are to be required to pay the whole interest on the capital invested for the first five years, and then they are to pay a subsidy at the rate of Rs. 2 lakhs until the lines become remunerative. Now, we have seen that at least the general taxpayer in the Bombay presidency has been tired of these subsidies, because when these new projects are undertaken, nobody knows what the real expenditure would be, because these calculations and these estimates which are made by experts are in many cases exceeded, and we have had an illustration in this presidency of a railway which was constructed at a cost of Rs. 70 lakhs just in the vicinity of Bombay, and that railway is now a huge elephant, compelling, of course, to pay interest on the amount invested and the G. I. P. Railway had to be requested to take over the management on conditions in which Government has no voice, because the railway has to give proper consideration to the whole subject and the terms of the Railway authorities have to be accepted whatever their terms may be, as there is no other alternative Government say that for the first ten years there is no likelihood of any profit. This is what the Honourable the Revenue Member, said, and one important fact he stated is that the possibility of making

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a success is dependent on the success of the Sukkur Barrage. Now, in the Sukkur Barrage they have to deal with a river like the Indus. The river Indus is not capable of being dammed. The river Indus would not obey the dams and barrages. Suppose the river Indus, though not capable of being dammed, has been dammed. Still in that case also the river takes it into its head to change its course, then all that amount will be wasted. At that time that amount also will be a present to the river. The Indus is a very erratic river. Even experts of Government and other experts have differed about the success of the Sukkur Barrage project owing to this erratic river. But, unfortunately for us, the tax-payers of the Bombay presidency, the project has been undertaken, and because it has been undertaken, we have to suffer heavier losses.

The next thing that he said is that if people will see that this railway is being constructed, they will pay higher prices for the lands which we have to sell two years before the barrage would be ready, that is, the barrage would be ready in the season of 1931-32 and, therefore, as the lands will have to be sold in the years 1929 and 1930, if the people see that the railway is being constructed, higher prices will be realised for the lands. What is the question of higher prices being realised, when 3½ lakhs of acres are to be given away at Rs. 15 per acre ? Now, where does this question of higher prices come in ? Just now I would draw the attention of Government to a very important fact. They remain always like an ostrich buried in sand and do not see what is happening outside. Now, I want to refer them to the instance of Nadiad-Kapadwanj Railway which has suffered very heavily, owing to motor competition. It is only at a distance of 15 or 16 miles from the parallel line. Do Government know the rate at which the motor transports are entering into competition with the railway ? Even the Railway Board is feeling the pressure of motor competition and is seriously considering the problem.

The Honourable Mr. J. L. RIEU : There are no roads in Sind for motor transport.

Mr. J. C. SWAMINARAYAN : In our parts I may say that at least for short distances motors have entered into competition with the railways, and the railways do not get a single passenger between Nadiad and Kapadvanj ; the distance is about 28 miles only. Now, the district traffic superintendent of the Nadiad Kapadvanj Railway sat at the railway station called Wadthal, he sat for the whole day, and at that time he actually shed tears (Laughter) because the motors were taking away all the passengers and the trains were running with very few passengers. And when I say motors are entering into competition with the railways, I may say even the goods traffic has been taken away by motors. Between Sanand and Ahmedabad the whole of the goods traffic is taken away by motors. Therefore, when there is a short distance, this is bound to happen. And supposing, as Government believe, there is going to be a vast population in the barrage area, I think motors will go there and Government will not be able to prevent motors from entering into competition with the railways. In England also railway companies are desiring to secure the power of establishing motor services by legislation, because

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the railways suffer as other motor services are taking away much of the traffic, and, therefore, they are having a special statute in the House of Commons, in the Parliament, for taking the monopoly of the motor services, so that the motor services may not enter into competition with the railway companies. Therefore, it is a very problematical affair, and as it is a very problematical affair, we should at least be vigilant. This House has not remained vigilant and, therefore, the losses which the taxpayer has to suffer have occurred. Now, there is a proposal about the separation of Sind, and if you construct huge railways, huge barrages, and so on, at huge costs now, you will suffer later on, and if the separation does take place, at that time we shall not have to suffer at all. Therefore let all such undertakings be postponed till that event happens. At that time we shall not be responsible for the losses, when we have separated from Sind. I think if the money spent for the barrage scheme were given to us, we shall be glad to be separated from Sind (Laughter). Every time we are being told to enter into this expenditure and that expenditure for the sake of one favourite province. Perhaps it is that province which is carrying on the Government of this presidency (Laughter). We have seen during the last few days how that province has been influencing matters in this House (Laughter). It seems to me that to satisfy and pamper a pet child, Government are ready to sacrifice the interests of the taxpayers of this province. I strongly oppose this proposition.....

MOULVI RAFIUDDIN AHMAD: I move the closure, Sir.

The Honourable the PRESIDENT: I accept the closure and adjourn the House for tea till 4-30 p.m.

(*After Recess*)

The Honourable the PRESIDENT: Any new members desirous of taking their seats in the Council ?

Mr. H. R. Hamley then made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

The Honourable Mr. J. L. RIEU: Mr. President, I anticipated that there might be a certain amount of opposition to this motion from honourable members coming from other parts of the presidency than Sind. No doubt they feel that perhaps Sind is getting an undue share in the loaves and fishes of Government. As a matter of fact, as I have endeavoured to show in my opening remarks, this project is one which is going to benefit the presidency as a whole and it must not be looked upon from a purely provincial point of view.

The principal reason which has determined Government in putting forward this proposal for the acceptance of these guarantees is the conviction that they have that the carrying out of this project will be of a very substantial benefit to the interests of the Barrage project in which the whole of the presidency is interested. The honourable member from Bijapur Mr. Sardesai has referred to this proposal as constituting an entirely new precedent. It is a new precedent. I quite agree. The

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fact is that the situation is an entirely novel one. Here we are faced with a very important project which the Government of India in the Railway Department have condemned to the extent that so far as can be seen within the period of the next ten years it will be an unremunerative one. In the ordinary course of affairs it would have been turned down, and it is only because of the consideration, as I said, of the important effect which this project bears on the Sukkur Barrage project that the Bombay Government have felt it necessary to proceed with it. As I have pointed out, we do not entirely accept the conclusions of the Railway Board. We regard them as unduly pessimistic. That is our point of view, and therefore we feel that we are justified in putting forward the proposal for the payment of these guarantees on the understanding that the money will come back to us when the scheme proves remunerative.

The honourable member from Kaira has criticised the proposal on the ground that the local Government will have no share in the ultimate profits of the project when it proves remunerative. I entirely agree with him that it would be very desirable if we could have a share in those profits, but the fact is that when we came to negotiate with the Railway Board of the Government of India, we were up against strong opposition. They contended (with a certain amount of reason) that the major portion of the risk is being borne by them—it is true that we are undertaking a certain portion of the risk—but the ultimate and major portion of the risk is with them, and they accordingly absolutely declined to give us any better terms, although I may say that we discussed this matter personally with Sir Clements Hindley of the Railway Board and we (the Honourable the Finance Member and myself) did our best to obtain rather better terms for the Government of Bombay. Ultimately we found ourselves faced with the position of, "Take it or leave it." If we did not accept the terms laid down, well, the Railway Board would not go on with the proposition. That was the situation and therefore feeling that we could not improve on the terms offered, we decided to lay them before the Council in the hope that they would be accepted. We would have liked more but we cannot get more and there the matter ends.

Then there is a certain amount of difference of opinion amongst honourable members who opposed this scheme. On the one side the honourable member for Kaira seems to be anxious that this policy of giving guarantees by the local Government should be adopted elsewhere. Against this we have the views of the honourable member from Belgaum (Mr. Chikodi) and the honourable member from Satara (Mr. Jadhav), both of whom are entirely opposed to the giving of guarantees, and want that the local Government should undertake the construction of this railway themselves. Well, as against this there is the fact that Railways is a Central subject, and the Government of India reserve to themselves the right to undertake such railway projects. There is also a further consideration that it is somewhat doubtful whether it would be entirely in the interests of the Bombay Government to undertake this very large scheme involving, as I pointed out, a capital outlay of over a crore of rupees. It is true that we have confidence in the ultimate success of this railway, but there

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is no denying it that it does involve a very considerable risk, and we should have to go into the whole scheme very carefully indeed before we could possibly recommend to this Council that the local Government should undertake that risk. Time is short, and we are being pressed by the Government of India to give the proposed undertaking. We are most anxious that the project should be carried out quickly. Therefore, I think, on all grounds, it is desirable that we should give up the idea of undertaking this project ourselves.

The honourable member for Kaira also asked me to make a statement as to the future policy of Government in the matter of giving such guarantees. Well, I am not prepared at present to make any statement that we shall continue to take action as it is now proposed to do. As I pointed out, the present case is exceptional; the local Government have in this case a strong, direct interest in the execution of the project. Ordinarily, such an interest does not exist in regard to railway projects that may be under consideration. They have no such large estate to dispose of, the value of which will be greatly enhanced by the carrying out of the project as they have in this case. Ultimately and indirectly, no doubt, the local Government benefits by the construction of railways, but it is only indirectly. In this case, however, we have a direct interest in the construction of the project.

Then the honourable member from Karachi (Mr. Bechar), who, I am glad to say, has been able to support Government on this occasion, raised two points of detail regarding the alignment of the railway. Well, the alignment of the railway has not been definitely settled. What has been shown in the map that has been laid before honourable members is only a general idea of the alignment of the railway. The question of the exact alignment ultimately to be adopted will be a matter for very careful consideration, and that will be taken up when the detailed survey is carried out. He also expressed the hope that we should proceed with similar projects on the Right Bank of the Indus. I quite agree that there are railway schemes which it is very desirable to carry out on the Right Bank of the Indus, and there also, though not to anything like the same extent, the interests of the Barrage project would be served by the construction of railways. But we cannot take up all these projects simultaneously. They must be taken up piecemeal. But I hope that it will not be long before we can place before the Council similar proposals in regard to railway projects on the Right Bank.

The honourable member from Ahmedabad (Mr. Swaminarayan) criticised the project on the ground that the feeder line would run parallel to the existing main line of railway at no very great distance from it. I admit that there is a certain amount of force in this criticism, but he is not acquainted with local conditions. He does not realise one important fact, and that is that the existing line of railway when it was first made was selected mainly with a view to shortening as much as possible the railway distance between Hyderabad and Rohri, and also because of the railway's desire to construct this main line as cheaply as possible. They therefore selected an alignment remote from the river

[Mr. J. L. Rieu]

where, at that time, there was practically no cultivation and hardly any village. They purposely neglected what would otherwise obviously have been the most suitable alignment, namely, the alignment now proposed for this loop line, which traverses a number of important towns and villages. Therefore, the case can be differentiated from the case of an ordinary loop line, in that the alignment now proposed for this loop line will link up a number of very important towns and villages, with very great prospects of the development of passenger traffic.

I do not think that there was any substance in his further criticism as to the possible danger from proximity to the river. The whole of that bank will be well guarded. Naturally, Government will see to that, as the tract in question is one which will undergo great development by the construction of the Barrage, so that very important interests will be involved, and it will be necessary to undertake every measure for protecting the area from any possible incursions by the river. He also raised an objection on the ground of the possible competition from motor transport. I can assure him that there is no fear whatever on that score. I do not think he could have listened to my opening remarks, in which I laid emphasis on the fact that the only alternative to this railway scheme was the construction of *pucca* roads. At present there are no such roads, and if we undertake this railway project there will be no necessity for expense on roads capable of bearing motor traffic. At present the roads are only *katcha* roads, and so long as this continues it is quite impossible that there should be any serious competition from motor transport.

I think, Sir, that disposes of all the criticisms which have been raised with regard to this proposal, and I hope that, in the interest not only of Sind, but also of the presidency as a whole this motion will be carried, and that we shall see the project undertaken very soon.

Question put and carried.

The Honourable Sir CHUNILAL MEHTA: Sir, I beg to move:

That this House proceed to elect 12 members to sit with 4 members nominated by Government upon a Finance Committee, together with the Members of the Executive Council and the Ministers, and that the period of the service of this Finance Committee conclude with the conclusion of the next budget meeting of the Legislative Council.

Question proposed.

The Honourable the PRESIDENT: To this resolution I have received an amendment by the honourable member Mr. R. G. Pradhan to this effect:

Add at the end of the resolution the following:

"That, while proceeding to elect the members, this House desires to place on record its considered view that the time is now come when the Finance Committee should be given real and effective share in the framing of the Budget and in the formulation of taxation proposals."

I find that there are certain difficulties in the way of admitting this amendment. I would draw the honourable member's attention to Standing Order V, 8 (1):

"An amendment must be relevant to and within the scope of the motion to which it is proposed."

[The President]

The proposal before the House is the mere appointment of a committee that is to say, the election of 12 members. The question of the constitution of the committee is not before the House, and that is what the amendment aims at. That is the first difficulty. The amendment therefore goes outside the actual scope of the motion before the House.

The second point worth considering is that this motion is based on the sanction which I see the Finance Department has obtained from His Excellency the Governor, on the basis of section 72D, 2 (*c*) of the Government of India Act, which reads:

"No proposal for the appropriation of any such revenue or other moneys for any purpose shall be made except on the recommendation of the governor, communicated to the Council."

My worthy predecessor, the late Sir Narayan Chandavarkar, has also ruled on a similar point raised, and I think it would be beneficial for the House if I read a portion of his ruling:

"Section 72D (2), (c) of the Government of India Act provides that no motion for the appropriation of public money can be made except on the recommendation of the Governor. This motion, which is a Government motion, is made on that recommendation; His Excellency has given sanction to his Government to move the Council to elect a certain number of its members to a committee to be called the Finance Committee for the purpose of assisting Government in framing their budget for the appropriation of public money. It is open to the Council, however, either to accept or reject the motion; it is also open to any member of the Council to move an amendment to the motion provided the amendment is relevant to and within the scope of the motion. * * * Therefore, an amendment to be within the scope of this financial motion must satisfy the preliminary condition of the motion itself, that is to say, it must have the recommendation of His Excellency the Governor just as the original motion has. The motion, if carried, will be binding on the Government because it is made by Government, it is a recommendation by Government themselves to the Council by way of a motion and an amendment to it moved by a member of the Council cannot be binding on Government, because a motion by a member can only be by way of a resolution making a specific recommendation to Government. It follows then that no amendment can be allowed unless it is assented to by Government on the recommendation of His Excellency the Governor. This view is in accordance with the rules and practice of the House of Commons from which our rules and standing orders are borrowed and which are given in May's Parliamentary Practice."

The same ruling was repeated the following year. Therefore, the proper remedy, according to that ruling and according to the constitution we have to deal with, is for the honourable member either to bring a resolution, or better still, an address to His Excellency to consider the point. I therefore hold the amendment out of order.

Question put and carried.

The Honourable the PRESIDENT: Now, the appointment of the twelve members. I have before me a list of honourable members who are duly proposed and seconded, and that list I am going to dictate to honourable members. The ballot papers will be given to the honourable members. The names are:

Mr. G. A. D. Wasif, Dr. B. R. Ambedkar, Mr. Hoòseinbhoy Abdullabhoy Lalljee, Khan Saheb Abdul Latif Haji Hajrat Khan, Mr. L. M. Deshpande, Mr. B. G. Pahalajani, Mr. J. C. Swaminarayan, Mr. R. G. Pradhan, Mr. W. S. Mukadam, Mr. R. S. Asavale,

[The President]

Mr. S. A. Sardesai, Mr. P. R. Chikodi, Dr. M. K. Dixit, Mr. Shaikh Abdul Aziz Abdul Latif, Mr. M. S. Khuhro and Rao Bahadur R. R. Kale.

These are the names of the candidates and the honourable members have to put a cross against the names of twelve such members as they would like to propose.

MOULVI RAFIUDDIN AHMAD: Not necessarily twelve names.

The Honourable the PRESIDENT: The number may be less but not more than twelve. Only one cross should be made against one name and not more than one cross. No honourable member should sign the ballot paper.

Mr. N. A. BECHAR: Sir, I want to know the real procedure. I would like to know whether any names of the honourable members are to be written or the names would be supplied to us.

The Honourable the PRESIDENT: The names are already there in the ballot paper which will be distributed to you just now. In the second column honourable members have to put one cross only against the name of such honourable member as they would like to propose. Those papers have to be put in the Ballot Box which is kept on the table. The scrutineers will be Rao Saheb D. R. Patil and Mr. F. Oliveira. Honourable members who are specially appointed for the University Bill will, of course, understand that they have not to vote.

The Honourable Mr. J. L. RIEU: Sir, I move a resolution as follows:

"That this House proceed to elect a representative to serve on each of the Local Advisory Committees for the various Railways from 17th March 1928 on which date the appointment of the members at present sitting on the respective committees expires, for the following periods:—

G. I. P. Railway.—For one year; that is to say up to May 1928 on the present Advisory Committee, and from May 1928 to March 16, 1929, on the new Advisory Committee.

B. B. & C. I. Railway.—For one year; that is to say up to 14th February 1929 on the present Advisory Committee and from 15th February 1929 to 16th March 1929 on the new Advisory Committee.

M. & S. M. Railway.—For one year; that is to say up to 31st March 1928 on the present Advisory Committee and from 1st April 1928 up to 16th March 1929 on the new Advisory Committee."

Rao Bahadur R. R. KALE (Satara District): I have to move an amendment, Sir, after some information is asked for.

The Honourable the PRESIDENT: No amendment is submitted to me.

Rao Bahadur R. R. KALE: May I make a statement, or seek information or prefer an objection?

The Honourable the PRESIDENT: What is it? Is it a statement, information or objection?

Rao Bahadur R. R. KALE: Information. I understand, Sir, that the right of electing members on the advisory committee of each of the railways has been given and this Council is being asked to elect

[Mr. R. R. Kale]

members to advisory committees of three railways, namely, the G. I. P. Railway, the B. B. & C. I. Railway and the Madras & Southern Mahratta Railway. There is another railway, the North-Western Railway, and I understand, if I am correctly informed, that the Commissioner in Sind has asked Sind members only of this Council to elect a member to sit on the advisory committee of that railway. May I know, so far as this Council is concerned, the reason why distinction is made in this respect, namely, that the whole Council elects members to sit on the advisory committees of the three railways I have mentioned, whereas only a certain section, namely, the Sind members, are being asked to elect a representative so far as the North-Western Railway is concerned ?

The Honourable the PRESIDENT : There is no such thing before the House ?

Rao Bahadur R. R. KALE : I am merely asking for information.

The Honourable the PRESIDENT : How does the information arise ?

Rao Bahadur R. R. KALE : The resolution, Sir, omits to mention that railway.

The Honourable the PRESIDENT : That would be a pertinent question, namely, why is that railway omitted ?

The Honourable Mr. J. L. RIEU : I may inform the honourable member that the reason is that the rules for the local advisory committee in the case of the North-Western Railway give the Commissioner in Sind the power of nominating.

The Honourable the PRESIDENT : They do not come before this Council.

Question put and carried.

The Honourable the PRESIDENT : Now, I will take one committee at a time. I take first the G. I. P. There are four nominations ; but one has withdrawn, the honourable member Khan Saheb Abdul Latif Haji Hajrat Khan. Now, the three honourable members duly proposed and seconded are :

Mr. N. R. Gunjal ;

Mr. A. C. Owen ; and

Moulvi Rafiuddin Ahmad.

These are the three honourable members, and ballot papers will be handed over accordingly, and a cross has to be put against one name only, and no signature to be put on the paper. The same scrutineers as before.

The Honourable Sir CHUNILAL MEHTA : Would it not save time, Sir, if all the three papers are distributed now ?

The Honourable the PRESIDENT : Yes ; the three papers could be distributed now.

(Ballot papers were distributed accordingly).

The Honourable the PRESIDENT : Honourable members may resume their seats. I find that some honourable members have already put in their election papers in connection with the other two committees also. The names of the nominated members I have not announced yet. That does not matter. I may inform the House that for the B. B. & C. I. Railway the honourable members Mr. Swaminarayan, Mr. J. B. Desai, Mr. Haji Mir Mahomed Baloch and Khan Saheb A. M. Mansuri have been nominated, and Mr. Dawoodkhan Shalebhoy has withdrawn. For the M. &. S. M. Railway the honourable members Sir Vasantrao Dabholkar, Mr. M. D. Karki and Mr. D. A. Janvekar have been nominated, and Mr. N. R. Gunjal has withdrawn his candidature.

Statutory Motions

Sukkur Municipal Election Rules

Mr. B. G. PAHALAJANI (Western Sind) : Sir, under the power given under section 221 of the Major Municipalities Act of 1925, to this Council to amend any rules that have been sanctioned by the Government, I am moving my amendment by means of a statutory motion, as follows :

" This Council resolves that the Revised Sukkur Municipal Election Rules finally sanctioned by Government Resolution in the General Department No. 6996, dated 14th October 1927, which are laid on the Council table, be modified as follows :

In Rule 3, change ' 24 ' into ' 25 ' and ' 7 ' into ' 6 '. "

Now, Sir, it is necessary to give a short history with regard to this statutory motion. The Sukkur municipality consisted since 1921 of 40 members, of whom 20 were Hindus, 11 were Mahomedans, 1 represented other communities, that is, Parsis, Europeans, Christians, Jews and others, 8 were nominated ; in all 40. When the new Act was passed, the municipality was asked to frame its own rules, and the municipality proposed that there should be 45 members, 26 Hindus, 14 Mahomedans, and 5 nominated. That was the proposal of the municipality, made in proportion to the population which consisted of non-Mahomedans, *i.e.*, Hindus, Christians, Parsis and Jews 25,900 and Mahomedans 14,837. According to the new Act there were only three classes into which the voters could be divided, namely, Mahomedans, Non-Mahomedans which included all other classes, and depressed classes. There was no possibility according to the new Act, of creating seats for communities that did not belong to either the Mahomedan or the Hindu group, because all those who were not Mahomedans came under the general denomination of Non-Mahomedans. Therefore, there was no room for the municipality to reserve any seat for other communities. The papers had to be submitted through the Collector and the Commissioner. The Collector recommended that one seat should be reserved by election for the miscellaneous communities, that 6 seats should be reserved for nomination, and that 38 seats should be given to Non-Mahomedans and Mahomedans in the proportion of 24 and 14. The Collector wrote as follows :

" The municipality propose to increase the total to 45. In view of the growing importance of the town and the increase in the population which is believed to have taken place on account of the Barrage Works and is likely to be further accelerated if, as is proposed, large railway workshops are located at Sukkur, I agree that the proposed increase is reasonable : but I am of opinion that it would be premature to eliminate nomination and recommend that at Hyderabad at least 1-9th of the members should be nominated,

[Mr. B. G. Pahalajani]

Indeed I would recommend that the number nominated be fixed at 6, *i.e.*, 3 salaried servants of Government and 3 others. Nominated members are required in order to strengthen the municipality in expert knowledge on subjects such as Medical, Engineering .....and also to represent special interests which are growing in importance."

After that, the Commissioner in Sind, in submitting the papers to Government remarked :

"The municipal borough of Sukkur shall consist of 45 councillors of whom 6 shall be nominated and 39 elected.

This is the recommendation of the Commissioner in Sind,—"of whom 6 were to be nominated and 39 elected." He goes on to say :

"Of the 39 elected members 24 shall be elected by the Hindus, 14 by Mahomedans and 1 by other communities."

So, Sir, the opinion of the Collector supported by that of the Commissioner was that there should be 39 elected members, 6 nominated members and 24 of the elected members should be Hindus and 14 Mahomedans, and one belonging to the miscellaneous communities. Government said that in the Act there is no provision for any other communities except the Mahomedans and Non-Mahomedans. Government declared that it was illegal to create any seat for other communities, and therefore Government reduced the number of elected members—that is the difficulty—from 39 to 38, leaving 24 seats for Non-Mahomedans and 14 for Mahomedans, and raising the number to be nominated to 7, making provision for the representation of the miscellaneous communities by nomination. Now, it is against that order of the Government, that there shall be 38 elected members, that this statutory motion is brought. My grounds for bringing the motion are these :

The Collector recommended that there should be 39 elected members, 24 for Non-Mahomedans, 14 for Mahomedans and 1 for the miscellaneous communities, and 6 were to be by nomination. Subsequently, the Collector was informed by the municipality that this allocation of seats was incorrect. The Collector recommended to the Government that 6 should be nominated, and of the elected members 25 should be Non-Mahomedans and 14 should be Mahomedans. That is to say, the Collector himself recommended to the Government, that 25 members should be non-Mahomedans, 14 should be Mahomedans, and 6 should be nominated, not 7 as the Government had proposed. The Commissioner supported him, but the Government, in spite of the recommendation of the Collector, in spite of the recommendation of the Commissioner, wired as follows :—

"Your reference No 5900 ; unable to accept proposal for increase of one seat to non-Mahomedan electorate and reduction of one nomination seat. Formal orders follow. Repeated Commissioner in Sind."

This was subsequently communicated in the form of a letter. The Collector and the Commissioner both recommended that there should be only 6 nominated seats, 25 should be given to non-Mahomedans and 14 to Mahomedans. Now, Sir, that was a reasonable proposal, the population being 25,900 non-Mahomedans, including Parsis, Christians, Anglo-Indians and Jews, and 14,837 Mahomedans according to the figures which I have given. Now, after this recommendation was made by the

[Mr. B. G. Pahalajani]

Collector, Mr. Ewbank, who was new to Sukkur, matters were represented to him again and after knowing the existing conditions he strongly recommended to the Government that there should be 25 elected non-Mahomedans. After the receipt of a copy of this telegram of Government, I moved the Government again as President of the municipality through the Commissioner requesting the Government to accept the Collector's recommendation and I also asked the Commissioner kindly to recommend the original proposal that he made that there should be 39 members elected. But Government insisted that there shall be only 38 elected and that there should be 7 nominated, that is 6 nominated for others and one nominated for the miscellaneous communities. The Government continue to stick to that, although the Collector and the Commissioner, both local officers, consider otherwise.

Sir, in connection with this, I would bring to the notice of the Honourable Minister in charge that at no time in the history of the Sukkur municipality, after 1921, after the Honourable Member Mr. Hotson was Collector in 1922, after 1921, when the strength of the municipality was increased to 40, right up to this date, has the Commissioner nominated *more than two* officials to the municipality. One of them was the Civil Surgeon, an expert, and the other a mukhtyarkar, or a mamlatdar, who is not an expert, or the D.T.S., who is not an expert. So that, the policy of Government right up to the present time has been to nominate only two officials and not three. There is absolutely no reason whatever why in this particular case, when the Commissioner and the Collector have written that there should be only 6 nominated and 39 elected, that the Government should insist that there should be 7 nominated and 38 elected. Although the Honourable Minister belongs to Sind, he does not know the exact local conditions of Sukkur. I wish to lay respectfully before him and the House that one elected should not be taken away.

As the Honourable Minister wishes to take away one elected from non-Mahomedans and to give that to miscellaneous communities, I may bring it to his notice that if anyone of them wishes to stand, he can be easily elected by the system of cumulative votes. If they do not care to stand, why should they be given any nomination ? There is no reason why one elected should be taken away from the non-Mahomedans and given to miscellaneous communities. There is no attempt by my resolution to take away any from the Mahomedan seats, 14. The Municipality, the Collector, the Commissioner and Government, we are all agreed that there should be 14 seats reserved for Mahomedans. We differ only on the point whether there should be 24 or 25 elected for non-Mahomedans. To take away one for the nominated from the seats for the Hindus, when the other people have full opportunity of being represented, that is what I cannot accept. The Collector has seen the reasonableness of it and has recommended that the non-Mahomedans should have 25 ; the Commissioner has twice recommended that. But Government have refused it.

In connection with this, I would bring to the notice of the Honourable Minister in charge that the population of non-Mahomedans

[Mr. B. G. Pahalajani]

is 26,000 and of Mahomedans 14,890. Though the proportion is 26 to 14·7 the increase in the number of seats to them is 3 to each ; 21 seats for non-Mahomedans has been increased to 24 and 11 seats for Mahomedans has been increased to 14. The Mahomedans have no right to complain ; they have got their share. But the non-Mahomedans on account of their population are certainly entitled to one more seat, although strictly speaking they will be entitled to 26. I have pleaded only for 25, in order that if Government wishes to nominate one from the miscellaneous communities they may do so out of the 6 nominated seats at their disposal, and retain the 5 remaining for other nominations, namely of Government officials and other people. In the case of the Hyderabad municipality to which the Honourable Minister belonged, the strength of the constitution is 45 seats, out of which only 5 are nominated. Sukkur municipality is not a less important municipality ; so far as the working of the constitution is concerned, it is far better than the Hyderabad municipality. In Hyderabad there is no representation to the so-called miscellaneous communities. In Sukkur I am prepared to concede one seat for the miscellaneous communities. But there is no reason why for the first time, in the history of Sukkur municipality, Government should insist that there should be three officials, when from 1921 up to the present date there have been only two officials. The Collector is not anxious, the Commissioner is not anxious to nominate more than two. The Commissioner and the Collector have recommended only two officials. In spite of that the Government, here the Honourable Minister, insists that there should be three officials. Sir, I would again point out to the Honourable Minister in charge that the Mahomedans are in no way affected. It is not a communal question. I do not know why the Government should insist that one more elected seat should not be given to non-Mahomedans. I do not know on whose representation they are acting—whether of the Collector or of the Commissioner. The very Collector who recommended that there should be 38 elected seats has recommended immediately after it, that there should be 39 elected seats. The Commissioner has recommended the same. Sir, among the amendments to the rules, the most important one—there are other less important ones—but so far the most important one on which I want to lay stress is that the non-Mahomedan seats should be increased from 24 to 25 ; the elected seats should be 39 and the Mahomedan seats should be 14 as recommended by the Collector and the Commissioner. My amendment therefore reads thus :

"In Rule 3, change '24' into '25' and '7' into '6'."

The Honourable the PRESIDENT : The procedure has to be strictly followed under the Act. The alteration will have to be made by a resolution. I shall read the main part of the resolution and then these alterations will go on one after another and they will be included in the resolution. The main resolution runs thus :

"This Council resolves that the 'Revised Sukkur Municipal Election Rules' finally sanctioned by Government Resolution in the General Department No. 6996, dated 14th October 1927, which are laid on the Council Table, be modified as follows :—"

[The President]

In the first instance, we have an amendment moved by the honourable member, Mr. Pahalajani, which is :

" In Rule 3, change ' 24 ' into ' 25 ' and ' 7 ' into ' 6 ' ".

The rest I shall take later on.

Mr. M. S. KHUHRO (Larkana District): Sir, as time is very short, I will be very brief. I rise to oppose the amendment moved by my honourable friend, Mr. Pahalajani, to the effect that the number of the elected non-Mahomedans should be increased from 24 to 25. The figures that are quoted by my honourable friend would clearly show that there are 1,050 in the miscellaneous communities and 24,850 in the non-Mahomedans. Even though I have added up the miscellaneous communities to Hindus bringing up the figure to 25,900, they are entitled to only 24 elected seats. According to the arithmetical calculation the ratio comes to 24·13 seats ; this has been worked out by me very carefully. Therefore, if you take miscellaneous non-Mahomedan communities it comes to 24·13 and my honourable friend, Mr. Pahalajani, wants to increase the seats to 25. The arithmetical ratio of 24·13 is nearer 24 full and therefore I do rightly think the number of 24 ought to remain as it is. Then we know that there are 14 seats which are reserved for the Mahomedans and seven nominated. Of these seven nominees, three are reserved for Government salaried servants. Out of these three, two will be for expert advice, namely, civil surgeon and executive engineer for medical and engineering problems to give the benefit of expert advice. Now according to the new Act, one seat has to be reserved for the miscellaneous communities who can not possibly come by election from the general electorate. Collector wants reservation of one seat out of the 25 non-Mahomedan seats for them, which is not possible according to the Act. In this miscellaneous are included Jews, Depressed Classes, Christians and also Parsis. At present owing to the Barrage work, there are more of labouring classes in Sukkur municipal limits.....

Mr. B. G. PAHALAJANI : On a point of order, Sir. I may submit that depressed classes have been ruled out by Government. It was stated that there were no depressed classes. So, that question cannot be raised.

Mr. M. S. KHUHRO : The collector has stated in his report that two officers are required for giving expert opinion, that is experts on medical and engineering problems and one officer is required for safeguarding the interest of Government. So far as the Government revenue plots, Railway property and such other interests are concerned, it is necessary that one officer should be there on behalf of Government to represent the interest of Government. At the same time the remaining four seats, of course Mahomedans being in a minority can rightly claim three nominated seats, which is essential for safeguarding minority interests. I have made it quite clear that if it is worked out on the figures of Mr. Pahalajani, we find there are 1,050 of the miscellaneous communities and 24,850 of the non-Mahomedans, that is in all 25,900. This would come to 24·13 seats. As regards the other part,

[Mr. M. S. Khuhro]

there are 14,837, which will come to nearly 13·84 seats. Therefore I think Government is perfectly right in arriving at the number of seats allotted under the new Act, that is 24 to non-Muslims and 14 to Muslims.

Government could not possibly reserve one seat for miscellaneous communities, as recommended strongly by the collector ; Government had no alternative but to raise nominated seats to seven from six, thus making a provision of one seat for miscellaneous communities by way of nomination. This is how I do feel that Government was perfectly justified in allotting 24 seats to Hindus, 14 to Muslims by election and seven nominated seats. I therefore strongly oppose the motion brought by Mr. Pahalajani.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I rise to support the motion which has been made by my honourable friend, Mr. Pahalajani. It appears to me that there is one aspect of this question which has to be emphasised. When the new Municipal Act was applied to Sukkur, the idea was that the constitution of the municipality will be much more democratic than it was before the application of that Act. On the occasion of the discussion on this new Act in 1925 in this Council, the Honourable the Minister for local self-government had stated that he was providing for a 4/5th elective element as the minimum and that he could easily conceive of cases where a more democratic constitution could be given. So, in the case of the city of Hyderabad, he provided for 1/9th of the members being nominated and 8/9th being elected. In the case of the Sukkur municipality for certain reasons he has selected to have a smaller proportion of elected members. In the original constitution before this resolution was passed, the proportion of nominated to elected members stood at 1 to 4, but the Sukkur municipality proposed that the proportion of nominated to elected members should be as 1 to 8. The collector and the commissioner both proposed that the proportion should be that of 1 to 6. But the Honourable the Minister for Local Self-government has reduced the elected strength. If we take the total figures, this is the position. 45 is the total strength and the members of the municipality, the collector and the commissioner proposed that 6 should be nominated and 39 elected. These six seats were provided for Government experts and minority communities not represented by election. The collector proposed that one elected seat should be reserved for the purpose of the representation of Christians, Anglo-Indians and Europeans. This is what the collector says :—

"I do not agree with the municipality that the elected seat at present reserved for the European, Anglo-Indian and domiciled Christian community which is undoubtedly growing at Sukkur should be taken away. The representatives of this important minority would be a source of strength in the municipality where communal feelings stand to run high."

The Government in their Resolution says :—

"In view of the remarks made by the Collector of Sukkur that a representative of 'other communities' should be a source of strength on the Board of the Sukkur Municipality where communal feelings stand to run high, Government consider that this important minority should be represented by nomination."

[Mr. Jairamdas Daulatram]

The whole point is this. Whether the provision of nominated seats is intended to represent communities not otherwise represented, and also whether the six seats are sufficient or not sufficient for the purposes of nomination. In the case of the Hyderabad municipality, where the civic population includes all the communities which live at Sukkur, there is no necessity of increasing the nominated strength beyond five, and if in Sukkur municipality it has already been the practice to nominate only two officials, it leaves at least three seats for nomination if the original proposals of the municipality were adopted. But if the number is increased to six, as recommended by the Collector and the Commissioner, then there are four nominated seats which can be used to represent any minor community which does not come in by election. I am sorry that the attempt to increase the nominated seats and to give a less democratic constitution to Sukkur should be on the ground that the European or Christian community has to be represented. They can be represented by giving them one out of the six nominated seats. When we consider how the percentages of seats for Muslims and non-Muslims shift if 39 are to be elected and how they shift if 38 are to be elected, then the matter becomes clear. If there are six nominated seats and 39 elected seats, then the non-Muhammadans get 25 seats. If the elected seats are 38, then the non-Muhammadans get 24. Now, there is no justification for increasing the nominated strength beyond what even the representatives of the bureaucracy ask for, and where we find that a popular representative wishes to give to Sukkur a less democratic constitution than they suggest and at the same time give to the non-Muhammadans a smaller number, than their population justifies, I do not think the proposition can easily be understood. The honourable member Mr. Khuhro said that on the basis of a population of 25,900 the number of non-Muhammadan members would be 24·13. But that will be so if 38 is the total elected strength. If the total elected strength is increased to 39, as it ought to be even according to the Commissioner's recommendation, then the number of non-Muhammadan seats would be 25. (An Honourable Member: How do you get that ?) It is a question of purely arithmetical calculation and I do not think that it is proper for a popular Minister to go even below the recommendation of the Commissioner.

Mr. Allahbaksh walad Khan Saheb HAJI MAHOMED UMAR (Sukkur District): Sir, my honourable friend Mr. Pahalajani from Sukkur should have pointed out the necessity of increasing the number. Formerly, the number of members of the municipality was 40 and this year the municipality has increased the number from 40 to 45. I do not think that the work of the Sukkur municipality has increased to such an extent as to justify this increase in the number of its members.

Mr. B. G. PAHALAJANI: I would rise to a point of order, Sir. That cannot arise out of this. That is a different question, which the House has already decided before.

The Honourable the PRESIDENT: I do not suppose the honourable member is raising that as a point of objection to the motion under

[The President]

consideration. It is merely an argument. Does the honourable member want to raise that as a point of objection ? The point to-day before the House is not as to why 40 has been increased to 45.

Mr. Allahbaksh walad Khan Saheb HAJI MAHOMED UMAR : No, Sir, I will come to the point afterwards. The Mussalmans have not agreed to this increased number ; it is only the Hindus who have agreed to this increased number. We are in a perpetual minority. Therefore if the Hindus take 2 more members, then that means we must take one, that would reduce the strength of the Moslem representation. Here, the honourable member Mr. Pahalajani says it should be 26 and 14 where formerly it was 20 and 11. They want to have six and they want to give us 3. That means they want double the number. If we had an increase in the same proportion as that of the Hindus, we would not mind. But now the municipality of Sukkur, the Hindus being in the majority, might say, increase the number from 14 and 26 to 28 and 52. Superficially the arrangement might appear to be equitable since it maintains the ratio of 2 : 1. But looking at it from the broader point of view, the arrangement is most unequal. The task of minority becomes heavier since it will have to canvass a larger number of members than it had to do before. That means they want to reduce the minority to zero. My honourable friend Mr. Jairamdas has pointed out that these are democratic days. I do not understand if that is the view of democracy. What is proposed is not at all democratic. (An Honourable member : Communalism). Why do you want more ? The honourable member from Sukkur should convince this House that the work of the Sukkur municipality has increased to such an extent that an increased number of members is absolutely necessary. He should first point out the necessity for increasing the number. He himself is the president of the Sukkur municipality. But because he finds that by increasing the number by six we are getting an increase of only three, therefore, he says " increase it." I do not think more members are necessary, and there are very few people who take interest in the municipality. It is in order to reduce the strength of the Mussalmans that this motion has been brought by the honourable member from Sukkur. My honourable friend from Hyderabad, Mr. Jairamdas, says that it should be 25 and 14. I do not know how he has calculated that. Any figure which comes above ·5 should be considered as 1. But that is not the case here. Sir, therefore, I would ask the member from Sukkur to withdraw his motion.

MOULVI RAFIUDDIN AHMAD (Central Division) : I am very sorry, Sir, that this debate has taken this turn. I thought, Sir, that we had celebrated the obsequies of the obnoxious communal policy. But I find that my honourable friend Mr. Pahalajani inebriated with the dregs of a besotted fanaticism, has come forward with a motion which really introduces the Hindu-Mussalman question in its worst form.

Mr. B. G. PAHALAJANI : I did not say one word about it, Sir.

MOULVI RAFIUDDIN AHMAD : The honourable member has left us to infer what he dared not say in words. Well, Sir, it would do

[Moulvi Rafiuddin Ahmad]

him good if I refer here to what had happened in 1901 ? What has been the condition of the Mahomedans till 1921? The Mahomedans have been suffering during all this time, from a most inadequate representation in the municipalities of Sind as would be gathered from a debate in this House in 1901 when the mofussil municipalities Act was placed before this Council. On that occasion Sir Charles Ollivant said :

"I may tell the Council that in the four largest municipalities in Sind the population of Hindus and Mahomedans is 53½ and 46½ per cent. respectively, while the representation is Hindus 90 ½ per cent., Mahomedans 9½ per cent."....

Mr. B. G. PAHALAJANI : My honourable friend does not know that all affairs have changed since 1901.

MOULVI RAFIUDDIN AHMAD : I say, Sir, that during all these years the Moslem representation had been 9 per cent. while that of the Hindus was 90 per cent. although their respective population was nearly equal. That has been our fate in the past, but look, Sir, now it is only a matter of one seat and how Hindu members are agitating in this House. I remember I was a member of the select committee in 1925, when this Act was passed. My honourable friend from Sukkur was also a member. He was most eager to get rid of the final powers of the Commissioner in matters of nomination and wanted the same to be vested in the Minister.

Mr. B. G. PAHALAJANI : I am repenting now. (Laughter).

MOULVI RAFIUDDIN AHMAD : He was very emphatic that the veto of the Commissioner should be taken away and that the Minister should be allowed to have that veto because these were the days of democracy. Now he has developed a sudden love for the bureaucracy. In these days of democracy, does it lie in the mouth of my honourable friend from Sukkur and my honourable friend from Hyderabad to come forward and appeal to this House against the decision of the Minister ? We have been doing quite the contrary. I am very sorry therefore to see that members come here and say that the Collector should be supported and the Minister should be denounced. My honourable friend from Hyderabad has appealed to democracy. We all know that my honourable friend Mr. Jairamdas and my honourable friend Mr. Pahalajani are afraid of that very democracy in their own province and are moving heaven and earth to put off democratic rule in Sind. Does it now lie in their mouth to come forward, and appeal to democracy ? They support bureaucratic government when it suits them. It is all a tempest in a tea-pot. If we follow democratic principles I have no doubt the whole House would stand for the Ministers. The object of the motion is to show that the Minister is partial. I hope, Sir, that the House will not agree. The Minister is not partial. He is doing his best, and I believe that the House should have confidence in the Minister. It has all along been our principle that the Minister should have more power, that the Minister should have more responsibility, that the Minister should be supported as against the civilians ; but here my honourable friends are wrecking democracy. I do not go into details. Details have been sufficiently explained by my honourable friend Mr. Khuhro. I hope the House will reject this motion.

Rao Bahadur R. R. KALE (Satara District): Sir, I just want to say that the apple of communal discord has been thrown here by the principle of separate electorates. My honourable friend who preceded me referred to Council proceedings for the year 1901. I should therefore like to draw his attention to a famous statement of the late Mr. Budruddin Tyebji which he made when the first Local Self-Government Acts,—the Local Boards Act and the Municipalities Act—were on the anvil of the Council. That statement is a memorable one, namely, that he was an Indian first, everything else afterwards. That is the one principle which ought to guide our electorates in sending representatives either to local bodies or to any other bodies. I had the honour to be a representative on both the local bodies in my district and although the Mahomedan community there was in a very small minority, we had Mahomedan members on those bodies. We pulled on very well without any the least friction on both bodies until the apple of communal discord was thrown in our midst. I appeal to all members on both sides of the House, especially Members of Government, that if they are really sincere in starting and encouraging democratic institutions and in training us, the people of this country, in the art of democracy, they ought to be governed by one principle and one principle alone, namely, the principle of doing away with separate electorates, and to do that, they must take courage in both their hands. I do submit that this spirit of communalism is now manifesting itself in our Council politics also and I am afraid that it will continue to remain there. I therefore think that in a matter of this kind we ought not to be guided by any communal feelings when electing representatives on public bodies. Even the Government, when making a choice of members, should fix upon individuals who can rise above communal feelings and who have banished from their minds communal prejudices. They should choose only such persons as would place the general interests of the province above those of their own particular community, and it is only when such a choice is made, that I submit real self-government and real democracy will begin to operate.

In the present point at issue, there is only one question as to whether the number of elected seats should be reduced. I am only looking at it from that point of view. I am not going to have this arithmetical calculation, this method of division. I am reminded of a story of a partition of a peg between two brothers. Neither of them could take it half and half nor could they each take it whole. Are we going to play the same game here by saying that Hindus are 45·3 per cent. and Mahomedans are 39·5 per cent. of the population and that therefore the Hindus should have one more member and that the Mahomedans should have one member less? If we are to be guided by such considerations, where will it lead us to? Our guiding principle should be to see whether we are losing one elected member or gaining one elected member. There may be nominated seats left to be distributed on various grounds by Government, but I do think that Government, in making nominations, should be guided by the one principle as to who will best represent the general interests of the country. Is there any special charm in the

[Rao Bahadur R. R. Kale]

communities as communities ? We know that the Parsi community is a very small community, that it is in a very small minority but we also know that that community has been making headway everywhere, in municipalities, in local boards, in bodies much higher than that. They have never said " We are Parsis, therefore give us one seat as there is no Parsi in this or that institution." Only the other day a question was raised in the Assembly. Some honourable member said that the Mahomedan community was backward. Another honourable member promptly said " No, it is an insult to call the Mahomedans a backward community." That question ought not to enter into this matter. I submit, Sir, if you want these local institutions to flourish, you must banish all these communal considerations from your mind. What is there in going on a municipality as a member ? What is there in getting elected on a local board as a member ? Are you going there for serving your own individual interests or for bettering the interests of your own community, or are you going there for pushing forward the interests of the country as a whole ? If you are going there out of a selfish motive, then I must express my keenest disappointment. Therefore the only solution of the situation, in the circumstances in which we are now placed, is to drive away all communal considerations from our public life. I appeal again that if Government are really sincere in their professions that they want to train us, Indians, in the art of self-government, if they really do not want to adopt the policy of " Divide and Rule ," if they are sincere in their professions that they are here to lead us on the road to self-government until that goal is reached, the only indication of their sincerity would be to translate that sincerity into action. By their actions they shall be judged and not by their words. I therefore submit that in a matter of this kind, really speaking, the one issue is not one member more or half a member less for this community or that community, but the real issue is to see whether we are getting one more elected member. We must do away with the canker of communal and separate representation which is eating not only into the vitals of our body civic but of our body politic also. Until and unless this canker is killed, there will be no real progress. I appeal to Government to take courage in both their hands and say what they really want to do. If they want to stick to correct principles, let them come forward and say, as they did when they got the Rowlatt Act passed, " we think this to be right, we do it, it does not matter whatever happens." Let Government deal with the communal question in the same way. That is the only solution of the problem.

I am really for this motion because it wants to enlarge the principle of election by having one more member elected. The number of elected members should not be reduced ; it should be left where it is ; out of 45 members 6 to be nominated and 39 elected. That number is there, and it should be left as it is. There should be no increase in the nominations, and there should be no decrease in the number elected.

Mr. H. DOW : Sir, I move the closure.

The Honourable the PRESIDENT : I accept the closure. I should like to point out to honourable members that I do not see how the communal question comes in. It is a simple alteration which should be treated by the House in a businesslike manner. There are so many other amendments to follow, and I do hope honourable members will not indulge in orations about communal principles on matters like this.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I never intended to enter into communal matters. I might expressly state that I had no intention of entering into communal questions.

Now, so far as the motion is concerned, the Collector, the Commissioner and the Government are all agreed that the Mahomedans are entitled to 14 seats. So, the matter is concluded so far as they are concerned. Therefore, no communal question could arise, and I am extremely sorry that the honourable member from Larkana and Moulvi Rafiuddin should have introduced that question even in the slightest degree into this matter. Before the number of councillors was to be determined by the voting strength, the principles adopted by the Government in 1921 and 1922, before the Act was passed, were entirely different, and they are the same at present. When the Honourable Sir Henry Lawrence was the Commissioner in Sind in 1916, and after him the Honourable Mr. Rieu, the basis on which elections took place was that of population, and the distribution was made only on the basis of population. The Honourable Minister has taken that as the standard for distributing seats not only in the municipalities but also in the district local boards. To-day, we are agreed, so far as the basis is concerned, that population shall be the basis of distribution of seats. That is the basis on which I take my stand. Another matter that is conceded by the Government, by me and by everybody else is that the total number shall be 45. It does not lie in the mouth of my honourable friend from Shikarpur to say that the total number should not be increased from 40 to 45. The Collector agrees that the total number should be 45. Government does so too. Therefore, the only question that arises is whether the elected seats should be 39 or 38.

Now, I will tell you, Sir, what has produced the result which is before the Government. Instead of dividing first 40 seats in proportion to the population, which ought to be done, taking 40 as the number of elected councillors, what the Government have done is first to fix the number of nominated members as 7, leaving 38 seats to be distributed according to the population. That is the juggling of the figures, which has brought forth this result. Having first assumed that there shall be 7 nominated members, the rest, that is, 38 are left for distribution on the basis of population, and according to the calculation it comes to 24 for the non-Mahomedans and 14 for the Mahomedans. I am sure the Honourable Minister, if he had realised the process by which he arrived at this result, would not have carried it out. I fully assure the honourable member Moulvi Rafiuddin Ahmad and the House, and the Honourable Minister will also assure them, that so far as this matter is concerned, there is not the slightest intention of producing communal tension. In the Sukkur municipality, while this matter was being discussed—I have got the

[Mr. B. G. Pahalajani]

papers with me—there was not the slightest attempt at creating communal tension or communal feeling, and I therefore entirely disbelieve that there is any communal spirit in this matter, and I hope the Honourable Minister will assure this House that there is nothing communal in this. Whether 39 should be the elected number or 38 is the only question. I would only put it to the Honourable Minister that 8 was the nominated number before.....

The Honourable Sir COWASJI JEHANGIR: Is it worth while bringing all that into the discussion ?

Mr. B. G. PAHALAJANI: Certainly. The total number is increased by 5, and the nominations instead of being 8 are now brought down to 7. I will put it to the spirit of fairmindedness of the Honourable Minister whether, when the total number of members was 40, 8 members were nominated, it is reasonable to reduce the nominated number by only one when the total number is increased to 45. When the total number was 40, the Mahomedans were 11 and the Non-Mahomedans were 21. With 45 members, the non-Mahomedan members are 24, that is to say increased by 3, and the Mahomedans are also increased by 3. I ask, is that fair ? I would put it to the House and the Honourable Minister whether it is a fair distribution, and whether it is fair that one elected member should be taken away from the Non-Mahomedans and they should be injured in the slightest degree, when it is open to all sections of the people to enter by election. I would respectfully submit to the House and the Honourable Minister that they should accept this motion.

The Honourable Sir GHULAM HUSSAIN: Sir, I assure this House that it is far from the intention of Government, while distributing these seats, to take into consideration the improper claims of any community. I was taunted by my honourable friend from Hyderabad with giving the House an assurance, when I introduced the bill, that it was done with the intention of democratising the constitution. Now, I come to the Sukkur municipality. There originally the total strength was 40; it has been increased to 45. Is it not an improvement on the existing strength of the municipality ?

Mr. JAIRAMDAS DOULATRAM: My complaint was the decrease of the elected seats.

The Honourable Sir GHULAM HUSSAIN: Now, out of 40 seats, Sukkur had, including Anglo-Indians, Parsis and Jews, 32 elected seats.

Mr. B. G. PAHALAJANI: 21.

The Honourable Sir GHULAM HUSSAIN: 21; so much the better for me. Now, out of 45, I have given them 38 elected seats. Is that not an advance ?

Mr. B. G. PAHALAJANI: There were 32 before; now it is 38.

The Honourable Sir GHULAM HUSSAIN: I stated it was 32; there are now 38. Is that not an advance on the existing position ?

[Sir Ghulam Hussain]

Now, we come to the nominated seats. What was the number before ? It was 8. Now, the Collector, on whose authority my honourable friend the mover of this motion relies, says the following about the affairs of the Sukkur municipality :

" I am of opinion that it would be premature to eliminate nomination and recommend that as at Hyderabad at least 1/9th of the members should be nominated. Indeed I would recommend that the number nominated be fixed at 6, *i.e.*, 3 salaried servants of Government and 3 others. Nominated members are required in order to strengthen the municipality in expert knowledge on subjects such as Medical, Engineering,....."

Then he comes to the representation of this important minority, that is the Christians, the Jews, the Parsis, etc., and in his recommendation he says :

" The representatives of this important minority would be a source of strength in the municipality where communal feelings run high. Its members are so small that there is much greater need of their protection by means of special representation than in the case of the Mahomedans. They would be swamped in the general non-Mahomedan electorate and would not be satisfied to revert to representation by nomination. "

The Collector himself thus wants that these communities should be represented. We could not give them representation by election under the Act. Therefore we have provided a seat for them by nomination. Now, there is the authority of the Collector that communal feelings in this municipality run high. My honourable friend from Sukkur said that this was the recommendation of the municipality; but the Mahomedan representatives of the Sukkur municipality say about this as follows :

" It has pained us to learn that the President of the Municipality has written to the Government requesting that the number of nominated seats be reduced from 7 to 6 and that of the non-Mahomedan elected members be raised from 24 to 25. In other words, it means that the Hindus should get one more seat.

" We do not dispute the right of the President to give his opinion to the Government in matters pertaining to the Municipality but that right is limited to cases where the matter has been placed before the Municipal Board and the Board has expressed its considered opinion about it. In the present case the Government Resolution was never placed before the Board for consideration and the Board was never asked by the President or anybody else to express an opinion on it. We strongly protest against the action of the President, in writing to the Government without giving us any opportunity of expressing our opinion and thus stabbing the Mussalmans behind their back in the dark."

As regards the point of the honourable member from Sukkur that the original recommendation of the municipality was to give 26 elected seats to non-Mahomedans and 14 to Mahomedans, the Mahomedan representatives observe as follows :

" As regards his first point that the Board has decided the ratio of 26 to 14, we beg to submit that the resolution was carried in the teeth of Muslim opposition (all the Muslim members having voted in a body against it) by the Hindus against all reasoning by the sheer force of majority. "

Now, I have read out to this honourable House the relevant extracts. The question is whether in a municipality where communal feelings run high, it is proper to reduce the nominated number. Does such a municipality deserve it ?

I then come to another point. There is an application from the Hindu residents of certain parts of Sukkur. They say :

" We, the undersigned residents of Nawagoth, beg most respectfully to submit that in our village the population is about....., but owing to the majority of population

[Sir Ghulam Hussain]

in New Sukkur being greater than that of ours, we regret to state that the candidates from our village cannot succeed in the Municipal election; hence we are under great deal of troubles and nobody hears our requests in the Sukkur Municipality....."

Mr. B. G. PAHALAJANI: This has no connection with the number of seats.

The Honourable Sir GHULAM HUSSAIN: The representation continues:

"there being none to represent our grievances. We therefore pray that your honour would be pleased....."

and so on.

Mr. B. G. PAHALAJANI: What is the prayer?

The Honourable Sir GHULAM HUSSAIN: That shows that the Sukkur Municipality does not enjoy the confidence of these Hindu residents.

We now come to another representation from the Hindus:

"The present body of Municipality has had its three years trial but the work is not satisfactory. President has too many duties as Council Member, Secretary of Library, and President of Shewa Mandli....."

An Honourable MEMBER: Who is the President?

The Honourable Sir GHULAM HUSSAIN: The honourable member from Sukkur.

Mr. B. G. PAHALAJANI: Sir, I rise to a point of order. That representation has nothing to do with the number of seats: It was in connection with extension of the term of the municipality.

The Honourable the PRESIDENT: I would request the Honourable Minister to limit his remarks strictly to the point.

The Honourable Sir GHULAM HUSSAIN: I have read out the Mahomedan representation to show that the Municipal Board has not authorised the President to write to Government asking for more elected representation, and I ask, is it proper, in view of what I have pointed out, to reduce the nominated seats?

I now come to the proportion of Hindu and Mahomedan seats. The Hindu population is 24,811 and the Mahomedan 14,700.

Mr. B. G. PAHALAJANI: Sir, wrong figures are being given. I challenge the statement that Hindus are only 24,000.

The Honourable Sir GHULAM HUSSAIN: So, have I done any injustice to the Hindu members? I have given them representation strictly in proportion to their population.

Mr. JAIRAMDAS DOULATRAM: Is it suggested that the 24 seats are reserved for Hindus and are not open to other Non-Mahomedans?

The Honourable Sir GHULAM HUSSAIN: I am coming to that. Out of the seven nominated seats, one is reserved for the miscellaneous communities. Even my honourable friend admitted that if we put other miscellaneous communities along with Hindus, then out of 38 seats, the ratio between Hindus and Mussalmans will be 24 and 14.

[Sir Ghulam Hussain]

I appeal to honourable members not to take into consideration any communal feeling—I appeal both to Hindus and to Mahomedans. If they think I have done anything wrong, they are at liberty to vote against me.

Question put and lost.

The Honourable the PRESIDENT: I wish to warn the honourable House that if there is no serious attempt made by each individual honourable member, the Council session will have to last for many days more.

Mr. B. G. PAHALAJANI: The rest of the Statutory motions would not take more than half an hour.

The Honourable the PRESIDENT: I do hope so. Order, order. I had an informal talk with the Honourable the Leader of the House. And it is this. If the honourable members at the fag end of this long session feel that His Excellency the Governor should be requested to prorogue the session in a day or so, I would request the Honourable the Leader of the House, on behalf of the non-official members on this side, that the two days or the one day that would be lost to the private business should be added to the legitimate number of days that they would be entitled to in the next session. If honourable members are agreeable to this proposal, I would move the Honourable the Leader of the House and get his consent.

Honourable members: No, no.

Finance Committee

The Honourable the PRESIDENT: The result of the Finance Committee is declared and the following honourable members have been elected:—

Mr. B. G. Pahalajani	61
Mr. L. M. Deshpande	60
Khan Saheb Abdul Latif Haji Hajrat Khan ..	59
Mr. Hooseinbhoy A. Lalljee	58
Mr. P. R. Chikodi	58
Rao Bahadur R. R. Kale	58
Mr. G. A. D. Wasif	55
Mr. J. C. Swaminarayan	53
Dr. B. R. Ambedkar	51
Mr. M. S. Khuhro	51
Mr. R. S. Asavale	50
Mr. R. G. Pradhan	48

These are the twelve members elected to the Finance Committee and the other results will be announced to-morrow.

Mr. NOOR MAHOMED (Hyderabad District): Sir, before you adjourn the House, I would request the honourable members on the opposite benches to restrict themselves to the dates officially fixed for the

[Mr. Noor Mahomed]

Government business. We find now that Government business is being extended from day to day. In the Legislative Assembly, the arrangements are quite different. There the members can go back to their constituencies and come back during the continuance of a session. Here there is no such arrangement and we do not get opportunity to go to our constituency till the session is over. At this rate we do not know when the present session will be over. Government business was to be over yesterday and from yesterday it has come to to-day and now we are told there is still Governmeut business for to-morrow. Of course, they have a right to take as much time as they like for their business. But in fairness to this side of the House, it is better that they restrict themselves to the dates given for the official business. From the way in which the business is going on, I think the University Bill is being deliberately kept back....

The Honourable Sir CHUNILAL MEHTA: Sir, I rise to a point of order.

The Honourable the PRESIDENT: Order, order. There is one thing that I would like to say in this connection. The honourable member, Mr. Noor Mahomed, I am afraid, was not present when a point was raised in the early part of the session and it was announced to the House—I think I or the Honourable the Leader of the House made a statement that it was the privilege, according to the constitution, of Government to arrange their business as they liked and in any order they pleased. The number of days given and the dates shown is a mere matter of formality and is for the convenience of honourable members. I may say that it is for the non-official members to manage to finish the work as quickly as they can. I think I shall have to admit that time was taken—perhaps rightly and legitimately—by the honourable members on this (non-official) side in discussing matters in detail. Government is entitled to get through the agenda unless they wish to drop certain of their items. With that view, they have to go on from day to day and after their business is finished, the non-official members are entitled to get two days for private business. I do not think that any objection can be raised. I appreciate the point that it would be better if dates given by Government can be adhered to. But it is really wrong to say that Government have intentionally kept back the University Bill. The House is aware that two new members have been sworn into the Council for that purpose alone. One honourable member has already taken oath to-day. I know some Government members are anxious that the University Bill should be reached to-day; and I think every effort is being made to do so. Honourable members, therefore, should have no suspicion that Government are delaying the bill intentionally.

The Honourable Sir GHULAM HUSSAIN: Sir, I may assure the honourable members that it was at my request that the Statutory Motions were taken up first. I thought if they were not taken up in this session, then the rules would come into force for the Sukkur and Larkana municipal elections. I considered that would not be fair to my honourable

[Sir Ghulam Hussain]

friend Mr. Pahalajani, who had expressed his intention to move his amendments to those rules.

Mr. M. S. KHUHRO (Larkana District): Sir, the Honourable the Leader of the House has not informed us as to what business would be taken up to-morrow.

The Honourable Sir CHUNILAL MEHTA : I am afraid the honourable member was not present when I stated the Order ; however, I shall repeat it. The Statutory Motions will be continued to-morrow ; after these are finished, the University Bill will be taken up, which is the only Government bill that will now be taken up in this session.

The Honourable the PRESIDENT : May I know from the Honourable the Leader as to up to what time the House should go on to-morrow ?

The Honourable Sir CHUNILAL MEHTA : Sir, I would like to know whether the House wants to disperse on Monday or not. Everything depends on that. I may state that if the House wants to sit for one hour extra to-morrow and also on Monday, I am willing to accept that suggestion. Anyhow, I leave the matter entirely to this House to decide in any way they choose.

The Honourable the PRESIDENT : The House is adjourned under the present circumstances till 10-30 a.m. to-morrow, Saturday, the 17th March 1928 and will sit up to 2 p.m. unless we decide otherwise.

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DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
DIXIT, Dr. M. K.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HAIDAR SHAH, Mr.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
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HAMLEY, Mr. H. R.
HARRISON, Mr. R. T.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JAN MAHOMED KHAN, Khan Bahadur
JANVEKAR, Mr. D. A.

Saturday, the 17th March 1928

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icil re-assembled at the Town Hall, Bombay, on Saturday, March 1928, at 10-30 a.m., the Honourable the President, M. K. Dehlavi, Bar-at-Law, presiding.

Present :

D, MOULVI RAFIUDDIN
HBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.
Mr. H. J.
RSON, Mr. F. G. H.
DI, Rao Bahadur S. N.
ALE, Mr. R. S.
IVANE, Mr. A. M.
AK RAM, Mr.
CHAR, Mr. N. A.
OSLE, Mr. M. G.
UJARANI, Khan Bahadur SHER MUHAMMAD KHAN
OLE, Mr. S. K.

JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KHUHRO, Mr. M. S.
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LIGADE, Mr. S. P.
MAJMUDAR Mr. N. G.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATASKAR, Mr. H. V.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SHIVDASANI, Mr. H. B.
SMART, Mr. W. W.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
TAKOR OF KERWADA, The

THOMAS, Mr. G. A.
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Swearing in of new members.

The following honourable members then made the prescribed oath of allegiance to His Majesty the King-Emperor, and took their seats in the Council:—

Mr. R. T. Harrison,
Mr. G. A. Thomas.

The Honourable the PRESIDENT: Questions.

FLOOD DRAINS, GUJARAT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether any drains exist to carry off the flood waters in the flooded districts of Gujarat: (please state the names of these drains and the parts of the districts they serve);

(*b*) whether it is a fact that these drains were constructed long ago and have silted up;

(*c*) the expenditure incurred for keeping each of these drains in order and to prevent them being silted up during each of the last ten years;

(*d*) whether they are aware that Settlement officers and engineers had recommended the construction of more drains in those flooded tracts; if so, what action was taken by Government on these reports;

(*e*) when the existing drains were constructed?

The Honourable Sir COWASJI JEHANGIR: (*a*) Yes, there are drains in the flooded area of north Gujarat comprising the Ahmedabad, Kaira and Broach Districts, but they were primarily constructed for removing in years of ordinary rainfall the water-logging and consequent damage to crops in the flat tracts of Gujarat. They are not intended to cope with such heavy floods as occurred in July last. The names of the drains and the parts of the districts they serve are given in the attached statement.

(*b*) No, the drains are in working order and have not silted up, though they were damaged during the last abnormal floods. The question of putting them again in order is already under consideration.

(*c*) and (*e*) The statement referred to above gives the expenditure incurred on each of the drains during the last ten years and the years of their construction.

(*d*) The Settlement Officer had made proposals for the construction of certain drains in the Viramgam taluka of the Ahmedabad District.

The necessity of a drain was also mentioned in the case of Nadiad. A drainage project has been taken in hand in the Viramgam taluka and three other projects are under investigation. A project is also under investigation for the Vagra taluka of the Broach District. But these projects are proposed primarily for removing water-logging and consequent frequent damage to crops in years of normal rainfall. They are not intended to cope with abnormal floods.

Flood Drains, Gujarat

Statement showing the names of the existing drains in the flooded Districts of Gujarat and 1917-18 to

Serial No.	Name of the drain	Parts of the Districts they serve	Miles	Year of construction	1917-1918
1	2	3	4	5	
	Ahmedabad District		M. f.		Rs.
1	Panar Dediasan drain ..	Part of Viramgam taluka.	15 0	1900	1,500
2	Viramgam drain	Part of Viramgam taluka.	22 4	1890	1,500
3	Ghoda feeder drain	Part of Viramgam taluka.	12 0	1898	1,171
4	Narsingpura drain including Doig's Ditch.	Part of Viramgam taluka.	5 3	1892	400
5	Ogan drain	Part of Viramgam taluka.	3 0	1900	225
6	Chekhla drain	Part of Sanand mahal.	5 0	1902	400
7	Godhavi Goraj drain ..	Part of Sanand mahal.	5 2	1900	325
8	Drainage channel at Dholka ..	Part of Dholka taluka	3 4	1914	350
9	Drain from Wasna Dhedhal to Bhalia.	Do. ..	4 2	1911	300
10	Makarba feeder drain ..	Part of North Daskroi taluka.	3 4	1907	100
11	Diversion channel at Dholka ..	Part of Dholka drains.	0 6	1914	2,599
	Kaira District				
1	Matar drains	Part of Nadiad and Matar talukas.	24 0	1900	535
2	Karamsad drains	Part of Nadiad, Anand and Borsad talukas.	17 4	1900	535
3	Anand Mogri drain	Part of Anand and Borsad talukas.	26 4	1870	535
4	Tarapur drain	Part of Matar taluka.	6 0	(Old drain) 1837	443
	Broach District				
1	Kora Madafar	Taluka Jambusar ..	6 0	1885	265
2	Nober Umra Koteshwar ..	Do. ..	8 0	1900	265
3	Amanpur Nadiad ..	Do. ..	6 0	1885	270
4	Sindhav ..	Do. ..	1 2	1894	65
5	Vansetta ..	Do. ..	0 4½	1900	20
6	Uber Dabha	Do. ..	2 0	1904	45
7	Ghamnad	Taluka Amod ..	10 0	1900	465
8	Samadpora Kadodra ..	Taluka Wagra	11 0	1885	710
9	Pakhajan Ambhel	Do. ..	12 0	1885	870
10	Modhua Nober	Taluka Jambusar ..	1 4	1900	35
11	Jolwa	Taluka Wagra ..	14 0	1885	78
12	Ora Vichhiad	Do. ..	14 0	1885	708

the expenditure incurred for keeping them in order during each of the last ten years, viz., *1926-27*

Expenditure incurred in									Remarks
1918-1919	1919-1920	1920-1921	1921-1922	1922-1923	1923-1924	1924-1925	1925-1926	1926-1927	
6									7
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1,500	2,112	1,632	2,278	2,822	2,454	1,900	1,900	1,900	
1,752	3,090	3,113	3,606	3,549	2,221	1,900	1,900	1,900	
820	1,022	3,366	963	841	800	800	800	800	
400	1,062	929	650	450	632	450	450	450	
225	325	225	275	275	275	275	275	275	
522	900	400	873	534	500	500	500	500	
325	925	325	400	2,044	981	400	400	400	
395	217	197	275	275	393	275	275	275	
1,090	352	297	375	375	525	375	375	375	
99	..	100	125	125	125	125	125	125	
2,038	3,128	5,039	1,107	41	301	300	297	300	
606	998	2,140	1,785	1,277	1,080	1,023	950	817	
606	953	911	1,041	1,003	1,209	1,218	1,197	1,300	
606	1,066	865	1,041	1,185	1,330	1,300	1,350	1,620	
507	614	180	297	364	617	623	480	400	The year in which it was removed is not known.
265	237	289	239	269	277	275	240	259	
265	257	299	245	275	284	275	275	275	
270	270	299	292	275	281	275	256	275	
65	64	62	79	79	74	80	80	80	
20	20	20	30	30	30	30	30	22	
45	43	45	50	50	50	50	50	49	
465	462	520	531	500	474	425	475	473	
710	857	786	737	599	1,000	1,001	900	930	
865	870	797	887	875	897	900	889	890	
35	33	35	40	40	40	39	39	40	
75	63	79	99	98	76	74	75	75	
700	337	988	678	683	750	756	745	749	

Rao Saheb D. P. DESAI: As regards (*d*), though the Settlement Officers have been recommending these drains since 1865, why are Government sitting silent over that ? The necessity of drains in Kaira was also mentioned by the Settlement Officers since the year 1865. Why are these drains held over till now ?

The Honourable Sir COWASJI JEHANGIR: The answer says " three other projects are under investigation."

Rao Saheb D. P. DESAI: They are outside the Kaira district. I am asking about the drains in the Kaira district.

The Honourable Sir COWASJI JEHANGIR: Does the honourable member mean that none of these three projects are in the Kaira district ?

Rao Saheb D. P. DESAI: None of them is in the Kaira district.

The Honourable Sir COWASJI JEHANGIR: If the honourable member will ask me another question, I will find out whether there was any proposal definitely with regard to Kaira district and why it was not carried out.

FLOOD DRAINS, GUJARAT

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) how many old drains existed in the flood-stricken parts of Gujarat before the establishment of the Public Works Department (please name these drains) ;

(*b*) whether it is a fact that they are neglected and have been allowed to be silted up ;

(*c*) whether they intend to construct sufficient drains to carry off the flood waters from the villages subject to flooding during excessive rains ;

(*d*) what measures they intend to adopt to secure the Gujarat district from the effects of floods ?

The Honourable Sir COWASJI JEHANGIR: (*a*) There were 13 drains in the Kaira District prior to the establishment of the Public Works Department. The attached statement gives the names of these drains. Such drains do not appear to have been constructed in the Ahmedabad and Broach Districts.

(*b*) Drains Nos. 4 to 13 in the statement referred to above have been remodelled and are in working order. The remaining 3 drains have ceased to exist.

(*c*) It is not feasible to design drains of such a capacity as would carry away flood waters during excessive rainfall, which occurs once or twice perhaps in a century. The cost of such a measure would be prohibitive. Moreover, in years of ordinary rainfall such drains would drain the affected areas too rapidly and thus act detrimentally on the cultivated areas and existing tanks and wells.

(*d*) Reference is invited to reply to clause (*d*) of the previous question.

Names of drains constructed between 1832 to 1842 in the Kaira District

Group 1	Serial No. 2	Name of drain 3
North ..	1	(*a*) Channel from Rudan to Karoli. (*b*) Channel from Bhumas to Khutaj.
Western Works ..	2	Channel from Radhwanaj to Watrak river.
	3	Channel from Undhela to Matar.
	4	Channel draining Heranj Machhial and Traj villages.
	5	Channel draining Khandhli, Kathoda Tranja, Marala and Punaj villages.
	6	Channel draining Petlad villages of Pij and Vaso (Baroda) and Matar villages of Maliataj and Lawal (British).
	7	Channel draining Bamnoli, Dantali and Davra.
	8	Channel draining Dumral, Piplata and Keriavi.
	9	Channel draining Mitral and Akhlod.
South West ..	10	Channel draining Moraj Chikhlia entering Alang Canal (Cambay).
	11	The great Karamsad drain passing through Palaj, Amod, Nar and Bhanderaj.
	12	Feeder to the Karamsad drain passing through Narsanda, Vadtal, Rahvli and Bhadhni.
South ..	13	Mogri drain relieving Nahapa, Santokpura, Bochasan, Uneli, Sahijpur and Vasna and entered the Chor-ravine at Kharamsal.

IRRIGATION PROJECTS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) when the Mahi, Meshave and Sabarmati projects will be undertaken;

(*b*) whether it is a fact that certain Indian states have raised objection against the survey being carried out in their territory;

(*c*) if the reply to (*b*) be in the affirmative what steps Government propose to take in the matter;

(*d*) whether any correspondence has passed between the Government and these states; if so, whether they will place the correspondence on the table;

(*e*) whether it is the policy of this Government to supply water in the Indian states territory from the head works constructed in the British territory;

(*f*) if the reply to (*e*) be in the affirmative whether this aspect of the question has been brought to the notice of the Indian states protesting against the survey and construction of the works mentioned above?

The Honourable Sir COWASJI JEHANGIR: The information is being collected.

IRRIGATION PROJECTS

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) what progress has been made in the preliminary survey of the Mahi and Sabarmati irrigation projects;

(*b*) the approximate cost to Government;

(*c*) the area which will be ultimately irrigated by these projects ?

The Honourable Sir COWASJI JEHANGIR: The information is being collected.

FLOOD WATER DRAIN, VARSOLA

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether they have received applications from Varsola and other villages on the Malkana Nalla in the Kaira district complaining that the B. B. & C. I Railway embankment is too high and that the span of the bridge on the nulla is insufficient to carry off the flood waters in the rainy season;

(*b*) if the reply to (*a*) be in the affirmative, whether they have asked the Railway Board to construct a bridge with a larger span than the one proposed to be constructed ?

The Honourable Mr. J. L. RIEU: (*a*) No.

(*b*) Does not arise, but it may be stated that the question of increasing the dimensions of certain waterways under railway lines in Gujarat has been raised by the Commissioner, Northern Division, and is under consideration.

FLOOD RELIEF

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(*a*) whether they are aware that the British Parliament has appointed a committee to investigate into the causes of the flood in the Thames and to suggest measures for the prevention of such a calamity in future;

(*b*) if the reply to (*a*) be in the affirmative, what measures they propose to adopt to prevent similar calamities in this Presidency ?

The Honourable Mr. J. L. RIEU: (*a*) Government are not aware that Parliament has appointed any such committee, though they know that investigations into the provision made to meet such floods have been made.

(*b*) The conditions prevailing in this Presidency and those in the lower reaches of the river Thames have nothing in common, and measures suitable in one place would be quite unsuitable in the other.

CROPS ON ECONOMIC HOLDINGS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(*a*) the number of places where economic or profitable holdings are owned by individuals or firms;

(*b*) the area at each place and the names of persons or firms holding them;

(*c*) the average crop per acre (in kind) of all sorts at each place ;

(*d*) the rates of different crops at which they were sold during the year 1926-27 ;

(*e*) the outturn of every sort of crop per acre at the Manjri Government farm in the year 1926-27 :

(*f*) the rates at which these various crops were sold last year (1926-27) ;

(*g*) the cost of manures (except sheep, cow-dung and oil-cakes) per acre for sugarcane ?

The Honourable Mr. G. B. PRADHAN : (*a*) to (*d*) Government have no precise information and regret their inability to obtain it.

(*e*) and (*f*) A statement furnishing the required information is placed on the Council Table.

(*g*) The cost was Rs. 37-8-0 per acre.

STATEMENT

Name of the crop	Outturn per acre	Rate at which it was sold
Sugarcane (Gul)	9,942 Lbs.	11 Lbs. per Re.
Cotton	1,075 ,,	12 ,,
Jowar	1,905 ,,	20 ,,
Groundnut	2,712 ,,	16 ,,
Turmeric	1,700 ,,	12 ,,
Wheat	1,141 ,,	13 ,,
Chillies (Dry)	620 ,,	6 ,,
Tobacco	903 ,,	6½ ,,
Onions	15,518 ,,	35½ ,,
Potatoes	4,274 ,,	18 ,,

Mr. L. M. DESHPANDE : May I know the reason why Government have no information ? Is it because there are no economic or profitable holdings existing at present ?

The Honourable Mr. G. B. PRADHAN : If the honourable member reads the question, he will find it says " the number of places where economic or profitable holdings are owned by individuals or firms. " What a vague question ? And what reply is to be given to it ?

Mr. L. M. DESHPANDE : Is there none existing ?

The Honourable Mr. G. B. PRADHAN : Yes ; there may be several existing. But the question is worded in such a way that one does not know what the honourable member wants, and it is impossible to obtain information for such a vague question.

G. T. HOSPITAL : X-RAY AND ELECTRO-THERAPEUTIC DEPARTMENT

Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister for Education be pleased to state—

(*a*) the name of the person who has been appointed sister-in-charge of the X-Ray and Electro-Therapeutic Department at the Goculdas Tejpal Hospital, Bombay ;

(*b*) her qualifications as a specialist in her subject ;

(*c*) whether it is not a fact that these qualifications can be acquired in Great Britain in six months ;

(*d*) the pay and allowances of the post ;

(*e*) whether private practice is allowed to the holder of the post ;

(*f*) if so, the time she usually spends in the hospital ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Miss D. Milner, who is on the establishment of the Goculdas Tejpal Hospital Nursing Association, is working at present but Government have not yet appointed her to the post which is to be advertised.

(*b*) G.S.M.M.G., M.E., S.R.E. of the Chartered Society of Great Britain.

(*c*) No. The time taken is at least two years, with special terms of a minimum of 18 months.

(*d*) Present pay on the Nursing Association's establishment Rs. 100—10—150 ; *plus* Rs. 65 per mensem messing allowance ; *plus* Rs. 8 per mensem dhobi allowance ; *plus* Rs. 100 per annum for uniform.

(*e*) Yes.

(*f*) 8-30 a.m. to 1 p.m.

Dr. M. D. GILDER : Will the Honourable Minister be pleased to state why in this case messing allowance is necessary when the person concerned is in the hospital from 8-30 a.m. to 1 p.m. only and is allowed to have private work ?

The Honourable Dewan Bahadur HARILAL D. DESAI : These are the only terms under which this kind of officers are available.

Dr. M. D. GILDER : Have others been tried ? Have you advertised for others ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They are the terms of the Nursing Association, and the Nursing Association have taken all means that are necessary in the matter.

Dr. M. D. GILDER : The Nursing Association is given certain grants, and they come to us for increased grants. We have also, therefore, to see, and the Honourable Minister is bound to see, how they spend the money. Will the Honourable Minister inform us whether they have made those investigations.....

The Honourable Dewan Bahadur HARILAL D. DESAI : Sometimes, yes. The question was considered if the unequal salaries of those officers in Bombay could be equalised and it was found that it was not possible to do so at once.

Dr. M. D. GILDER : Will the Honourable Minister be pleased to state whether if the Indian nurses working in the G. T. Hospital also work from 8-30 a.m. to 1 p.m., they can get messing allowance also ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No, they cannot, as they can be had on lesser scales.

Dr. M. D. GILDER : Has the attention of Government been drawn to the fact that the amount mentioned in answer to (*d*) comes to about Rs. 180 a month and yet the sanction of this Council has been taken to a salary of Rs. 250 per month. Will the Honourable Minister be able to account for the difference ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That was the salary proposed for the appointment but we have not yet made up our mind as to what salary should be actually paid to the incumbent of the post.

Dr. M. D. GILDER : When a person is drawing a salary of Rs. 180, why should Government ask the Council to vote Rs. 250 for the same person ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That was the recommendation of the Surgeon General and the Superintendent in charge of the hospital who said that according to their opinion a proper person with necessary qualifications would not be available for less.

Dr. M. D. GILDER : Does the Honourable Minister mean to suggest that the present incumbent has not got the necessary qualifications ?

(No reply).

G. T. HOSPITAL : X-RAY AND ELECTRO-THERAPEUTIC DEPARTMENT

Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister for Education be pleased to state—

(*a*) the date of appointment of the sister-in-charge of the X-Ray and Electro-Therapeutic Department at the Goculdas Tejpal Native General Hospital, Bombay ;

(*b*) whether it is a fact that she was employed in the same capacity before the grant for her pay was passed by the Legislative Council on October 11, 1927 ;

(*c*) if the reply to (*b*) be in the affirmative how long had she been so employed and under what head had her pay been shown in the budget ;

(*d*) if the reply to (*b*) be in the affirmative, why the Honourable Minister told the Council " We are not committed to employ any one. We are not committed to the fact that a sister is absolutely necessary." (Council Proceedings, October 11, 1927, Volume XXI, page 671) ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*), (*c*) and (*d*) A sister-in-charge of the X-ray and Electro-therapeutic Department at the Goculdas Tejpal Hospital has not yet been appointed but a sister with the necessary qualifications has been appointed by the Goculdas Tejpal Hospital Nursing Association on its establishment with effect from the 16th May 1927. Government have not yet sanctioned the appointment which will be advertised.

(*b*) No.

Rao Saheb D. P. DESAI : (Inaudible).

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

Rao Saheb D. P. DESAI: (Inaudible).

The Honourable Dewan Bahadur HARILAL D. DESAI: The matter is under consideration.

Rao Saheb D. P. DESAI: Is the European nurse going to be appointed ?

The Honourable Dewan Bahadur HARILAL D. DESAI: We have not yet made up our mind as to that.

G. T. HOSPITAL: INDIAN SISTERS-IN-CHARGE

Dr. M. D. GILDER (Bombay City, North): Will the Honourable the Minister for Education be pleased to state—

(*a*) whether his attention has been drawn to the statement made by the honourable member for the Bombay City, North (non-Muhammadan constituency), at the Council meeting on October 11, 1927, that "In this connection I would like to invite particular attention to the fact that in the Goculdas Tejpal Hospital there are several Indian nurses, who are not given any chance of promotion, although many of them are qualified and well fitted to hold the post of sister-in-charge...." (Mr. Ginwala—Council Proceedings Volume XXI, page 667);

(*b*) whether he has made any inquiries into the matter;

(*c*) if so, how many purely Indian nurses have been appointed as sisters-in-charge within the last four years ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes.

(*b*) Yes.

(*c*) None. The Superintendent of the G. T. Hospital reports that only those that have had previous experience in a recognised hospital as sisters are appointed. The position of a sister-in-charge of a ward is important and full of responsibility, and in the circumstances, it is not found possible, in the best interests of the institution, to promote an Indian nurse from the existing staff to the position of a sister-in-charge of a ward. Government will consider the claims of suitable Indian candidates whenever available.

Dr. M. D. GILDER: Will the Honourable Minister be prepared to state whether every one of the sisters who have been appointed by Government as sister-in-charge have had previous experience in a recognised hospital ?

The Honourable Dewan Bahadur HARILAL D. DESAI: I require notice of that.

Mr. J. C. SWAMINARAYAN: Is it not possible to find out whether there are Indian sisters capable of acting as sister-in-charge ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Hitherto it has not been possible to find one with necessary experience.

Dr. M. D. GILDER: Have not the Cama and other hospitals been able to find more than half the sisters who are Indians with practical experience ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I hear they have.

Mr. J. C. SWAMINARAYAN : Is it the policy of the department to debar Indian sisters from such posts ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Not at all.

Mr. J. C. SWAMINARAYAN : Will the Honourable Minister consider the claims of Indian Nurses ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is what we are going to consider and we will give them a chance whenever a suitable candidate is forthcoming.

Mr. J. C. SWAMINARAYAN : Has no suitable candidate been ever forthcoming ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Occasionally.

REGISTRATION OF DOCUMENTS : FILM PHOTO PROCESS

SARDAR G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(*a*) whether the newly introduced film process of photo copying documents renders it necessary to correct any mistakes in such copies ;

(*b*) whether they will place on the Council Table the first two hundred of such photo copies from the offices of the sub-registrars of Haveli since the introduction of the new film process ;

(*c*) the number of employees from August 1927 to December 1927 since the new introduction of photo copying by film process and their monthly wages ;

(*d*) whether this new system is less expensive than the former photo copying system and whether the number of employees and their wages under the former system of photo copying was less than under the present system ;

(*e*) the maximum delay caused in returning documents to parties during the months of August 1927 to December 1927 since the introduction of the new film process ;

(*f*) whether stitched documents are required to be loosened in sheets for the purposes of photo copying since the introduction of the new film process ;

(*g*) whether there are any instances of documents written in any ink otherwise than black having been found unfit for the purposes of photo copying under the new film process ?

The Honourable Mr. G. B. PRADHAN : (*a*) No.

(*b*) As the copies form the original records and concern the affairs of private parties, they cannot be placed on the Council Table.

(*c*) In August 1927 there were 33 employees and their monthly wages amounted to Rs. 1,149. The present staff consists of 20 men costing Rs. 672.

(*d*) The film process is less expensive than the photo copying system. The number of employees and their wages under the former system of photo copying were more than under the present system.

(*e*) The maximum delay was 5 months and 20 days in respect of one document during the period of transition from one process to another.

(*f*) No.

(*g*) Very few. But this defect will be cured when the photo office is more fully equipped.

CRIMINAL COMPLAINTS : PAPERS CALLED FOR BY DISTRICT MAGISTRATE

SARDAR G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state whether it is a fact—

(*i*) that criminal complaints have been lodged against two councillors of the Kalyan municipality ;

(*ii*) that the papers relating to the said complaints were called for by the Collector of Thana and were kept by him for several days ;

(*iii*) that the Collector also called for papers in a case before the Resident Magistrate of Kalyan in which a Muhammadan was involved ?

The Honourable Mr. J. E. B. HOTSON : (*i*) Yes.

(*ii*) No.

(*iii*) The question is too vague to admit of a definite reply.

KONKAN EDUCATION SOCIETY : ACCOUNTS

SARDAR G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(*a*) whether they have seen the annual report of the Konkan Education Society ;

(*b*) whether they have made any inquiry about the defaults in the accounts of the Konkan Education Society detected by the District Local Board, Kolaba, in the industrial branch of the society and published in the " Kolaba Samachar " of 12th February 1927 ;

(*c*) if not, whether they propose to do so ;

(*d*) whether it is a fact that the Council of the Society has decided that the ordinary members of the society—contributors—have no right to check the accounts and go through the minute book ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) Yes.

(*b*) Yes. The accounts are reported to be in order except for some irregularities of a trifling nature.

(*c*) Does not arise.

(*d*) No. An ordinary member with the previous permission of the Chairman of the Society can have access to the account books of the Society.

LABOURERS' WAGES : FINES AND DEDUCTIONS

Mr. S. C. JOSHI : Will Government be pleased to state—

(*a*) whether they are aware of any, and if so, what action, legislative or otherwise, that is proposed to be taken by the Government of India in the matter of the report of the Bombay Government as regards fines and deduction of wages of employees in mills ;

(*b*) what definite steps the Bombay Government will take to ameliorate the hardship caused by these heavy fines and deduction from wages ?

The Honourable Sir COWASJI JEHANGIR : (*a*) No.

(*b*) An enquiry regarding fines and deduction of wages of employees in mills was recently undertaken at the instance of the Government of India from which it may be inferred that the whole question is under the consideration of the Government of India. In the circumstances the Government of Bombay do not propose to take any action.

SUBORDINATE JUDGES, SATARA DISTRICT : SHORTHAND TYPISTS

Mr. S. C. JOSHI : Will Government be pleased to state—

(*a*) whether the sub-judges in the Satara district are provided with shorthand-typists ; if so, at what places ;

(*b*) whether it is a fact that the services of other clerks are utilised as such, and if so, in what courts ;

(*c*) whether the clerks are required to do this work in addition to their other duties ;

(*d*) whether they are paid any extra allowance for the same ;

(*e*) if not, whether they propose to sanction such allowance to them ?

The Honourable Mr. J. E. B. HOTSON : (*a*) No.

(*b*) Two clerks have learnt shorthand and their services are made use of as shorthand writers when required.

(*c*) When so employed during office hours, they do this work instead of their other work.

(*d*) and (*e*) No.

SHIRASTEDARS, SATARA DISTRICT : HOURS OF WORK

Mr. S. C. JOSHI : Will Government be pleased to state how long after office hours do the suit and *darkhast* shirastedars in the courts of the various sub-judges in Satara district have to sit to finish their every day work and in what courts ?

The Honourable Mr. J. E. B. HOTSON : There are no fixed periods. Office hours are from 11 a.m. to 6 p.m., and some of the establishment are occasionally required to come to office earlier or stay later. It depends upon the amount of work to be done.

COURTS : HALF-HOLIDAY ON SATURDAYS

Mr. S. C. JOSHI : Will Government be pleased to state in what districts Saturday is observed as a half-holiday in the courts ?

The Honourable Mr. J. E. B. HOTSON : There is no rule that Saturday is to be observed as a half-holiday in the Civil Courts outside Bombay.

FAMINE FODDER

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(*a*) how much grass has been collected by Government from forests for sale or for giving as a loan to agriculturists during the last famine (1919-20) in the Deccan Districts of the Presidency;

(*b*) how much of it remained undisposed;

(*c*) how much loss Government have incurred owing to the grass being useless after the rains have set in;

(*d*) whether the grass was pressed;

(*e*) whether they are aware that there has been much loss at Karad owing to such grass being left unsold ?

The Honourable Mr. J. L. RIEU: (*a*) to (*d*) A statement containing the information is placed on the Council Table.

(*e*) There was no famine in the Satara District in the year 1919-20. A loss of Rs. 6,474 occurred on account of the operations undertaken during 1918-19. Of this the loss at Karad amounted to Rs. 4,895 though efforts were made to sell the grass both by auction and at fixed rates.

Statement regarding Famine Fodder operations in 1919-20 in the Deccan Districts

Name of District	Total quantity of grass collected	Quantity of grass remained undisposed of	Loss (in Rupees) Rs.	Whether the grass was pressed
1	2	3	4	5
	Lbs.	Lbs.		
West Khandesh ..	1,53,50,820	18,49,820	*Nil.*	Pressed.
Poona ..	12,09,174	..	*Nil.*	Not pressed.
Nasik ..	1,30,00,576	..	*Nil.*	Pressed.
Ahmednagar ..	42,73,500	2,977	*Nil.*	Pressed.

LLOYD BARRAGE, WESTERN CIRCLE: APPOINTMENTS.

Mr. M. S. KHUHRO (Larkana District): Will Government be pleased to state—

(*a*) whether their attention has been drawn to the articles that have appeared in the *Sind Zamindar* of Sukkur dated 17th August, 28th September and 1st of October 1927 about the unfair treatment and the anti-muslim policy in the matter of appointments in the Western Circle of Mr. Satarawala ?

(*b*) whether it is a fact that a Hindu Head Clerk whose son who is only 18 years of age has been appointed as Lower Subordinate in the vacancy that occurred under one Executive Engineer in the Circle of Mr. Satarawala in spite of the fact that the Executive Engineer reported to him that there was no necessity to fill the appointment ?

(*c*) If so, why Government money was wasted by making this unnecessary appointment merely to oblige the Head Clerk;

(*d*) why the post was not advertised if the Superintending Engineer at all wanted to fill it;

(*e*) whether it is a fact that this Head Clerk of Mr. Satarawala who belongs to Sehwan wields a great influence over the Superintending Engineer;

(*f*) How many appointments in all have been made without advertisement in the Western Circle since the date of Mr. Satarawala having been put in the charge of the circle;

(*g*) how many Mussalmans and how many non-Muslims have been appointed in Western Circle in the clerical staff, Lower Subordinate and Upper Subordinate grades, since the time of Mr. Satarawala ?

The Honourable Sir COWASJI JEHANGIR: The information has been called for.

Mr. M. S. KHUHRO: Will a reply be sent to me if the information is received after the close of the present session but before the commencement of the next session ?

The Honourable Sir COWASJI JEHANGIR: It will be given in the next session in the usual way.

Mr. M. S. KHUHRO: Will it not be sent to me personally before the commencement of the next session ? Informally ?

The Honourable Sir COWASJI JEHANGIR: I will see if I can manage that. I will take a note of it.

SALT SUPPLY, AHMEDABAD

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) whether they are aware of the fact that the salt supplied to the sub-agent at Ahmedabad is of very low quality and detrimental to public health;

(*b*) whether they are aware that the salt supplied to the retail dealers at Ahmedabad is of the proper type and fit for human consumption;

(*c*) what are the reasons for such difference in quality in the salt supplied to the sub-agent and the retail dealers at Ahmedabad;

(*d*) what steps they propose to take in the matter ?

The Honourable Mr. J. L. RIEU: The question relates to a Central subject and the local Government is not in a position to answer it.

NEW URDU SCHOOLS, AHMEDABAD DISTRICT

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(*a*) the number of applications received by them from the Muslim public of Ahmedabad district for opening new Urdu schools wherever 20 students were willing to attend;

(*b*) the number of such applications which were sanctioned ;

(*c*) the number of applications which were rejected, stating the reason for the rejection ;

(*d*) whether it is a fact that applications were rejected because the applicants would not agree to provide free school accommodation and equipment ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) No applications were received by Government but 5 applications were received by the Deputy Educational Inspector, Ahmedabad district.

(*b*) 3.

(*c*) One application was rejected as the District Local Board, Ahmedabad, was not willing to bear its share of $\frac{1}{3}$rd of the cost, while the other application is still under consideration pending settlement of the question of conversion of a Gujarati school into an Urdu school.

(*d*) No.

MAMLATDAR OF DOHAD : COLLECTION FOR REPAIR OF DURGA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether it is a fact that the Mamlatdar of Dohad Taluka of Panch Mahals had collected money from some Hindus of Dohad Taluka for repairing a Durga of a Mahomedan and that after the question was asked in the Bombay Legislative Council regarding this he called Babar Gula Bhabar, a Bhil of Abhlod, and returned Rs. 10 which had been subscribed to the Durga Repairing Fund by the Bhil owing to his own pressure ?

The Honourable Sir CHUNILAL MEHTA : No.

HIGH COURT : WAITING ROOMS

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether it is a fact that there is no accommodation of a waiting room in the Bombay High Court building for litigants, witnesses, both males and females, and the public ;

(*b*) whether they are aware that great inconvenience is felt by the people (males and females) who go to High Court as litigants and witnesses and when they have to wait there for hours together ;

(*c*) whether they intend to make inquiry and make arrangements for their convenience ?

The Honourable Mr. J. E. B. HOTSON : (*a*) and (*b*) No complaint of this nature has come to the notice of Government.

(*c*) If any inconvenience is caused to the public in the manner suggested, it should be brought to the notice of the High Court.

DEPUTY COLLECTOR, DOHAD : NIGHT CAMP GUARD

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether it is a fact that in the second fortnight of November 1927 the Camp of the District Deputy Collector of Dohad was moving

in the Dohad Taluka and people were called to guard his camp at night ;

(*b*) if answer to (*a*) is in affirmative, what number of men was engaged for the night Choki at Bavka of Dohad Taluka on 25th and 26th of November 1927 and what sum was paid to each for night Choki ?

The Honourable Mr. J. L. RIEU: (*a*) and (*b*) On the night of 24th November 1927, on the way to Bavka, a typewriting machine was stolen from the kit of the Deputy Collector. The Deputy Collector in order to prevent a recurrence of the incident, especially in view of the thieving proclivities of the Bhils, asked three or four inferior village servants to sleep on two nights near his tents which contained Government records, cash box, etc. No payment was made for this service as none was asked for, and none seemed to be expected by the men.

BENCH MAGISTRATE, GODHRA : MUNICIPAL COMPLAINTS OF NUISANCE

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to sate in the following tabular form the number of persons against whom the Godhra City Municipality have lodged complaints in the Court of the Honorary Bench Magistrates during the last three years for nuisance from January 1925 to December 1927 :—

Month and year	No. of complaints lodged	No. of complaints against Hindus	No. of complaints against Muhammadans	No. of complaints withdrawn	No. of complaints against Hindus withdrawn	No. of complaints against Muhammadans withdrawn	Sum of Fine	From Hindus	From Muhammadans	Remarks
1	2	3	4	5	6	7	8	9	10	11
							Rs. a. p.	Rs. a. p.	Rs. a. p.	

The Honourable Mr. J. E. B. HOTSON : Information is being obtained.

KIDNAPPING IN SIND

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(*a*) whether their attention has been drawn to a printed appeal in the form of a leaflet under the heading " Kidnapping terror in Sind "

issued to the Indian leaders by Swami Govindanand, President of the Hindu Sabha, Karachi ;

(*b*) whether they are aware that in Sind systematic and organised kidnapping of schoolgoing boys and concealing them for a number of years in secret dens of Islamic proselytization in and outside Sind has been going on for many years ;

(*c*) whether it is fact that a schoolgoing boy of 14 years of age named Dhanraj, of village Jalbani, in Bhiria Taluka of Nawabshah District, was kidnapped by some Muhammadans in the month of January 1925 and was removed from that village in Muslim costume with the help of some leading Muslim Zamindars and Molvis of Jalbani village ;

(*d*) whether they are aware that there is a secret Muslim den at Karachi, where kidnapped Hindu minors are kept in confinement and converted to Islam afterwards ;

(*e*) whether they are aware that kidnapped Hindu minors of Sind are kept by Muhammadans in various villages of Bhawalpur State for training them in Islam.

The Honourable Mr. J. E. B. HOTSON : (*a*) Government have not seen the leaflet in question.

(*b*) No.

(*c*) This case has been the subject of judicial proceedings. The suggestions made in the question are not borne out by the facts.

(*d*) No.

(*e*) No.

IRRIGATION WORKS IN GUJARAT, DECCAN AND SIND

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state-

(*a*) the total amount spent as capital on irrigation works till 1926-27 in Gujarat, Deccan and Sind respectively with the average income derived on the same in each of the years 1924-25, 1925-26 and 1926-27 ;

(*b*) whether they intend to increase further capital works in Gujarat ?

The Honourable Sir COWASJI JEHANGIR : (*a*) A statement containing the requisite information in respect of irrigation works for which capital and revenue accounts are kept up to the year 1925-26 is placed on the Council Table. There are, however, numerous other minor irrigation works on which expenditure has been incurred, but for which no separate accounts are kept from year to year. Figures for such works are therefore not included in these figures.

(*b*) Estimates for survey work regarding irrigation schemes in Gujarat have been approved by Government. The question of increasing further capital works in Gujarat will be considered when the results of the surveys are known.

Statement containing information about total capital expenditure and net revenue in respect of irrigation works for which Capital and Revenue accounts are kept in Gujarat, Deccan and Sind

	Capital expenditure up to end of 1925-26	Net revenue on works in operation after deducting working expenses, 1924-25	Net revenue on works in operation after deducting working expenses, 1925-26
	Rs.	Rs.	Rs.
Gujarat	24,63,883*	22,579	350
Deccan	9,25,44,491†	12,14,927	12,60,276
Sind	8,25,75,042‡	37,44,070	25,85,792

* This includes Rs. 15,524 for work under construction.
† This includes Rs. 11,83,013 for works under construction and in abeyance.
‡ This includes Rs. 3,93,29,832 for works under construction.

I have got the figures for 1926-27 showing net revenue on works in operation after deducting working expenses. The answer gives figures for 1925-26. I am going to read out further figures for 1926-27 :—

	Capital expenditure up to end of 1926-27	Net revenue on works in operation after deducting working expenses, 1924-25 and 1925-26	Net revenue on works in operation after deducting working expenses, 1926-27
	Rs.		Rs.
Gujarat ..	24,63,883*	As shown above.	—46,991
Deccan ..	9,49,84,574†	Figures of net revenue for 1925-26 are as shown above.	15,50,870
Sind ..	10,22,49,056‡		32,86,023

* This includes Rs. 15,524 for works under construction.
† This includes Rs. 8,71,599 for works under construction and in abeyance.
‡ This includes Rs. 5,86,96,849 for works under construction.

DREDGERS : OUTPUT

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to place on the table a list containing the guaranteed output and the actual average output of every dredger which worked in each of the years 1925, 1926 and 1927 in this Presidency with reasons for reduction in the average if any ?

The Honourable Sir COWASJI JEHANGIR : There are two dredgers employed in connection with the Back Bay Reclamation Scheme, *viz.*, the " Sir George Lloyd ", and the " Kalu." Both these dredgers were designed at different times to be capable of dredging 2,000 cubic yards per hour in soft clay. The average output per pumping hour of the

dredgers "Sir George Lloyd" and "Kalu" during the years 1924-25, 1925-26 and 1926-27 were as follows :—

——	1924-25	1925-26	1926-27
"Sir George Lloyd" ..	856 working in Back Bay.	960 working in Back Bay.	1,556 working in Back Bay.
"Kalu"	141 working in Back Bay.	406 working in Back Bay.	398 working in Back Bay. 609 working in harbour.

The reduction in the output of the dredgers in comparison to the output which they were designed to give is mainly due to the difference in the quality of the material, the material met with in Back Bay and harbour being usually considerably harder than that for which the dredgers were designed. A sand pump dredger, named the "Drudge," was also employed for dredging sand and shingle for the Development Department. This dredger was designed to dredge 900 tons of sand and shingle during 8 hours from a depth of 20 feet below water level. The actual average output during the year 1925 was 600 tons of sand and shingle per day. As the number of pumping hours per day worked by the dredger during 1925 cannot be ascertained, it is not possible to say whether there was any reduction in the actual average output in comparison to the output which it was designed to give.

LAND REVENUE, GUJARAT, DECCAN AND SIND

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state for each of the years from 1924-25 to 1926-27 respectively—

(*a*) the amount of land revenue received from Gujarat, Deccan and Sind respectively ;

(*b*) the number of acres on which the land revenue was received as in (*a*) ;

(*c*) the incidence per acre in each of the provinces of the Presidency mentioned in (*a*) ?

The Honourable Mr. J. L. RIEU : (*a*) and (*b*) The Honourable Member is referred to appendices Nos. I and III, and Nos. I and IV of the Land Revenue Administration Report* of the Bombay Presidency and Sind, respectively, for the year 1924-25 (copy placed on the Council table) for the information required by him for the year 1924-25. Similar information for the years 1925-26 and 1926-27 will be available when the reports for these years are printed.

(*c*) The information is worked out quinquennially. It is given in the Land Revenue Administration Report for 1925-26, a copy of which will be furnished to the Honourable Member when it is ready.

* Kept in the Secretary's office.

FACTORIES IN BOMBAY PRESIDENCY

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*a*) the number and names of factories closed in the Presidency in 1926 and 1927, with reasons in each case as far as possible;

(*b*) whether they intend to take any active measure to give support to the staple industry with a view to save growing unemployment and impending crisis;

(*c*) if so, the nature and details of the same;

(*d*) whether they are aware that the conditions resulting from such situation will affect adversely Government revenues involving additional taxation?

The Honourable Sir COWASJI JEHANGIR: (*a*) The information is contained in the accompanying statement.

(*b*) and (*c*) No.

(*d*) Adverse industrial and trade conditions must always react in some degree on revenue.

NAMES OF FACTORIES CLOSED DURING THE YEAR 1926

(*Bombay Island*)

1. Alliance Cotton Mill.
2. Birla Mill No. 1.
3. Jivraj Baloo Mills.
4. Raja Bahadur Motilal Pitty Mills.
5. Javeri Weaving Mills.
6. Elphinstone Woollen Mills.
7. Coronation Cotton and Woollen Hosiery Factory.
8. Manek Iron and Brass Works.
9. National Iron and Brass Works.
10. Climax Machine Works.
11. Zenith Engineering Works.
12. Forbes Press No. 2.
13. Munim Engineering Works.
14. New Prince of Wales Cotton Press.
15. Sewree Cotton Works.
16. British India Saw Mills.
17. Pioneer Rubber and Industrial Works.
18. Atchia Ice Factory.
19. Universal Felt and Hat Co.

(*Bombay Suburban District*)

20. Indian Dyeing, Bleaching and Printing Works. Moved into Bombay.
21. New Wassaimal Assomal Glass Factory.
22. Pioneer Indian Paint and Oil Works.

(*Kanara District*)

23. Gunjawati Saw Mill.
24. Sharavati Saw Mill.

(*Ahmednagar District*)

25. Punamchand Manekchand Gin Factory.
26. Kukana Gin Factory.
27. Narayandas Chunilal Gin and Press Factory.
28. Sidheshwar Gin Factory.

(*Poona District*)

29. Raja Bahadur Motilal Poona Mill.
30. Jagaddhitechhu Printing Press.
31. Motilal Ladhuram Oil Mill.

(*Sholapur District*)

32. Sulakhe Gin Factory.
33. Bandappa Nagappa Kadadi Gin Factory.
34. New Prince of Wales Press Factory.
35. Gamadia Press Factory.
36. Shivamurti Gundappa Mendke Gin Factory.

(*Bijapur District*)

37. R. V. Durbar Gin and Press No. 1.
38. Do. No. 2.
39. Do. Gin Factory (Bagalkot).
40. Do. do. (Hungund).
41. Nidgundi Gin Factory.
42. Takkhalki Gin Factory.
43. Telgi Mahalaxmi Gin Factory.
44. Islam Oil Mill.

(*Belgaum District*)

45. Shri Gourishankar Gin Factory.
46. Chanmallapa Tenjikai Gin Factory.

(*Dharwar District*)

47. Narayandas Chunilal Cotton Mill.
48. Gadah Mahalaxmi Gin and Press Factory.
49. Indian Cotton Company's Press Factory.
50. Andanappa Manvi Gin Factory.
51. Punsi Khetsi and Co.'s Gin Factory.
52. Shivappanamath Bros. Gin Factory.
53. Virupaxappa Rachappa Bayhatti Gin Factory.
54. Sha Narpal Vasaya Gin Factory.
55. Venkangowda Patil Gin Factory.

(*East Khandesh District*)

56. Ratansi Viram Gin and Press Factory.
57. Solakoti Gin and Press Co.'s Press Factory.
58. Mahomedi Press Factory.
59. Chaturbhuj Durgadas Press Factory.
60. Khandesh Press Company, Limited.
61. Shaligram Raghunathdas & Co., Gin Factory.
62. Indian Cotton Co.'s Press Factory.
63. Kishandas Thakurlal and Ganesh Hari Sathe Press (Jamner).
64. Kishandas Thakurlal Press Factory (Neri).
65. Manekchand Vithuram Gin (Fattepur).
66. Kishandas Thakurlal Press Factory (Parola).
67. Manekchand Vithuram Gin Factory (Dharangaon).

(*West Khandesh District*)

68. Sheduram Bhurumal Oil Mill.
69. West Khandesh Oil and Gin Factory.
70. Bhaskar Vasudeo Sathe Gin Factory.
71. Akbar Mfg. & Co.'s Press Factory.
72. Cursetji Jiwaji Sunnawalla Gin.
73. Ibrahim Fidaalli Gin Factory.
74. Mahomedally Esabhoy Gin Factory.
75. Do. Press Factory.
76. Jivanram Jodhraj Gin Factory No. 1.
77. Indian Cotton Co.'s Press Factory.
78. Balaram Raotmal and Cursetji Sunnawalla Press.
79. Motilal Kashiram Gin Factory.
80. Kishordas Vishwambhardas Gin Factory.
81. Morardas Rashikdas Gin Factory.
82. Ranchhordas Kishordas Gin Factory.
83. Adamally Abdulally Gin Factory.
84. Zoroastrian Gin Factory.
85. New Ginning Factory.

(*Ahmedabad District*)

86. Hindustan Oil Mill.
87. Panchal Iron and Brass Works.
88. Patel Mills Co.
89. Whittle Anderson Gin Factory No. 2.
90. Do. Press Factory No. 2.
91. Vyapar Uttejak Joint Gin No. 1.
92. Do. No. 3.
93. Gordhandas Mohanlal Old Gin Factory.

(*Ahmedabad District*)—concld.

94. Bhagwandas Pitamberdas Gin Factory.
95. Patdi New Gin Factory No. 2.
96. Badruddin and Manchabhai Gin Factory.
97. Patdi Old Gin Factory No. 1.
98. Islam Gin Factory.
99. Usman Jamal New Gin Factory.
100. Sanand Cotton Industrial Co.'s Gin No, 2.
101. Whittle and Co.'s Press Factory.
102. Old Gin Factory (Dhandhuka).
103. Dhandhuka Gin and Manufacturing Co.
104. Whittle Gin Factory (Dholera).
105. Whittle Press (Dholera).
106. Jagjiwan Nimchand Gin Factory.
107. Khar Gin Factory.

(*Kaira District*)

108. Manor Mills.
109. Parsi Gin Factory.
110. Dakore New Gin and Press.

(*Broach District*)

111. Ratanji Furdoonji and Sons Gin Factory.

(*Surat District*)

112. Hatim Mills.
113. Surat Industrial Mills.
114. Surat Weaving Mill.
115. Vyas Gin Factory.
116. Rustamji Dorabji and Virchand Channaji Gin.
117. Kabilpur Gin Factory.
118. Nishabhai Naraindas Gin Factory.

(*Karachi District*)

119. Ralli Bros. Barley Extractor Machine.
120. Louis Dreyfus Linseed Cleaning Machine.

(*Larkana District*)

121. Chandiram Lilaram Rice Factory.
122. Naraindas Siduram Rice Factory.
123. Thakumal Gurlimal Rice Factory.
124. Mulchand Sugnomal Rice Factory.

It is not possible, owing to the vagaries of the cotton ginning and pressing industry, to say that certain factories that have remained closed up to the present in 1927 will not work towards the close of this year. Since however the remaining sub-questions deal with the cotton textile industry, information as regards this industry is given for 1927.

Reasons.—It is not possible to give detailed reasons in each case unless the Factory Inspector is granted powers to investigate the finances of each concern, but the following general remarks apply. The large number of closed gins and presses is due in part to a partial failure of the cotton crop in some areas and to the fact that in this industry the number of factories is in excess of the needs. A number of gins and presses remain permanently closed under a pooling arrangement of the owners.

Engineering concerns and miscellaneous factories.—A number of these were floated in boom times when machinery prices were high and have been unable to compete with factories established previously. They have of course felt the general depression.

Textile Mills.—Nos. 1 to 4 are large concerns while 5, 6 and 7 are small factories. No. 5 was started in 1925. No. 6 is an old factory which has worked intermittently in recent years. It is probably not sufficiently well equipped to compete with larger woollen mills which have been erected in recent years.

Nos. 4 and 29 are proprietary mills. They have been closed since 1924. The cause of their not being worked is probably due to internal family disputes consequent on the death of the former owner. No. 47 is also a proprietary concern that stopped working in 1924 on the death of the owner.

Surat.—(No. 112—Hatim Mills).—This mill has been in financial difficulties for a number of years and is in voluntary liquidation.

No. 113.—This mill was partially destroyed by fire and is in liquidation. The former agents are at present involved in proceedings for financial mismanagement.

No. 114.—The reasons for the closing of this mill are not definitely known, but they appear to be other than trade depression.

1927—*Ahmedabad.*—One spinning mill (Hathising) stopped working in 1927 due to depression in the yarn market. On the other hand three mills have started in 1927 in this area.

In Bombay two mills, *viz.*, Kilachand and Emperor Edward, have, in addition to those stopped in 1926, recently stopped working. In the former case, depression in the market combined with its floatation in boom times are the causes. In the latter mill, trade depression combined with other causes appear to have been responsible for its stoppage.

Mr. J. C. SWAMINARAYAN: Have Government taken any steps to restore prosperity to the mills and remove the existing trade depression?

The Honourable Sir COWASJI JEHANGIR: I am afraid an answer would involve a debate. I am not prepared to enter upon a debate with the honourable member just now.

Mr. J. C. SWAMINARAYAN: Is it not the concern of Government to pay attention to the removal of the present trade depression?

The Honourable Sir COWASJI JEHANGIR: Very much so.

DEVELOPMENT STAFF

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to give the names of such of the officers and members of the staff of the DevelopmentDirectorate whose pay was over Rs. 250 per mensem and who had either resigned or whose services were dispensed with during each of the years 1922-23 to 1926-27 with reasons in each case?

The Honourable Sir COWASJI JEHANGIR: A statement furnishing the information desired is appended.

Statement showing the names of the officers and members of the staff of the Development Directorate whose pay was over Rs. 250 per mensem and who had either resigned or whose services were dispensed with during each of the years 1922-23 to 1926-27

Serial Nos.	Name of the officers	Designation	Reasons
	1922-23		
	Officers		
1	Mr. J. A. Gayer	Assistant Engineer, Development Directorate.	Resigned.
2	,, D. N. Limaye	Assistant Engineer ..	Services terminated owing to retrenchment.
3	Capt. C. Carmichael ..	Do. ..	Services dispensed with.
4	Mr. R. D. Karmarkar ..	Do. ..	Resigned.
5	,, P. Malone	Assistant Engineer, Reclamation Branch.	Do.
6	,, P. Livington Shaw ..	Do. ..	Do.
7	,, G. D. Khanna	Do. ..	Services terminated owing to retrenchment.
8	,, W. H. Morris	Mechanical Engineer.	Services dispensed with.

Serial Nos.	Name of the officers	Designation	Reasons
	1922-23		
	Staff		
9	Mr. J. G. Nimkar	Sub-Engineer ..	Services dispensed with.
10	,, G. R. Sant	Do. ..	Services terminated owing to retrenchment.
11	,, S. D. Gour	Do. ..	Do.
12	,, Mahomed Shafi	Supervisor ..	Resigned.
13	,, A. J. Saldhana	Do. ..	Do.
14	,, Hafiz Mahomed ..	Do. ..	Do.
15	,, M. O. S Iyengar ..	Head Surveyor ..	Do.
16	,, A. Danby	Foreman ..	Services dispensed with.
17	,, E. F. Chinoy	Permanent Way Inspector.	Do.
18	,, C. E. Ball	Boring Superintendent	Services terminated owing to retrenchment.
19	,, Mahomed Abdul Haque ..	Surveyor ..	Do.
	1923-24		
	Officers		
20	Mr. N. L. Mehta	Executive Engineer..	Services dispensed with.
21	,, B. R. Sahani	Assistant Engineer ..	Resigned.
22	,, D. D. Joglekar.. ..	Do. ..	Services terminated owing to retrenchment.
23	,, J. M. Pandya	Do. ..	Do.
24	,, M. A. Ghani	Do. .. Reclamation Branch.	Resigned.
	Staff		
25	Mr. S. R. Phanse	Sub-Engineer ..	Services terminated owing to retrenchment.
26	,, B. R. Joshi	Do. ..	Services dispensed with.
27	,, M. O. S. Iyengar ..	Do. ..	Services terminated owing to retrenchment.
28	,, Mahomed Hussein ..	Supervisor ..	Resigned.
29	,, T. E. Roberts	Do. ..	Services terminated owing to retrenchment.
30	,, P. J. F. Mohan	3rd Engineer on dredger 'Sir George Lloyd.'	Resigned.
31	,, G. N. Bhattacharji ..	Shore Pipe Line Supervisor.	Do.
32	,, James Bowman ..	Assistant Dredging Master.	Do.
33	,, P. Neelkanta Iyer ..	Head Clerk ..	Do.
34	,, M. K. Gobhai	Junior Superintendent, Development Department (Secretariat).	

Serial Nos.	Name of the officers	Designation	Reasons
	1924-25		
	Officers		
35	Mr. L. W. Lewis	Chief Engineer, Reclamation Branch.	Retired.
36	,, E. F. Sykes	Superintending Engineer.	Resigned.
37	,, G. W. T. Squires ..	Executive Engineer ..	Services terminated owing to retrenchment.
38	,, J. N. Setna	Do. ..	Do.
39	,, S. P. Raju Iyer ..	Assistant Engineer ..	Do.
40	,, S. G. Naravane	Do. ..	Resigned.
41	,, M. R. Bedy	Do. ..	Do.
42	,, B. M. Flores	Do. ..	Services terminated owing to retrenchment
43	,, A. K. Nulkar	Assistant Development Officer.	Do.
44	,, N. H. Poonegar ..	Junior Assistant Land Manager (Arbitration).	Do.
45	,, D. B. Doctor	Junior Assistant Land Manager (Chawls).	Services dispensed with.
	Staff.		
46	Mr. V. K. Sohani	Sub-Engineer ..	Services terminated owing to retrenchment.
47	,, P. Y. Chitale	Do. ..	Do.
48	,, Indersain Varma ..	Do. ..	Services dispensed with.
49	,, Rahim Khan	Supervisor ..	Services terminated owing to retrenchment.
50	,, J. Kirbi	Do. ..	Do.
51	,, G. H. Gadre	Do. ..	Resigned.
52	,, Sayad Ally Hussein ..	Do. ..	Do
53	,, G. R. Krishnaswami ..	Do. ..	Do.
54	,, K. B. Devasthall ..	Surveyor ..	Services terminated owing to retrenchment.
55	,, T. F. Dawson	Workshop Foreman ..	Services dispensed with.
56	,, Mahomed Hussein ..	Supervisor ..	Resigned.
57	,, V. A. Rosette	Workshop Foreman ..	Do.
	1925-26		
	Officers		
58	Mr. E. M. Gilbert-Lodge ..	Land Manager, Development Directorate.	Services terminated owing to retrenchment.
59	,, W. J. Newland	Superintendent, Bombay Suburban Survey.	Do.
60	Capt. A. F. Macdonald Clark ..	Superintending Engineer.	Resigned and the post was subsequently retrenched.

Serial Nos.	Name of the officers	Designation	Reasons
	1925-26		
	Officers—contd.		
61	Mr. P. Billinton	Deputy Chief Engineer, Reclamation Branch.	Services terminated owing to retrenchment.
62	,, T. S. Soorma	Executive Engineer ..	Do.
63	,, D. K. Bhave	Do. ..	Do.
64	,, J. R. Colabawalla ..	Do. ..	Do.
65	,, C. G. Croudace	Do. ..	Do.
66	,, Mahomed Hashim ..	Assistant Engineer ..	Do.
67	,, H. K. Vachha	Do. ..	Do.
68	,, Sardar Kala Singh ..	Do. ..	Do.
69	,, Ramlal Suri	Do. ..	Do.
70	,, J. D. Daruwalla ..	Do. ..	Do.
71	,, B. Sadanand	Do. ..	Do.
72	,, T. V. Sunderasan ..	Personal Assistant to the Superintending Engineer.	Do.
	Staff		
73	Mr. Ram Rattan	Sub-Engineer ..	Do.
74	,, R. B. Junnarkar ..	Do. ..	Resigned.
75	,, B. D. Dandekar	Do. ..	Services terminated owing to retrenchment.
76	,, Mirza Mahomed Yakole ..	Supervisor ..	Do.
77	,, Bhagat Singh	Do. ..	Do.
78	,, M. S. Ramchandra Rao ..	Do. ..	Do.
79	,, S. Sunder Raja	Do. ..	Resigned.
80	,, C. A. Wright	Storekeeper ..	Services terminated owing to retrenchment.
81	,, E. M. Jukes	Weighman ..	Do.
82	,, N. G. Dattatraya ..	Supervisor ..	Do.
83	,, F. W. Clarke	Storekeeper ..	Do.
84	,, B. R. Kate	Supervisor ..	Do.
85	,, E. J. Pereira	Do. ..	Do.
86	,, Mahomed Hanif ..	Do. ..	Do.
87	,, M. Anantan	Cost Accountant ..	Do.
88	,, Fairfield	Do. ..	Do.
89	,, Laboo Ram	Supervisor ..	Resigned.
90	,, E. O. Roberts	Quarry Master ..	Services terminated owing to retrenchment.
91	,, J. T. Clements	3rd Engineer on the dredger.	Services dispensed with.
92	,, D. N. Maitra	Supervisor ..	Resigned.
93	,, A. H. Roberts	Assistant Dredging Master.	Do.
94	,, N. K. Deshpande ..	Head Draftsman ..	Services terminated owing to retrenchment.
95	,, K. V. Iyengar	Head Clerk ..	Do.

Serial Nos.	Name of the officers	Designation	Reasons
	1926-27		
	Officers		
96	Sir Lawless Hepper, Kt. ..	Director of Development.	Resigned.
97	Mr. A. Hamid	Executive Engineer..	Services terminated owing to retrenchment.
98	Rao Saheb P. S. Krishnaswami-Ayyar.	Do. ..	Do.
99	Mr. W. K. Caldwell ..	Do. ..	Do.
100	,, T. A. Pereira	Do. ..	Do.
101	,, A. L. Stanton	Electrical and Mechanical Engineer.	Do.
102	,, M. A. Dhoria	Assistant Engineer ..	Do.
103	,, S. S. Rajadhyaksha ..	Do. ..	Do.
104	,, Nand Kishor Agrawal ..	Do. ..	Do.
105	,, A. N. Seal	Do. ..	Do
106	,, S. M. Abdulla	Do. ..	Resigned.
107	,, J. H. Macaulay.. ..	Station Engineer ..	Do.
	Staff		
108	Mr. K. Gopalachari ..	Supervisor ..	Services terminated owing to retrenchment.
109	,, B. G. Chawan	Do. ..	Do.
110	,, S. V. Khanolkar ..	Foreman ..	Do.
111	,, G. T. Oke	Chief Draftsman ..	Do.
112	,, P. K. Venkataratnam ..	Workshop Foreman ..	Do.
113	,, C. J. Smith	1st Engineer on the dredger.	Resigned.
114	,, A. Robertson ..	3rd Engineer on the dredger.	Services terminated owing to retrenchment.
115	,, W. G. Edward ..	Do. ..	Do.
116	,, A. E. Chambers ..	Floating Pipe Line Attendant.	Resigned.
117	,, R. D. Brown	Assistant Dredging Master.	Do.
118	,, J. M. Angus	2nd Engineer on the dredger.	Services terminated owing to retrenchment.
119	,, J. M. Wood	Do. ..	Do
120	,, A. Maitland	Do. ..	Do.
121	,, Robert Muir	Do. ..	Do.
122	,, G. A. Brown	3rd Engineer on the dredger.	Do.
123	,, J. V. Lucas	Do. ..	Do.
124	,, J. C. Innes	Do. ..	Do.

N. B.—The officers against whom the remark "services dispensed with" is made were either dispensed with on medical grounds or for unsatisfactory work.

RETRENCHMENT PROPOSALS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*i*) how many officers receiving monthly pay over Rs. 1,000, 500, 200 have been recommended for reduction by the Retrenchment Officer along with the number of peons, clerks and such other staff;

(*ii*) the amount to be reduced annually in each of the above groups?

The Honourable Sir CHUNILAL MEHTA: A statement furnishing the information is placed on the Council Table.

Number of posts on and over Rs. 1,000	Number of posts on and over Rs. 500	Number of posts on and over Rs. 200	Number of peons	Number of clerks	Number of other staff	Amount to be reduced annually in each of the groups					
						No. 1	No. 2	No. 3	No. 4	No. 5	No. 6
						Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
4	10	16	2	128	360	91,776	88,541	58,974	600	1,45,264	2,03,150

DEVELOPMENT CONTRACTS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to place on the table a list of persons who were in service in the Bombay Development Department and who were instrumental in obtaining contracts from the Department after severing their connections with the Department along with the amounts of the contracts or works or purchases made from or through them from 1922-23 to 1926-27?

The Honourable Sir COWASJI JEHANGIR: No persons who were in the service of the Development Department were "instrumental" in obtaining contracts from the Department after severing their connection with it. Three persons, *viz.*, Messrs. G. Drake, B. R. Sahani and

Saligram Sharma were given contracts for works, after they had severed their connection with the Department, as detailed below :—

Name	Post held	Contract awarded, year and amount			
		1922-23	1923-24	1924-25	
		Rs.	Rs.	Rs.	Rs.
1. Mr. G. Drake ..	Foreman of the workshop at Kandivli ..	24,963	59,097	19,283	
2. Mr. B. R. Sahani.	Assistant Engineer.	..	..	10,840	
		1923-24	1924-25	1925-26	1926-27
3. Mr. Saligram Sharma.	Overseer ..	7,072	36,509	56,318	20,631

It also appears that Mr. D. R. Vaidya, late Assistant Land Acquisition Officer for the City of Bombay, who also worked as part-time Under Secretary to Government in the Development Department from April 1921 to January 1922, had, by February 1924, during leave preparatory to resignation, some interest in the firm of Messrs. C. A. Gaya and Company, who obtained chawl contracts in December 1922 to the amount of Rs. 25,35,404. Mr. Vaidya had the permission of Government to do private practice during his leave preparatory to resignation. His son's name appears in the contract documents as a partner in the firm of Messrs. C. A. Gaya and Company. The relationship was not known to Government when the contracts were given, nor is it known when Mr. Vaidya acquired an interest, if any, in the firm.

MOTOR ACCIDENTS AT AHMEDABAD

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*a*) the number of minor and fatal motor accidents at Ahmedabad during each of the years 1925, 1926, 1927 (June ending);

(*b*) whether any precautions have been taken with a view to reduce such accidents? If so, to state the nature of such measures?

The Honourable Mr. J. E. B. HOTSON:

(*a*)

	1925	1926	1927 up to 30th June 1927
Number of minor motor accidents.	94	122	55
Number of fatal motor accidents.	6	10	7

(*b*) Yes; traffic control, prosecutions, suspension or cancellation of licenses, in suitable cases, and more frequent inspections of all public motor vehicles.

GOVERNMENT SALT WORKS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*a*) whether the salt issued from the Government Salt Works at Kharaghoda for sale in Ahmedabad is unfit for human consumption;

(*b*) to state whether it is a fact that it is mixed with earth and silica;

(*c*) to state whether by a letter or order any instructions have been issued to the Salt Agent to the effect that the issue of salt other than 1921 season salt is stopped for a certain time. If so, to place copies of such orders, instructions or letters on the Council Table;

(*d*) to state whether their attention has been drawn to a resolution of the Ahmedabad Municipality passed on this question on 16th February 1927 criticising the action of Government in forcing the public to use such salt;

(*e*) if so, to place a copy thereof on the Table along with details of the action taken by Government on it?

The Honourable Mr. J. L. RIEU: The question relates to a central subject and the Bombay Government are not in a position to answer it.

Mr. J. C. SWAMINARAYAN: Is it not the concern of the Provincial Government to see that proper eatables are supplied to the people residing in the Bombay Presidency?

The Honourable Mr. J. L. RIEU: I have nothing to add to the reply already given.

Mr. J. C. SWAMINARAYAN: Is it not the duty of the Public Health Department of the Bombay Government to see that wholesome articles of food are sold in the province of Bombay?

The Honourable Mr. J. L RIEU: I have no reply to give.

COASTING VESSELS: WIRELESS APPARATUS

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether—

(*a*) it is a fact that coasting vessels were allowed to use wireless apparatus for transmission as well as reception;

(*b*) if so, whether this concession has been withdrawn? If so, when and why;

(*c*) whether they have considered the desirability of taking steps in order that coasting vessels may be provided with wireless apparatus?

The Honourable Sir COWASJI JEHANGIR: (*a*) Yes.

(*b*) No. Since 1st January 1923, when the Indian Wireless Telegraphy (Shipping) Act first came into force, all ships engaged in the coasting trade except those on certain specified runs have been exempted by the Government of India from the requirements of wireless telegraphy—*vide* Government of India Notifications mentioned below (copies attached):—

(*i*) Government of India Notification No. 611, dated the 4th February 1922.

(*ii*) Government of India Notification No. 615, dated the 4th February 1922.

(*iii*) Government of India Notifications Nos. 3755 and 3757, dated the 22nd July 1922.

(*iv*) Government of India Notification No. 2744, dated the 5th May 1923.

Government are, however, not aware of any orders prohibiting the installation of wireless telegraphy apparatus, under the necessary license, on board the ships exempted by the notifications referred to above.

(*c*) The question of re-scheduling the voyages as exempted voyages for purposes of the Wireless Telegraphy Rules is at present under the consideration of the Government of India and the Government of Bombay have already made their recommendations to that Government in consultation with the shiping and other interests concerned.

NOTIFICATION

MARINE DEPARTMENT

SECRETARIAT, FORT, BOMBAY

13th March 1922

No. S-18 (1).—The following Notification by the Government of India, Department of Commerce, is republished :—

" Merchant Shipping,

No. 611, dated Delhi, the 4th February 1922

In exercise of the power conferred by the proviso to sub-section (1) of section 3 of the Indian Wireless Telegraphy (Shipping) Act, 1920 (XLI of 1920), the Governor-General in Council is pleased to exempt from the obligations imposed by the said Act, all ships engaged in the coasting trade except ships engaged in the following runs, namely :—

(1) Calcutta to Rangoon ;

(2) Calcutta to Port Blair ;

(3) Calcutta to Penang ;

(4) Calcutta to Colombo ;

(5) Madras Ports to Rangoon ;

(6) Madras Ports to Port Blair ;

(7) Madras Ports to Penang ;

(8) Rangoon to Calcutta ;

(9) Rangoon to Port Blair ;

(10) Rangoon to Penang ;

(11) Bombay to Aden ;

(12) Bombay to Karachi direct ;

(13) Ports in British India to Singapore.

Explanation.—' Coasting trade ' means trade exclusively carried on between the ports specified in the definition of ' home-trade ship ' in section 118 of the Indian Merchant Shipping Act, 1859 (I of 1859).

(Signed) H. A. F. LINDSAY,

Secretary to the Government of India. "

By order of His Excellency the Honourable the Governor in Council,

J. C. KER,

Secretary to Government.

NOTIFICATION

MARINE DEPARTMENT

SECRETARIAT, FORT, BOMBAY

13th March 1922

No. S-18 (1).—The following notification by the Government of India, Department of Commerce, is republished :—

" Merchant Shipping.

No. 615, dated Delhi, the 4th February 1922.

In exercise of the power conferred by sub-section (3) of section 1 of the Indian Wireless Telegraphy (Shipping) Act, 1920 (XLI of 1920), the Governor-General in Council is pleased to direct that the Indian Wireless Telegraphy Shipping Act, 1920 (XLI of 1920), shall come into force on the 1st August 1922.

(Signed) H. A. F. LINDSAY,
Secretary to the Government of India. "

By order of His Excellency the Honourable the Governor in Council,

J. C. KER,
Secretary to Government.

No. 3755

GOVERNMENT OF INDIA,

Department of Commerce,

Simla, the 22nd July 1922.

Notification

Merchant Shipping

In exercise of the power conferred by section 6 of the Indian Wireless Telegraphy (Shipping) Act, 1920 (XLI of 1920), the Governor-General in Council is pleased to direct that in sub-rule (2) of rule 1 of the Indian Wireless Telegraphy (Shipping) Rules, 1922, for the words and figures " 1st August 1922 " the words and figures " 1st January 1923 " shall be substituted.

(Signed) H. A. F. LINDSAY,
Secretary to the Government of India.

No. 3757

GOVERNMENT OF INDIA DEPARTMENT OF COMMERCE

Simla, the 22nd July 1922

Notification

(Merchant Shipping)

In exercise of the power conferred by sub-section (3) of section 1 of the Indian Wireless Telegraphy (Shipping) Act, 1920 (XLI of 1920), and in supersession of the notification of the Government of India in the Commerce Department, No. 615, dated the

4th February 1922, the Governor-General in Council is pleased to direct that the said Act shall come into force with effect from the 1st January 1923.

(Signed) H. A. F. LINDSAY,
Secretary to the Government of India.

No. 2744

GOVERNMENT OF INDIA DEPARTMENT OF COMMERCE

Dated Simla, the 5th May 1923

Notification

(Merchant Shipping)

In exercise of the power conferred by the proviso to sub-section (1) of section 242 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Governor-General in Council is pleased to exempt from the obligations imposed by the said Act, all ships engaged in the coasting trade except ships engaged in the following runs, namely :—

1. Calcutta to Rangoon ;
2. ,, Port Blair ;
3. ,, Penang ;
4. ,, Colombo ;
5. Madras Ports to Rangoon ;
6. ,, Port Blair ;
7. ,, Penang ;
8. Rangoon to Calcutta ;
9. ,, Port Blair ;
10. ,, Penang ;
11. Bombay to Aden ;
12. ,, Karachi direct ;
13. Ports in British India to Singapore.

Explanation.—" Coasting trade " means trade exclusively carried on between the ports specified in the definition of " home-trade ship " in section 2 of the Indian Merchant Shipping Act, 1923 (XXI of 1923).

(Signed) D. T. CHADWICK,
Secretary to the Government of India.

PROSTITUTION IN BOMBAY

Mr. H. M. RAHIMTOOLA (Bombay City): Will Government be pleased—

(*a*) to state whether they have received representations from the Bombay Vigilance Association, Bombay Social Hygiene Council and other organisations regarding the problem of commercialised vice.

(*b*) if so, to lay copies of the same on the Council Table ;

(*c*) to state if their attention has been drawn to the public meeting held under the auspices of the Bombay Vigilance and 28 other Associations with Sir Purshotamdas Thakoredas as Chairman asking Government to make brothels illegal and to repatriate foreign prostitutes ;

(*d*) if so, to state what steps they have taken or intend to take in the matter ?

The Honourable Mr. J. E. B. HOTSON : (*a*) Yes.

(*b*) The representations are bulky and have already appeared in the public press. Government therefore do not propose to lay them on the table.

(*c*) Yes.

(*d*) The whole question is under consideration.

KHAMBHATAN (? KHAMBHLAV) TANK, VATAG (? VATAR) VILLAGE

Mr. J. C. SWAMINARAYAN on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to give the following information about the Khambhatan (? Khambhlav) tank in the village of Vatag (? Vatar) in the taluka of Pardi in the Surat District;

(*a*) area of the tank;
(*b*) the area of the land assessed to it for himayat;
(*c*) the himayat assessment on the tank;
(*d*) whether the embankment of the tank is in good condition;
(*e*) the number of pipes on the tank and the condition in which each is at present;
(*f*) whether the tank is at present deep enough;
(*g*) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs;
(*h*) what is the condition of the tank at present;
(*i*) whether complaints have been received from the people about this tank;
(*j*) whether Government have decided to put this tank in a good state of repair;
(*k*) if so, when will they repair the tank and what repairs will be done and how much will be spent on these repairs?

The Honourable Mr. J. L. RIEU: (*a*) 9 acres 37 gunthas.
(*b*) 14 acres 23 gunthas.
(*c*) Rs. 18-4-7.
(*d*) Yes.
(*e*) There are no pipe outlets.
(*f*) Yes.
(*g*) It was last repaired in 1925. The repairs consisted of excavation work at a cost of Rs. 490 (Rs. 365 being the Government grant and Rs. 125 being contributed by the rayats).
(*h*) Good.
(*i*) A request for an outlet and a waste weir was received from the people in 1926.
(*j*) and (*k*) The tank is in good condition and does not need repairs. A plan and an estimate for providing an outlet and a waste weir have however been prepared and the question of carrying out the work, which is estimated to cost Rs. 390, will be considered in due course.

POLICE CONSTABLE 110, SURAT POLICE

Mr. J. C. SWAMINARAYAN on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) whether Police Constable No. 110 of the Surat Police was posted at crossing No. 99 on the B. B. & C. I. Railway near Lilapore village, taluka Bulsar, district Surat, in connection with the passing of the special of His Excellency the Viceroy on the 10th December 1927;

(*b*) whether this Police Constable prevented cattle and carts from crossing the line for several hours;

(*c*) whether he refused to allow people to take carts and cattle across the line because he was not entertained by them to tea, milk or other refreshments ;

(*d*) whether as a result the people of the village were put to loss and inconvenience ?

The Honourable Mr. J. E. B. HOTSON : Enquiries are being made.

FOREIGN LIQUOR LICENSES, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state–

(*a*) the names of the persons who applied for the grant of a license to sell foreign liquor whether of " ON " or " OFF " or " Refreshment bar " or " Hotel " or " Wholesale in cases " or of any other category in the City of Ahmedabad since the year 1922 uptil the end of the official year 1926-27 ;

(*b*) the names of persons whose requests for the licenses mentioned in (*a*) were not granted and the reasons for the refusal of their requests in each case ;

(*c*) the names of the persons whose requests for the licenses mentioned in (*a*) were granted and the reasons for granting their requests in each case ?

The Honourable Mr. G. B. PRADHAN : (*a*) to (*c*). Two statements marked A and B containing the required information are placed on the Council Table.

" A "

Statement showing names of persons who applied for Foreign Liquor Licenses from 1922-23 to 1926-27, whose requests were refused

	Names of applicants	Kind of license applied for	Reasons for refusal
1.	Mr. D. R. Gheyara ..	" Off " ..	No good reasons were shown for granting a new license.
2.	Messrs. J. DeSouza & Sons..	" Off " and " On ".	The locality and the house selected were objectionable.
3.	Messrs. Nowroji Framji & Sons.	" Off " ..	Their license had previously been cancelled and the request for its restoration was therefore refused.
4.	Mr. Nowroji N. Borka ..	" Off " and Beer.	It was not considered desirable to open a new " off " shop near the place where an " off " shop already existed. There was no necessity for a beer license.
5.	Mr. Phirojsha F. Khambatta.	" Off " ..	There was no necessity for an additional license in the locality.
6.	Mr. S. B. Billimoria ..	" Off " ..	It was not considered desirable to open a new foreign liquor shop on separate premises in the locality.

	Names of applicants	Kind of license applied for	Reasons for refusal
7.	Messrs. Nowroji Framji & Sons.	"On" and "Off".	The licenses in the locality were sufficient
8.	Mr. B. R. Rodrigues ..	"On" ..	Do. do.
9.	Mr. Dhanjisha P. Daruwalla.	Beer ..	There was no necessity to grant a license for the exclusive sale of beer.
10.	The Honorary Secretary, Railway Institute.	Bar ..	The license was considered to be unnecessary.
11.	Mr. Amratlal Harilal ..	"Off" ..	There was no need for a new shop in the locality.
12.	Mr. Merwanji D. Solai ..	Beer ..	There was no necessity for a beer license.
13.	Mr. C. J. DeSouza ..	For restoration of his "Off" and "On" licenses.	The licenses had been surrendered unconditionally.
14.	Mr. F. Fonseca ..	"Off" and "On".	It was not considered desirable to increase the existing number of licenses.
15.	Mr. Dinshaw D. Contractor.	"Off" and "On".	Do. do.
16.	Mr. R. R. Mehta ..	Hotel ..	The premises were nothing more than an eating house.
17.	Messrs. S. G. Miranda & Sons.	"Off" and "On".	The existing licenses in the locality were sufficient for local needs.
18.	Mr. Manecksha D. Bharucha.	Hotel ..	The premises were only a small boarding house.
19.	Mr. Mohanlal Mathuradas.	Beer ..	There was no need for such a license.
20.	Mr. Meherji Adarji ..	Beer ..	Do. do.
21.	Mr. Eruchshaw F. Khambatta.	Hotel ..	The existing number of licenses were considered sufficient.
22.	Mr. Manecksha D. Bharucha.	Hotel ..	Do. do.

"B"

Statement showing names of persons who applied for Foreign Liquor Licenses from 1922-23 to 1926-27, whose requests were granted

	Names of applicants	Kind of license applied for	Reasons for the grant of the license
1.	Messrs. E. R. Fanibanda & Sons.	"Off" and "On".	An "On" license was granted as the refreshment room started by Messrs. Fanibanda was best suited to the class of people who are accustomed to the use of foreign liquor with their meals. As there were no available "Off" licenses, the request for one was refused.
2.	Mr. F. C. Athayde ..	"On" ..	The license which was withdrawn was restored to him.
3	Messrs. E. R. Fanibanda & Sons.	"Off" ..	A license surrendered by a licensee was transferred to their name, as there was a demand for an extra "Off" license in the locality.

REVENUE DEPARTMENT, AHMEDABAD : CLERKS ON TAGAVI ESTABLISHMENT

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the names of some acting clerks of the Ahmedabad District, though actually working in time-scale revenue department, were entered by Government on the Tagavi Establishment for public convenience ;

(*b*) whether those clerks are debarred from receiving their due increments on account of that classification which was made only for public convenience ;

(*c*) the grounds on which those clerks have been made to suffer for no fault of theirs ;

(*d*) the amount of loss which those clerks have suffered ;

(*e*) whether Government intend to recompense those clerks for the loss which they have suffered, by counting *that acting service* towards increment of salary or by grant of advance increment of salary ?

The Honourable Mr. J. L. RIEU : (*a*) to (*c*) The attention of the Honourable Member is invited to the replies given to clauses (*a*), (*b*) and (*c*) of a similar question put by him on the 6th August 1926 : they are printed at page 803, Part X, Volume XVIII of the Bombay Legislative Council Debates, 1926.

(*d*) Rs. 1,876-2-0.

(*e*) Orders have already been issued allowing the clerks to count their service on the tagavi establishment for increments in the time-scales of their officiating posts.

COUNTRY LIQUOR SHOPS, AHMEDABAD : QUANTITY OF LIQUOR SOLD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state the quantity of liquor of 30° U.P., 40° U.P. and 60° U.P. strength sold in each of the seven country liquor shops of Ahmedabad City, *viz.*, Market, Madhavpura, Railway, Chudiol, Raipur, Saraspur and Behrampur, during each of the five years 1923-24 up to 1927-28 ?

The Honourable Mr. G. B. PRADHAN : Consumption of country spirit of the strength of 30° U.P. is not allowed in Ahmedabad City. A statement showing the sales of country spirit of the strengths of 40° U.P. and 60° U.P. at the shops in question for the years 1923-24 to 1927-28, *i.e.*, to 31st January 1928, is placed on the Council Table.

Statement showing sales of country liquor at country liquor shops in Ahmedabad City from 1923-24 to 1927-28, i.e., up to 31st January 1928

No.	Name of country liquor shop	Sales of country liquor during the years					
		1923-24		1924-25		1925-26	
		40°U.P. Gallons	60°U.P. Gallons	40°U.P. Gallons	60°U.P. Gallons	40°U.P. Gallons	60°U.P. Gallons
1	Madhavpura ..	10,228	5,596	11,646	5,650	13,117	4,758
2	Railway ..	5,983	10,217	7,191	10,539	8,784	9,148
3	Chudiol ..	11,027	4,688	10,102	3,882	9,990	2,921
4	Market ..	17,822	4,052	11,947	3,136	13,302	2,394
5	Raipur ..	5,339	5,619	4,595	4,182	5,296	3,576
6	Saraspur ..	....	7,926	....	7,213	....	7,485
7	Behrampur ..	2,310	802	2,540	711	3,019	433

No.	Name of country liquor shop	Sales of country liquor during the years—*contd.*				Remarks
		1926-27		1927-28 (up to 31st January 1928		
		40° U. P. Gallons	60°U.P. Gallons	40°U.P. Gallons	60°U.P. Gallons	
1	Madhavpura ..	11,867	5,086	11,136	5,476	
2	Railway ..	8,021	9,390	7,671	10,042	
3	Chudiol ..	9,813	2,959	8,572	2,835	
4	Market ..	11,141	2,739	12,031	2,438	
5	Raipur ..	4,915	4,006	5,638	4,530	
6	Saraspur ..	....	6,915	....	6,318	There are only sales of 60°U.P. at Saraspur shop.
7	Behrampur ..	2,827	526	2,564	604	

MEHLOL ESTATE: TRANSFER OF HOLDINGS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(*a*) whether the Collector of Panch Mahals District issued notification No. 764, dated 17th December 1910, under his order No. 764, dated 17th December 1910, by which he permitted mortgages and sales of lands in Mehlol Estate on payment of certain transfer fees which were equal to the assessment in the case of an agriculturist and four times the assessment in the case of a non-agriculturist and so on;

(*b*) whether in pursuance of that notification many mortgages and sales of lands had taken place in Mehlol Estate and transfer fees received by the Government management from the cultivators;

(*c*) the amount of income that has accrued to the Mehlol Estate from those transfer fees during each of the years 1910-27, stating the amount separately for each year.

The Honourable Mr. J. L. RIEU: (*a*) The notification was issued by the Collector. It did not permit mortgages and sales, but specifically declared that they were illegal and would render the land liable to forfeiture. At the same time it gave the estate authorities discretion to regrant the forfeited land to the transferees on payment of certain penalties.

(*b*) The mortgages and sales have not taken place "in pursuance of" the notification, but rather "in spite of" it. The recovery of penalty was in pursuance of the notification.

(*c*) The amount received as penalty during each of the years 1910-1927 is as under :—

Year	Rs.	a.	p.
1910-11	112	1	0
1911-12	339	9	0
1912-13	115	8	0
1913-14	55	0	0
1914-15	103	7	0
1915-16	75	4	0
1916-17	65	6	0
1917-18	3,027	15	11
1918-19	181	4	0
1919-20	47	11	0
1920-21	220	15	8
1921-22	210	6	7
1922-23	251	15	1
1923-24	557	5	3
1924-25	531	1	7
1925-26	512	13	4
1926-27	....		
	6,407	11	5

MAHALUXMI TRAINING COLLEGE, AHMEDABAD: STIPENDS TO LADY STUDENTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state -

(*a*) whether stipends are being paid to the lady students who are under training in the Mahaluxmi Female Training College of Ahmedabad;

(*b*) if so, the amount of each stipend and the number of stipends in each class of the college ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (*a*) Yes.

(*b*) The accompanying statement gives the requisite information. The question of awarding Provincial stipends to four students in the Senior First Year Class in the college is under consideration.

Mr. J. C. SWAMINARAYAN : The reply says " The accompanying statement gives the requisite information. " but the statement is not printed here, and it is not even stated that it is kept in the Secretary's office.

The Honourable Dewan Bahadur HARILAL D. DESAI : It is kept in the Secretary's office.

Mr. J. C. SWAMINARAYAN : It is not stated in the answer.

The Honourable Dewan Bahadur HARILAL D. DESAI : It is the printer's omission to state so.

MODASA HIGH SCHOOL : GOVERNMENT GRANT

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether the Director of Public Instruction in his letter No. S-67-(*c*)-81-C., dated 10th November 1927 has informed the President of the Modasa Education Society that a grant of Rs. 3,376 for the year 1927-28 is due to Modasa High School, an institution managed by that society ;

(*b*) whether a similar grant was sanctioned during the year 1926-27 but nothing was paid to the said school at the end of that year ;

(*c*) if the answer to (*b*) is in the affirmative, whether Government intend to show special consideration to the said school ;

(*d*) whether Government intend to make an attempt to give the full grant sanctioned by the Director of Public Instruction ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*) The communication made to the President (on 15th November 1927) was :—

" It is noted that a grant of Rs. 3,376 is due to the school. This amount, or any lesser amount which can be spared according to the funds being available, will be sanctioned to the school by the end of the current official year."

(*b*) A grant was provisionally sanctioned on the condition that it would be paid only if funds were available. No grant could, however, be paid owing to lack of funds.

(*c*) Owing to pressure of equally or more deserving outstanding claims and to financial stringency Government regret that no special consideration can for the present be given to the school.

(*d*) The claims of the school for its share of such funds as are available for grants-in-aid to secondary schools this year will be considered along with the other institutions which are similarly placed.

MODASA HIGH SCHOOL : GOVERNMENT GRANT

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether they are aware that Modasa is situated in the furthermost corner of Gujarat ;

(*b*) whether the Modasa Education Society has started a full-fledged high school there and has provided that high school with a fine building by public subscription ;

(*c*) whether the President of the Modasa Education Society has informed Government about the heavy loss it had to undergo in 1926-27 ;

(*d*) if so, what steps Government have taken to see that the institution receives the grant sanctioned for this year ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (*a*), (*b*) and (*c*) The reply is in the affirmative.

(*d*) As indicated in the reply to a similar Council question in last October session and communicated to the President of the Modasa Education Society in October last with reference to his representation in the matter, the school has been registered for grant provisionally. The Director of Public Instruction has been asked to consider the claims of the institution for its share of such funds as are available for grant-in-aid to secondary schools this year.

REFORMS OFFICE : ESTABLISHMENT CHARGES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(*a*) whether it is a fact that a New Service, designated the Reforms Secretary and his establishment was brought into being during the official year 1927-28 ;

(*b*) whether it is a fact that that new service was not contemplated in the budget of the year 1927-28 and that no provision was made for it in the said budget ;

(*c*) the date on which the reforms secretary was appointed ;

(*d*) the date on which the other members of his establishment took charge ;

(*e*) the total amount spent on the office of the Reforms Secretary and his establishment during the year 1927-28 ;

(*f*) the reasons why the said expenditure was not placed before the Council as a supplementary demand in the budget session of 1927-28 though it was an expenditure on a new service not contemplated in the budget of 1927-28 ?

The Honourable Sir CHUNILAL MEHTA : (*a*) Yes.

(*b*) Yes.

(*c*) 1st December 1927.

(*d*) Superintendent on 1st December 1927.
Stenographer on 21st December 1927.
Junior Assistant, One Clerk, and One peon } on 22nd December 1927.
Another peon on 1st January 1928.
One Naik on 6th February 1928.

(*e*) Rs. 12,996-9-0.

(*f*) As this item did not involve a large recurring expenditure nor involve a principle likely to lead to large recurring expenditure and as

the expenditure could be met from savings under the same major head, no supplementary demand was considered necessary. Such items as the present one sanctioned by the Finance Department are ordinarily shown in the next year's Budget of the Government of Bombay (Blue Book) under the heading "Statement of new items sanctioned by the Finance Department during the year from savings." The present item has been included in Corrigendum No. 3 to the Blue Book.

Mr. J. C. SWAMINARAYAN: The reply is "As this item did not involve a large recurring expenditure nor involve a principle likely to lead to large recurring expenditure, and as the expenditure could be met from savings under the same major head, no supplementary demand was considered necessary." But here it is not a question of small or big expenditure, but it is a question of great principle, and it ought to have been put before this House in the form of a supplementary demand.

The Honourable the PRESIDENT: What is the question?

Mr. J. C. SWAMINARAYAN: Why was not the expenditure, whether big or small, incurred on the establishment of the Reforms Secretary incurred during the current year, not placed in the form of a supplementary demand before this House?

The Honourable Sir CHUNILAL MEHTA: The honourable member is aware that there has been a note attached to the budget showing that the expenditure has been incurred by Government.

Mr. J. C. SWAMINARAYAN: Does not any expenditure which is incurred, and which is not contemplated in the budget of the last year require a supplementary grant from this House according to the rules?

The Honourable Sir CHUNILAL MEHTA: It does not.

The Honourable the PRESIDENT: Order, order. Before we proceed on to the next business, I have, as I promised, to make a reference to the point raised by the honourable member the Settlement Commissioner (Mr. Anderson). What he stated—and I am reading from the report taken of his statement, and I hope that report is correct—was this:

"A copy of my speech was handed to the press and has appeared this morning in the 'Times of India' in the form in which it was taken down by the official stenographers. In other words, it is not the report prepared by the representatives of the press, but it is the report borrowed from the Council office."

Naturally, when this statement was carefully examined, the office was very much concerned and, if I might add, resented it as it was not a fact to the letter. An enquiry was made from the "Times of India" office, and I have a letter from its greatest authority that no such thing has happened. What he says is this:

"With reference to the point of order raised in Council to-day by Mr. Anderson, regarding the report of a speech by him in the 'Times of India' to-day, I am informed by one of our reporters that the report was based on his notes, but that as they were not full enough for the purpose required, he compared his transcript with that taken by the official reporter. I am writing this to you as it is apparently thought that the official reporter supplied us with the report in question."

That is the chief point that I was concerned with, I mean whether the official reporter had really supplied, *in toto*, the report he had taken down to the press. If that were so, it was my duty to see that that does not

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happen again, but, as has been the custom of this office, as a matter of courtesy to the press, convenience is given to them to compare notes, and in this case also that was done. As to whether the report taken down by the official reporter was an exact report of the speech made by the honourable member, all that I can say is that sometimes the fate of the official reporters is worthy of sympathy, because of the special difficulties that the hall puts in their way, and it is further added to often by honourable members not speaking distinctly and loudly enough. But the point for me to bring to the notice of the House is simply this, that nothing of the nature of the allegation—I do not suppose it was an intentional allegation, but it was a matter which ought to have been brought to my notice—has happened, and the impression that has been created in the mind of the honourable member, that the official reporters supplied a copy of his speech to the press, is not the impression which he should carry.

Mr. F. G. H. ANDERSON : May I be permitted to say one word ? I desire most emphatically and in the most clear and distinct language to say that the statement made by the editor of the " Times of India " is not true.

The Honourable the PRESIDENT : Order, order. I shall have to take that as a true statement coming from the gentleman of some responsibility, who is the head of a paper. I will not allow any further discussion. The thing assumes greater importance now particularly when the honourable member insists upon the statement he made yesterday, and repeats it to-day that it was the official reporter of this Council who supplied the report to the press. I have investigated the matter, and I find that the facts are to the contrary.

Mr. W. S. MUKADAM : May we.....

The Honourable the PRESIDENT : No more discussion on the point will be allowed.

The Honourable the PRESIDENT : Statutory Motions.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, the next amendment that I move is :

> After Rule 10, insert the original rule proposed by the Municipality, number it as ' 11 ', changing subsequent numbers—it being :
>
> " If any person qualified to be entered in the said list in virtue of the provisions of Rule 8 is also personally qualified to be entered in the said list, his name shall be separately entered therein. "

Sir, this refers to plural voting. In the Act itself there is a provision for giving votes to an undivided family, a company or a firm. The municipality had provided the rule which I propose to insert. This rule has existed for the last twenty years, since 1908. The Municipality sent the rule to the Commissioner ; he admitted its existence but expressed a doubt as to the necessity of its existence. That is the only ground on which the Government has removed that rule. I only request that the old rule which existed for the last twenty years may be put in there.

The Honourable Sir GHULAM HUSSAIN : I accept the amendment, but I want to put it in proper form.

Mr. BALAK RAM : Sir, the honourable member and myself can discuss the matter with each other and settle it in two minutes.

The Honourable the PRESIDENT : Regarding all the following alterations, or only this one ?

Mr. B. G. PAHALAJANI : Only this one. Only the wording has to be changed.

The Honourable the PRESIDENT : What is the wording that I have got to put to the House ? I think the suggestion ought to be accepted. I can then put them all to the House.

Mr. B. G. PAHALAJANI : The honourable member the Remembrancer of Legal Affairs can think over the wording. Meanwhile, I will proceed to another.

In Rule 11 (4) change " Municipality " into " Chief Officer of the Municipality. "

Rule 11 (4) reads :

" Notice of every application under sub-rule (1) and of every reference under sub-rule (3) shall be sent by the Municipality by post to a claimant."

All along, in the rules we have put in the Chief Officer. The Chief Officer according to the rules, is the returning officer, and being the chief executive officer he should send the notice and not the municipality.

The Honourable Sir GHULAM HUSSAIN : Sir, may I draw the attention of the honourable member to the fact that the acceptance of his amendment would mean the substitution of the words " Chief Officer of the Municipality " for " Municipality " occurring in the sentence " The Municipality, at its next meeting, shall consider and pass orders."

Mr. B. G. PAHALAJANI : I am not asking that the word " municipality " should be changed there.

The Honourable Sir GHULAM HUSSAIN : The honourable member has proposed that amendment for the whole rule 11 (4).

Mr. B. G. PAHALAJANI : I have proposed that amendment only to change the word " Municipality " into " Chief Officer " where it occurs for the first time.

The Honourable Sir GHULAM HUSSAIN : It is not so stated. The word " municipality " occurs at several places in the rule.

Mr. B. G. PAHALAJANI : I will say " where it occurs for the first time."

The Honourable Sir GHULAM HUSSAIN : Then, I agree.

Mr. B. G. PAHALAJANI : That is agreed, Sir. Then, I move

In Rule 11 (5) and (6) change " Judge " into " Magistrate," wherever it occurs.

Sir, I will place before the Honourable Minister the difficulties of the situation. Up to this time, it is the District Magistrate (the Collector) who is always in touch with the municipality, who has been the special officer entrusted with the final authority to decide objections in connection

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with the first electoral roll. He being at usually at headquarters hears these objections in one day at one sitting, sitting from 3 o'clock in the afternoon till 10 o'clock at night, and disposes of the work expeditiously. Being an executive officer, he does not care for regular office hours and does not sit only from 11 to 5. During the last 20 years, since 1908, this authority has been exercised by the Collector. But Mr. Ewbank, the present Collector, thought that the Collector may be overburdened with this work, and therefore he recommended that instead of the District Magistrate the District Judge should hear these objections. I have no particular objection to the District Judge doing this work, but the case of Sukkur is peculiar. The District Judge at Sukkur has two sessions divisions, the Upper Sind District and the Sukkur District, and the work is so much that we have two or more judges working. The District Judge will have to hear these objections as a District Court but in his personal capacity as a Judge. The result will be that applications which have to be disposed of expeditiously—because the date for the publication of the electoral roll cannot be delayed, as it is fixed by the Collector—will have to be given precedence to the exclusion of every other work, including criminal sessions trials if their dates clash with this. This will put not only the people of the municipality but also the people of the district into difficulty who will have to go from day to day to the District Court. If the District Magistrate is empowered to do the work, he can sit from 12 noon till 9 at night and dispose of the objections. He is an executive officer and he is not bound by regular office hours. It may be that the District Judge will give better civil justice, but so far as this work is concerned, speedy disposal is necessary which the District Magistrate alone can give. The District Magistrate specially comes down to his headquarters and disposes of this work. That has been the practice of every district magistrate.

The Honourable Sir GHULAM HUSSAIN: I am very glad, Sir, to learn from my honourable friend from Sukkur that our district magistrates and collectors enjoy his full confidence. I would have been glad to accept his amendment for that reason, but I am sorry I cannot accept it for other reasons. The whole country is crying for the separation of executive and judicial functions, but here is my honourable friend coming forward with a proposal to give powers to the District Magistrate to decide civil matters. I would point out that this is a retrograde step. In fact, throughout the whole presidency, he will find that election disputes are decided by the District Judge. My honourable friend said that these matters should be left to the District Magistrate because he can dispose of them expeditiously. But, Sir, he should remember that the District Magistrate is a very busy officer, and cannot be burdened with this additional work. All other municipalities in the presidency, including the most advanced municipalities like Ahmedabad, have accepted this principle. And wherever there has been a question whether judicial powers should be given to Revenue or to Judicial Officers

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the verdict of this House has been in favour of giving them to Judicial Officers and not to Revenue Officers.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am sorry that he opposes. The same Minister has allowed this provision in the case of the Shikarpur Municipality.

Sir, I shall now move an amendment to rule 19. This is only a verbal change. If you permit me to move it in a better grammatical form, I shall do so. It should be:

In rule 19, the following alteration to be made:

Omit "appointed for the" and "Returning," and insert before the word "date" the word "appointed" and after the word "date" the words "and time the Nomination officer appointed under rule 16 shall hold a;" and after the word "of" insert the word "the;" and for the word "Returning" substitute the word "Nomination."

Then in rule 22, I propose the following:—

"In rule 22 change 'Returning Officer' into 'Nomination officer'."

So also in rule 19 "Returning officer" should be changed into "Nomination Officer."

The Honourable Sir GHULAM HUSSAIN: I accept this amendment to rule 19 and also to rule 22.

Mr. B. G. PAHALAJANI: Then, Sir, I also move

"In rule 26 change 'may withdraw their candidature' into 'may withdraw his candidature'."

The Honourable Sir GHULAM HUSSAIN: I accept that amendment.

Mr. B. G. PAHALAJANI: Sir, now I come to rule 36. There I move:

"In rule 36 omit the words 'or her' and 'or she' wherever they occur."

Mr. B. G. PAHALAJANI: Then, as regards rule 37, I move:

"In rule 37, omit the word 'which' occurring in line 1, and insert the word 'and' between the words 'officer' and 'shall' occurring in line 2."

Mr. B. G. PAHALAJANI: I shall then come to rules 39 and 40. My amendment is as under:

"In rules 39 and 40 omit "'or the polling officer acting under his general or special directions'."

Sir, with regard to the last amendment, I may bring it to the notice of the Honourable the Minister that provision for presiding officer has been specially introduced in these rules with the object of creating a separate entity in the person of an independent officer, who may be able to determine disinterestedly questions between the parties. The Collector is expected to appoint for this purpose officers of sufficient responsibility, as he does in the case of Council elections. The duty of this presiding officer is to solve the questions arising at the election and for this purpose a man of some responsibility is required. The power of determining or deciding questions concerning election should not be delegated to the polling officer. I, therefore, submit that this responsibility should be thrown only on the presiding officer and not the polling officer. I, therefore, hope that this amendment will be accepted by the Honourable the Minister.

The Honourable Sir GHULAM HUSSAIN: Sir, I would have accepted the amendment of my honourable friend, but I am afraid there are difficulties in the way. At the time of the elections, a large number of

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voters come to record their votes and at each polling station there are a number of booths. We have only one presiding officer and a number of polling officers working under him. As I have said, there are a number of booths, and it will not be possible for one presiding officer to manage the whole affair. So, this arrangement is in the interests of the people themselves. The polling officers have to work under the direction of the presiding officer, and the disputes are settled by them under his direction. Besides, even if the party is not satisfied with the decision given by the polling officer, then the presiding officer is there to give his final order. Therefore, it will be seen that this clause has been inserted in the interest of the people, so that disputes might be settled as early as possible....

MOULVI RAFIUDDIN AHMAD: May I know from the Honourable Minister whether the polling officer is as competent as the presiding officer?

The Honourable Sir GHULAM HUSSAIN: Of course, he is competent.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I may say that the polling officers are mere clerks drawing Rs. 40. Is it, therefore, fair that a clerk drawing Rs. 40 should be entrusted with the responsible work? Although that man has to work under the presiding officer, what happens is this. The presiding officer gives the general directions to these polling officers and they accordingly carry on their work. The Honourable Minister should just imagine what responsibility is thrown on these polling officers. At the time of election there cannot be a large number of disputes; only two or three cases would be coming for decision to the presiding officer and this work will be possible for him to do. At the time of last Council election, about 22,000 votes were recorded and out of that only 52 votes were challenged, which had to go to the presiding officer for settlement. I would specially bring to the notice of the Honourable Minister that this is a matter in which he may consider the point carefully. The presiding officer is usually of a deputy collector's grade, not less than a mukhtyarkar's grade, a responsible officer, who has a certain amount of responsibility on him. A polling officer is merely a clerk drawing Rs. 40 or so, absolutely a recording officer, and his discretion in the matter is certainly injurious.

The Honourable Sir GHULAM HUSSAIN: If the honourable member is very keen on this amendment, I will certainly accept it.

Mr. B. G. PAHALAJANI: Then, as regards rule 40, the words to be omitted are the same as I have read out in regard to rule 39.

Then, as regards Appendix A, all these names that I have given you, which you will find in the Appendix, are names of areas existing before the barrage came to be started at Sukkur. Fortunately or unfortunately, the barrage happens to be within the municipal area, and according to the Municipal Act we cannot exclude the people living there from the franchise Bagh Hayatali Shah and Miani are within the limit of our municipal area. They happen to be on the west side of the town. But if this schedule is taken into consideration, "Lloyd Barrage" does not

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appear anywhere. Therefore, Lloyd Barrage must appear somewhere, as Lloyd Barrage is an extension town of ward No. 4. That is the western-most part, and the barrage is still further to the west. I have suggested that against ward No. IV the word " and " between " Bagh Hayatali Shah " and " Miani " should be omitted and after " Miani " the words " and Lloyd Barrage Area " should be added, and also that in the " Note, " after the words " 1921 Census " the words " In addition to the Lloyd Barrage area, which shall form part of Ward No. IV " should be added. I have no objection if this is not accepted because it does not come within Bagh Hayatali Shah and Miani, and the Lloyd Barrage would have no votes. But if they should have any votes, then, government must agree to my proposal.....

The Honourable Sir GHULAM HUSSAIN : Does it not cover the Lloyd Barrage area ?

Mr. B. G. PAHALAJANI : No. It stops exactly where the barrage commences, what is called.....

The Honourable Sir GHULAM HUSSAIN : Very well ; the responsibility is on the honourable member who is the president of the municipality. I have no objection to the addition of the Lloyd Barrage Area.

The Honourable the PRESIDENT : Before I can put the whole thing to the House, I should like to have the correct form of the alterations which have been moved and which are proposed to be accepted. How long will the honourable member take to give it to me ?

Mr. B. G. PAHALAJANI : I will give it within half an hour.

LARKANA MUNICIPAL ELECTION RULES

The Honourable the PRESIDENT : Then, we may proceed in the meantime with the next item, rules of the Larkana Municipality.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I beg to move :

" This Council resolves that the Revised Election Rules of the Larkana Municipality sanctioned by G.R., G.D., No. 7030 dated 28th November 1927 which are laid on the Council Table be modified as follows :—

' In Rule 3

	alter 31 into 32
Non-Mahomedans	15 into 17
Mahomedans	10 into 11
Nominated	6 into 4'."

I am extremely sorry, Sir, to move this amendment, because my honourable friend the Minister on the opposite side yesterday evening drew a red herring, across the path of my amendment, of the communal bogey.....

The Honourable Sir GHULAM HUSSAIN : I never said a word about it.

Mr. B. G. PAHALAJANI : He read out an application to the Mahomedan members, which he need not have done. But this, unfortunately, raises that question and I think it will have to be decided in whatever way they like by this Council. The Larkana Municipality, Sir, has at present 6 nominated members, 14 non-Muhammadans,

[Mr. B. G. Pahalajani]

10 Muhammadans, 30 in all. I am reading from the Commissioner's Resolution. The municipality under the new Act wanted to reduce the nominated to one-ninth, that is to say, nominated 3, non-Muhammadans 15 and Muhammadans 9, in all 27. That was the recommendation that was sent by the municipality to the Commissioner. The Commissioner was of opinion that the existing number 30 should not be decreased but should rather be increased and he proposed that it should be increased to 32. And then, Sir, after having increased the number to 32, he took the population ratio of the Hindus and the Muhammadans including the 6 nominated,—and there are no miscellaneous classes in Larkana,—Christians 10, Jews 9, others 1, 20 in all. Now, Hindus are 10,780 and "others" 20, in all 10,800. So the population of Hindus is taken as 10,800, and the Muhammadan population is 6,923. The Commissioner in Sind proceeds to observe:

"The Commissioner, however, considers that the reduction of the total strength of the municipality would be regarded as a retrograde step. If there were to be only three nominated members, only one official could be appointed. As, however, it is desirable that the Civil Surgeon of the place should be nominated as a member, the Commissioner considers that the total strength of the board shall be fixed at 32 of whom 4 shall be nominated and 28 elected. The elected seats distributed among the two communities, according to population, are as under:—

"Hindus 17·5 and Mahommedans 10·95, that is to say 17 and 11."

"The Commissioner will recommend a corporation of 32, —17 Hindus, 11 Mahomedans and 4 nominated. No community will then have any justifiable cause of complaint."

This is a very fair distribution of seats in which no special interests come in at all, no miscellaneous interests come in at all, no experts come in at all, none whatever in the Larkana municipality. According to his recommendation there will be 17 Hindu elected members, 11 Mahomedan members and 4 nominated members. This is in strict accordance with the proportion of the population, that is to say, 17·5 Hindus and 10·95 Mahomedans, equal to 17 and 11 respectively. When these matters come to Government, what do they do? They say that there shall be 25 elected councillors and six nominated councillors for the municipal borough of Larkana. Government say that the number of councillors to be elected by Non-Mahomedans shall be 15, by Mahomedans 10 and 6 shall be nominated, so that we have not got 17 and 11 as suggested by the Commissioner but we have 15 and 10 and they keep 6 for nominations although the Commissioner wants only four. The Commissioner is conversant with the local conditions; he does not want 6, he specially mentions two officers and yet Government bring down the number of elected numbers to 15 and 10 from 17 and 11, a proportion which no figures of population can justify, and I say that the only figures that are justifiable are 17 and 11 as recommended by the Commissioner. According to the unhappy position of the Non-Mahomedans—Hindus—owing to their having some excess of population of about 4,000, it is unfortunate for them that they happen to be entitled to two seats more and the Mahomedans to one seat more, *i.e.*, Hindus will have 17 and Mahomedans 11, but the Mahomedans retain

[Mr. B. G. Pahalajani]

10 but do not give more than 1 to the Hindus when Hindus get 15 instead of 14. I will put to the Honourable the Minister that if the population justifies—that is the only principle on which we have gone—is there any reason for departing from the Commissioner's recommendation ? Is there any reason for in any way interfering with the franchise rights of the Hindus (because there are no miscellaneous castes except 20 Jews and Christians) ? Is there any justifiable reason to reduce 2 from the figure suggested for the Hindus and 1 from the figure for Mahomedans ? It is unfortunate that Government by this action have produced this feeling there and have produced this feeling in our minds that Government is treating us unfairly. We were unwilling to refer to any communal considerations but when I saw the treatment given to the Larkana municipality in which the Commissioner strongly recommended 17 and 11 and Government cuts it down to 15 and 10, I am naturally constrained to say that the principle laid down by Government cannot at all be acceptable to us.

Question proposed.

Mr. M. S. KHUHRO (Larkana District) : Sir, I rise to oppose the motion. It is unfortunate that the honourable mover (Mr. Pahalajani) should have brought before this House a controversial matter which certainly deals with the communal question and is bound to create communal feelings. I am very sorry indeed that he has put in entirely a one-sided case and has tried to mislead the House. The position is this that the population of the Larkana municipality is :—

Mahomedans	..	..	6,993
Non-Mahomedans	..	..	10,780

according to the census figures of 1920. According to the existing rules the Mahomedans get 10 and Non-Mahomedans get 14 seats and there are 6 reserved for nominations.

What has happened is that the Hindu members of the municipality a few months back, in the absence of the Mahomedan members, passed a resolution that the number of Muslim seats should be reduced from 10 to 9 and that the Non-Muslim seats should be increased from 14 to 15, without informing the Muslim members of this. No Muslim member of the municipality was present, not even the president of the municipality was informed of such a proposal, nor was it circulated among the members. An opportunity was taken to pass this resolution when no Muslim member was present and this proposal was moved and decided then and there without giving any opportunity to the other side to state their views. I have got the authority to say that the president of the municipality has actually written to the Collector that this resolution was passed without his knowledge.....

MOULVI RAFIUDDIN AHMAD : Who is the President ?

Mr. M. S. KHUHRO : He is a Muslim. He had no information of any such proposal although he should have been informed of it and no such

[Mr. M. S. Khuhro]

resolution ought to have been allowed to come before the meeting of the municipality in the absence of proper intimation to all the members of the municipality, precisely when it dealt with a very important issue which affected Muslims adversely. However, the municipality decided that there should be 24 elected seats (15 Hindus and 9 Mahomedans) and 3 nominated seats, making a total of 27. Now see what happens, when this proposal goes to the Commissioner. At present there are in all 30 seats. The municipality decides that that number should be reduced to 27, but the Commissioner on the other hand recommends that it should be increased to 32. I really cannot understand how the Commissioner came to that conclusion and I leave that to be imagined rather than described. Now, Sir, if you take the figures of population and work them out by distributing 25 seats (elected) between Hindus and Muslims, Muslims will get 9·77 and Hindus will get 15·22. 15·22 is nearer to 15 and, therefore, Hindus are entitled as a matter of fact to 15 elected seats, and Muslims are entitled to 10 because 9·77 is very near 10. According to this calculation, Government distribute the seats in the following manner :—

10 Muslims,
15 Non-Muslims,

and the number to be nominated remains as already fixed. According to the Act itself, the number of nominations has got to be not more than one-fifth. In the first place I do not know why the total number of seats should at all be increased. The population figure remains the same and yet Government have been pleased to give one more seat to the Non-Muslims, though according to the same population figures they have been getting 14 seats so far.

The honourable mover has stated that there are no other miscellaneous communities in Larkana. That is a statement which I challenge. Coming as I do from Larkana, I certainly know more about Larkana affairs than he does. Sir, at present, out of the 10,780 non-Mussalmans there are 20 Christians and Jews, and there are Sikhs who are not represented on the municipality, and approximately 100 must be the number of Sikhs. Then there are the Punjabi Hindus and Marwaris ; they must be about 100. Then there are the depressed classes, the Bhangis, who number at least 500 to 600. Now, the total number of all these put together will come to 800 or 900, and, according to the calculation they are certainly entitled to at least one seat, but so far as the honourable mover is concerned he does not want a single representative of these miscellaneous communities on the municipality. The reason why we do feel that the number of the nominated seats should not be reduced is this. Anyway, the number of officials will be 2 ; that will not be changed. The Civil Surgeon is to be there and one other Government servant will be there. Of the remaining 4 left for nomination, 2 will go to the Mussalmans and 2 to the non-Mussalmans. The Mussalmans get no extra concession in the nominated seats, so far. If the number remains the same, the other miscellaneous communities will have to get some representation. I think the Honourable Minister should realise this

[Mr. M. S. Khuhro]

and see that the miscellaneous communities do get representation by way of nomination. The number of Mussalmans remains the same; they are entitled to get the enhanced number by nomination, and the interests of the minority should be safeguarded.

Sir, I do feel that the decision of Government in this matter, to fix the nominations at 6 and the elected members at 25 is quite justified. The Commissioner recommends the total should be 32, but the municipality recommends that it should be 27. In that case, the honourable mover cannot come forward and say that by moving this motion he is going to support the wishes of the municipal councillors. They have been trying to get the number reduced, but here the honourable mover has been trying to support the recommendation of the Commissioner, which has not been considered proper by the Government, the strong reason for that being that there is no justification to increase the number of seats. There should have been, as a matter of fact, the same number retained, but Government have increased one more seat and given it to the non-Mussalmans, according to the figures of population. Any alteration now made will be detrimental to the good feelings between the two communities. It is very well known that at this time the feelings between the two communities are not very good, and, therefore any change at this stage will certainly inflame communal feelings in Larkana. I therefore hope that the honourable mover will consider it proper to withdraw his motion.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Hindustani): Mr. President, I oppose the motion, and I appeal to the honourable member Mr. Pahalajani to withdraw it. Let us see what the facts are. In the Larkana municipality there are 10 Mahomedan members and 15 Hindu members, and by reducing one of the seats given to the Mahomedans and giving it to the Hindus, it is not as if some very high privileges and rights are given to the Hindus and they are taken away from the Mahomedans. I do not at all think so. I shall give one instance.

The population of Karachi city is.....Mussalmans and..... .....Hindus including all other classes. There are 16 Mahomedan members and 19 Hindu members. The two representatives of the Indian Merchants' Chamber in Karachi are also Hindus. Nineteen *plus* two makes 21; in addition to that out of the six nominated members two are Hindus and one is a Mussalman. Now, the Mussalmans may have a grievance in this, and if it was considered such an important matter we also could bring up a resolution in this House, and we also can make speeches. But we think this is only a minor matter, and it is not necessary to bring it to this House. After all, what does it matter if there is one more Hindu or one more Mahomedan member? I will give the House another instance. In the Karachi district local board, almost all the members are Mahomedans, and the Hindus are in a minority. The president is a Hindu, but the Mahomedan members are not actuated by such a narrow vision as to trouble the Hindu president in the discharge of his duties. The work of the local board goes on very smoothly. In the same way, I hope the Hindus of Sind will go on smoothly with their Mahomedan

[Mr. Haji Mir Mahomed Baloch]

brethren. The Hindus are clever, they are intelligent, and it is their duty to show their large-heartedness by giving a chance to the Mahomedans who have been very backward for years together. I think the atmosphere ought to be clear, and these communal feelings ought not to be imported. I feel sure that the honourable member will withdraw his motion, and put a stop to the exhibition of these communal feelings.

Mr. D. A. JANVEKAR (Bijapur District): Sir, I know nothing about the situation in Larkana. Still, on principle and on the figures given to us here, I want to say a word or two. Sir, much has been said that these are democratic days. In the case of the Larkana municipality, Government, instead of reducing the number of members, have come forward to increase the number, but the municipality, represented by the public which is asking for democracy, of talk and die, wants to reduce the number to 27. Originally, in the Larkana municipality the number of elected councillors was 24, and now Government have increased it to 25. According to the wishes of the Hindus it appears that the Larkana municipality proposed that the number of Hindu members should be raised from 14 to 15, and Government have agreed to the proposal, but so far as the Mahomedans are concerned, they have not increased the number of seats for them. Formerly it was 10 and now also it is 10. Even according to the proposal of the municipality, the number of nominated seats can go up to six because according to the Act Government have power to nominate up to one-fifth of the total number of councillors. But Government have kept the number of nominated councillors as it was before. According to the present rules under discussion, one more seat has been given to the Hindus and therefore I think there should be no complaint by the Hindus. The Mahomedans are not asking for anything more although Government have not given them anything more than what they had. I do not see why my Hindu honourable friends from Larkana should oppose this redistribution. Why should they oppose the present redistribution when they alone are benefitted by it?

As regards nominations, the Commissioner and the Municipality of course want the number to be decreased. But if one looks to these local bodies, one is inclined to say not only that the number of nominations should continue as at present but that it should, if possible, be increased. I know that the Commissioner is of a contrary opinion. But if one looks to the condition of local bodies—I do not like to say it—but if one looks to the condition of the Sholapur local board and to the enquiries that are being conducted in connection with the Nasik board, one is inclined to feel that it is necessary that the proportion of nominated seats should be more than is provided in the Act. I therefore strongly oppose this motion.

Mr. N. A. BECHAR (Karachi City): Sir, so far as the proportion of elected members of Hindus and Mahomedans are concerned I have nothing to say. But certainly I have the strongest objection to the proportion that the number of nominated seats (6) bears to the total number of seats. I am expecting to hear from the Honourable Minister

[Mr. N. A. Bechar]

whether the administration of the Larkana Municipality, the head of which is Mr. Ameerali and the vice-president is our honourable friend Mr. Khuhro, is so notoriously inefficient that Government have got to make an exception in its case by having the fullest proportion of nominated members sanctioned under the Act. I think that since only 5 or 6 persons are being nominated out of 45 in the Hyderabad Municipality and even in the Sukkur Municipality there are only 6 to 40, it is hardly fair that Larkana should be treated in this manner.

I have heard my honourable friend Mr. Khuhro stating that there are Marwadi Hindus, Punjabi Hindus and 500 sweepers. I was rather surprised at the way he was trying to divide the Hindus and trying to show that there should be separate representation of Punjabis, Marwadis, Gujaratis, Sindhis, Cutchis and what not. Even as it is, India is divided into so many communities that I think that it is not proper that my honourable friend who talks of unity should come forward and advance such arguments simply because it suits his case for the present. I hope some better reasons will be put forward.

Coming to the question of depressed classes I was simply aghast when the honourable member mentioned that in a small municipality like Larkana there are 500 sweepers: if he meant that there are in all 500 members of the depressed classes, then I say that is all the more a case for the Honourable Minister to reduce the proportion of nominated seats and out of the six seats reserved for nomination to give one seat for election by the depressed classes, instead of keeping power of patronage in his hands. Sir, the Act clearly provides that wards should be constituted for Mahomedans, non-Mahomedans and depressed classes. Since Mahomedans and non-Mahomedans are given separate representation, I fail to see why depressed classes alone should have come by the back door of nomination and have to look upon Government as their patrons and not stand on their own legs. If there is any sincerity on the part of Government to make the depressed classes stand on their own legs, a start should be made by giving them the right to elect representatives from their own people. I would therefore suggest that if Government are anxious to provide seats for depressed classes, they should reduce the number of nominations by one and reserve that one to the depressed classes to be filled by election. That will satisfy my honourable friend Mr. Khuhro and also the honourable mover of the amendment.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I do not want to take up more than three minutes—probably less—and will condense my remarks as much as I can. Sir, with regard to the depressed classes, there are depressed classes in some towns in Sindh but not in all. With regard to Larkana, it is specifically stated at page 2 of the Government resolution,—I am referring to rule 4 (1)—"As there are no depressed classes within the municipal limits, no seat has been reserved for them; nor need any be."

Sir, the second point is with regard to the communal question. Talking of Larkana where there has been no communal feeling—it is a municipality

[Mr. Jairamdas Doulatram]

in which, although the Hindus have got considerable numerical strength, they have selected a Mahomedan as President and a Mahomedan as Vice-President,—I do not think we should try to introduce references to other towns and create the impression that in Larkana there is so much of communal feeling that Hindus should not be given their due representation. Let us look at the result of the Government's final decision. We find that out of 31 members, the non-Mahomedans form a minority, because out of 31 members, 15 are elected non-Mahomedans, 10 are elected Mahomedans and 6 members are nominated. With regard to the six nominations, there is no guarantee as to who they will be, how they will vote and what they will do ; after all, it is never possible to say how the voting of nominated persons will go. I believe there are occasions when the majority in the town will find itself in a minority in the municipality. Had the Commissioner's recommendations been accepted, we would have had a fairer proportion between the communities. According to him 17 would have gone to non-Mahomedans, 11 to Mahomedans and that is according to the population as worked out by him. By changing the proportions the result has been that seats which should have gone to non-Mahomedans have been taken away from them....

The Honourable Sir GHULAM HUSSAIN : That is a wrong statement.

Mr. JAIRAMDAS DOULATRAM : This compels me to take a little more time of the House. Sir, what do we find ? The Commissioner recommended that looking to the times we should have an increase in the elected strength, and the proportion of elected and nominated seats according to him were 1 nominated to 7 elected, but Government have changed it into 1 nominated to $4\frac{1}{4}$ elected, which is practically the same as it is to-day. It is 1 nominated to 4 elected to-day, and our popular Minister wishes to increase it at 1 to $4\frac{1}{4}$. Even the Commissioner recommended that it should be 1 nominated to 7 elected. He felt that there was some ground for the municipalities to ask for further democratization. But because there is a little jugglery of figures in this, it was not felt desirable to maintain the proportion between nominated and elected members. The present proportion of 14 non-Mahomedans and 10 Mahomedans is not in accordance with population. A certain amount of injustice exists to-day. We find that the Mahomedan population is 6,923—I am reading from the census figures quoted in the resolution—out of a total of 17,723. Hindus are 10,780 and 20 are Christians, Jews and others. It is open to any one of these 20 to stand for a non-Mahomedan constituency. Out of a population of 17,723, thus Mahomedans constitute 6,923. That works out at 9·3 per cent. Out of a total of 24, which is the present elective strength, the Muslims have been given ten. The non-Mahomedans were entitled to fifteen seats and they have been given only fourteen and this injustice was corrected by adding one more seat and making it 15. Sir, if we take advantage of the present demand for increased elective strength, then we shall be able to distribute the seats more fairly between the communities.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I am very sorry to take part in this debate and but for the speech of the honourable member from Hyderabad (Mr. Jairamdas), I would not have thought it necessary to trouble this House with any observations.

Sir, if it comes to decimals regarding communal representation in the local bodies, I assure you that all the Moslems in the Bombay presidency have such a strong case that I can bring in this House 40 motions of the kind now before us for the rectification of Muslim seats. In the last session I asked a question regarding Poona suburban municipality. As you, Sir, well know living in that locality, there is a very large number of Mahomedans. The Moslems are given only two seats by election and none by nomination. There are hardly more than 100 Parsis in the whole of this suburban area. Three of them came by election and still the Commissioner and the Collector thought it necessary to give one seat by nomination to a Parsi. They also gave seats to Hindus but not a single seat was given to the Muhammadans. I brought this fact to the notice of the Honourable Minister and he told me that for the future he would draw the attention of the officers to that defect. Moreover Moslems were not nominated in a very large majority on the District Boards. On the other hand take the instance of the Malegaon municipality. Malegaon is the only place in the whole of the Bombay presidency where the Muhammadan population is more than that of the Hindus. Moslems have ten seats and Hindus six by election. Yet all the 4 seats by nomination always go to the Hindus and not a single seat is given to the Muhammadans.

Mr. B. G. PAHALAJANI: I challenge that it is incorrect.

MOULVI RAFIUDDIN AHMAD: I look to the Honourable the Minister to correct me, if I am wrong.

Mr. B. G. PAHALAJANI: You are wrong.

MOULVI RAFIUDDIN AHMAD: If so will you correct me? If not, will you kindly keep silence, and allow me to go on?

The Honourable the PRESIDENT: Order, order. No direct reply to honourable members.

MOULVI RAFIUDDIN AHMAD: Will you kindly allow me, Sir, to go on? (Laughter). (The Honourable the President: Yes.) What happens at Malegaon is this. The large Muhammadan majority is reduced and brought to the level of the Hindu representation by this nomination system. Hence the Hindus always manage to have a Hindu president and thus a Muslim majority is placed under the domination of a Hindu minority by Government. If you want to convert this House into a court of appeal for municipal affairs, the House will have no time to attend to any other work. I think if such appeals are brought into this House, not only three days but even fifteen days will not be sufficient. I do not think that we should be asked to support complaints against our own elected Minister. I think, Sir, this is undemocratic. This is an indirect method of bringing in communal matters. This is communalism. We are told by the honourable member from Sukkur that he never brings in communal matters. Then what is this?

Mr. B. G. PAHALAJANI : I did admit that this is a communal matter.

MOULVI RAFIUDDIN AHMAD : Is it so ? Then I ask : Is it reasonable to take the time of the Council in discussing such communal matters ? What I said yesterday has come to be true. I have nothing more to say, but I hope, as the Honourable Minister has given the honourable member, Mr. Pahalajani, a very crushing and pulverising reply yesterday, the honourable member will be convinced and will not press this matter.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am sorry that none of the Mahomedan members have made out any case in their favour. The question is whether the seats by nomination should be six or four. If the six seats are by nomination, then the number of 15 remains as proposed. If there are four seats by nomination, then the number 17 would remain. If Hindus get two and Mahomedans one seat, the proportion of nominated members is to be maintained at four. My submission is that Hindus should get two and Mahomedans one only. It is the only way to get out of the difficulty. If Hindus get only one, then for Mahomedans there would be zero. So, the proportion would be one to none. The Honourable Minister has earned a good name from the Hindu community and he should, therefore, see his way to bring down the number of nomination to four. It is stated here that he has pulverised me by reading a number of applications from Larkana. Those applications will not pulverise me but they would pulverise some other person. I, therefore request the Honourable Minister to accept my proposal.

The Honourable Sir GHULAM HUSSAIN : Sir, I am sorry that my honourable friend has attributed communal motives to me. But he has brought in this communal question simply for the purpose of vote-catching and nothing else. I would ask the Muhammadan members, if I am wrong in the distribution of seats, to give their votes against me. At the same time, I would also ask my Hindu brethren if they find that I have not given them seats according to their population, to vote against me. I think, Sir, that the honourable mover has already admitted what the demands of the municipality were. They wanted 27 members in all in the Larkana Municipality, and I might here give some idea about Larkana. It is a small place, as you can see from the population, and the municipality itself wanted 27 members.....(Mr. Jairamdas Doulatram : How many nominated and how many elected ? That is important.)..... In spite of their request for 27, I gave them 31 .....(Mr. B. G. Pahalajani : What does the Commissioner say ?).... .....When it suits my honourable friend he quotes the Commissioner. But when it does not suit him, he does not quote the Commissioner. Now, Sir, he talks about the municipality asking for three nominated members instead of six. But the honourable member, the Vice-President of the Larkana Municipality, has told us that the Hindu members of the municipality, with no Muhammadan member present, finding the field quite clear, moved the resolution which was sent to the Collector.....

Mr. B. G. PAHALAJANI : That statement is wrong.

The Honourable Sir GHULAM HUSSAIN : There was not a single Muhammadan member present at the time, and the Vice-President of the same municipality sent a protest to the Secretary of the General Department against the " unity, " of which my honourable friend was making so much. Can any community, in fairness, when not a single member of another community is present, rush through such an important resolution, if their conscience is clear ? And yet my honourable friends tell us that the municipality of Larkana is working very well.

Mr. JAIRAMDAS DOULATRAM : The municipality is working smoothly.

The Honourable Sir GHULAM HUSSAIN : It is certainly not working smoothly. There was, a short time ago, a question about the removal of the market. My honourable friend from Hyderabad (Mr. Jairamdas Doulatram), who hurriedly returns from some meeting, runs up to Larkana and writes about " Hindus in Danger, " and now he forgets that, and today he says.....

Mr. JAIRAMDAS DOULATRAM : Is it not a compliment to the Hindus that despite everything they elected one Muslim as President of the municipality and another Muslim as Vice-President?

The Honourable Sir GHULAM HUSSAIN : When it suits them, they say their life is in danger. Every one in this House must have read the proceedings in the riot cases. Even the Vice-President tells us that the general opinion is that the municipality is not working well. Now, Sir, when that is the position, when there are communal feelings running so high, is it proper to reduce the nominated members.....

Mr. JAIRAMDAS DOULATRAM : Nominated members belong to the same communities. How does the increase in nominated strength change matters ?

The Honourable Sir GHULAM HUSSAIN : Officials are also nominated. There are others too who are not Hindus ; there are Indian Christians, there are Jews, some of them very good people, who might be nominated ....(Interruption)....I do not want interruptions. Now, of 31 seats, 6 are nominated. These are necessary for the reasons I have already mentioned. Communal feelings have been running high. There have recently been riots between Hindus and Muhammadans. The Hindus have said that their lives were in danger. Under those circumstances, would Government be justified in reducing the number of nominations ? Even the Vice-President, whose speech you have heard just now, said the municipality is not working well. There is thus no case for reducing the number of nominations.

Then, we come to the distribution of the seats. There are 31 in all, 6 nominated and 25 elected. My honourable friend worked out just now the ratio in which these 25 seats were distributed according to the recommendations of the Commissioner, and the proportion comes to 15 and 10. Now, under the existing constitution, the Muhammadans have 10 and the Hindus have 14. I have now given them 15 without any change of population. Yet they are not satisfied, and they talk of injustice done to them ! But they have had more than their due share.

Question put and lost.

RAILWAY ADVISORY COMMITTEES

The Honourable the PRESIDENT: Before we go on to the next business, I have to announce the names of the honourable members who have been elected to the three Committees.

For the G. I. P. Railway Committee—

Moulvi Rafiuddin Ahmad secured 48 votes, Mr. N. R. Gunjal 38 votes and Mr. A. C. Owen 10 votes. Consequently Moulvi Rafiuddin is the elected member for the G. I. P. Committee.

For the B. B. and C. I. Railway Committee—

Mr. J. B. Desai, 50 votes, Mr. Haji Mir Mahomed Baloch 19 votes, Khan Saheb A. M. Mansuri 16 votes and Mr. J. C. Swaminarayan 12 votes. Therefore, Mr. J. B. Desai is the elected member.

For the Madras and Southern Mahratta Railway Committee—

Mr. D. A. Janvekar 41 votes, Sir Vasantrao Dabholkar 30 votes and Mr. M. D. Karki 28 votes. Mr. Janvekar is, therefore, the elected member.

BILL No. XXI OF 1927 (A BILL TO AMEND THE LAW RELATING TO THE UNIVERSITY OF BOMBAY)

The Honourable the PRESIDENT: The next business is the consideration of clause 5 of the University Bill, Bill No. XXI of 1927. Before I actually go on to the discussion where it was left, I should like to explain the position to the House and particularly to find out whether I am stating the position, as I understand it, correctly. The position is this, that there was an amendment to clause 5 proposed by the honourable member Mr. Chikodi which stands unfinished yet. In the meanwhile during the course of the discussion on that amendment the Honourable Minister asked for the postponement of the consideration of that clause 5 until this session, so that he would try and say, by consulting his own Government further if he could meet the wishes of the House in any way. The Honourable Minister has now to inform the House as to what he has done as a result of the postponement he had obtained.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I was thinking of requesting you to allow me to make a statement on the subject, on which you have invited me to make one. On the last occasion, namely, on the 8th October 1927, I requested you and the House that the further discussion of sub-clause (4) and (5) of clause 5 of the bill be put off to the next session in order to enable the Government of Bombay to negotiate with the Government of India with reference to clause 5, about which there were so many misapprehensions and objections. Thereafter, Sir, the Government of Bombay had negotiations with the Government of India, both officially and demi-officially, during the last three months and more. The result of those negotiations has been that the Government of India appear to be unwilling to omit the provision in the bill for the Visitor and his powers, and they informed this Government that they consider it necessary that there should be a provision in the bill for a Visitor and for his powers as such. They proposed to this Government that instead of the present clause 5 which seeks to vest visitorial

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powers in the Governor-General, this Government might act on the model of the Patna Act of 1917 as amended in 1923 which vested the powers of a Visitor in the Chancellor and restricted the general powers as expressed in sub-clause 5 of clause 5. On that account, eventually, the amendment which I have put before the honourable House was put forward and that amendment, I can only say in passing, vests the powers of a Visitor in an officer of the university itself and reduces the powers to a very large extent. Under those circumstances, I would request my honourable friend Mr. Chikodi whose amendment to clause 5 for the omission of sub-clause 4 is before the House part-heard, that he may be kind enough to withdraw that amendment and also the next amendment with reference to the omission of sub-clause 5 so that I may be able to put forward mine before the honourable House.

Mr. P. R. CHIKODI (Belgaum District): Sir, in view of the explanation given by the Honourable the Minister for Education and also in view of the amendment that has been tabled by my honourable friend, the member for the Bombay University, I wish that the House may kindly allow me to withdraw my amendment.

Question put and leave granted.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the amended clause 5 has been before the honourable House since about the 13th of February last and all honourable members are aware of its provisions. Therefore, I need not read it as honourable members have already read it and some have even given notices of amendment. I beg to submit that this amended* clause does away with the vesting of visitor's powers in an outside officer.....

Mr. NOOR MAHOMED (Hyderabad District): I rise to a point of order, Sir. When the bill went before the select committee there was no present clause 5 in the bill. It was inserted by the select committee and the Honourable Minister in charge of the bill subscribed to the insertion of clause 5 in the bill. He was a party to it and has never disagreed with the report of the select committee—in fact in the report of the select committee he has agreed that there should be clause 5 as it stands at present in the bill. Now, Sir, he never gave the notice required by the constitution that he disagreed with the clause that was inserted by the select committee. It has been laid down in our own Council that before a member can move an amendment if he is not agreeable to the select committee's recommendation he should give notice of his disagreement. In this case the Honourable Minister has agreed with the report of the select committee and has signed it. He never at any stage gave notice of his disagreement. This is the first time that the Honourable Minister comes forward to say that he disagrees with the report of the select committee, and therefore my submission is that the Honourable Minister in charge of the bill has got no right to put this amendment to the bill, as it emerged out of the select committee, to which he was a party and to which he has clearly agreed. In this case, the House has already

* *Vide* page 40 of this Volume.

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agreed to the second reading and we are proceeding with the bill clause by clause ; and therefore this is not a proper occasion for the Honourable Minister to come forward and move an amendment for the change of clause 5. If he wanted to move the amendment that he has moved he should have done it appropriately by giving notice of it before you put the second reading to the House ; or he could have asked some other member to move it. The Honourable Minister has said that the amendment has been before the House from the 13th of February, but, Sir, the publication of the report of the select committee has got a special meaning, namely, that the *general* public which is interested in the enactment of any bill should have proper notice. The public has had no sufficient notice of this amendment of the Honourable Minister in charge of the bill and the sending of the notice of this amendment to the honourable members of this House is not proper publication and is not a notice to the public. If, you, Sir, allow a discussion of this amendment, it is a negation of the original clause. Therefore, my submission is that the Honourable Minister is out of order in bringing an amendment before the House that is completely a negation of the original clause which vested the visitorial powers in the Governor-General. The Honourable Minister by his present amendment vests the visitorial powers in the Chancellor. Therefore, this is a negation of the original clause and that he cannot do.

Further, my submission also is that this is an alternative clause. By the original clause the visitorial powers were vested in the Governor-General. By this clause those powers are vested in the Chancellor of the University, who is the Governor of Bombay, which the Honourable Minister, I submit, cannot be permitted to do because it is a negation of the original clause.

Then, Sir, the select committee had agreed to a particular clause and the present amendment is certainly inconsistent with that original clause as agreed to by the select committee, and therefore my submission will be that the Honourable Minister has got no right to move this amendment as he is now trying to do. Moreover, the amendment of the Honourable Minister has the effect of giving visitorial powers to the Chancellor, which means the continuance of the spirit of the old clause. On that ground also, he has no right to bring forward the present amendment till the old clause as it stands in the bill has not been disposed of by the honourable House. Therefore, on all these points, I respectfully submit the Honourable Minister has got no right to bring forward this amendment. If he wanted to do it at all legally, he should really have asked some other honourable member, who was not a party to the report of the select committee to give notice of this amendment. Therefore, my respectful submission is that the Honourable Minister has chosen an incorrect and unheard of procedure in bringing forward the amendment in its present form, because, after all, it was he himself who introduced the visitorial powers in clause 5 of the bill. My submission, therefore, is that you would be pleased to disallow the Honourable Minister from placing this amendment before the House.

The Honourable the PRESIDENT: There is one particular point which I wish the honourable member who has raised this point of order to bear in mind. It was with the object of having everything clear before the House that I started by making a statement as to what the position was as I understood it. There was an object in calling upon the Honourable Minister to make a statement if he had to make any. If that is properly borne in mind, the situation would be clearly understood by the House that this particular amendment, in the form in which it comes and under the name of an amendment has a history attached to it. The Honourable Minister, when he asked for the postponement of the consideration of this matter, did so with the specific object of seeing whether he could meet the wishes of the House. The House agreed, and he was allowed the postponement. Therefore, he had gone out of this House with a distinct mission. He has come back to the House with the result of his mission in the form of this particular motion, which he calls an amendment. I therefore want to point out to the House that before I deal with the technical points raised by the honourable member as points of order, I should like the House to bear in mind that the motion before the House is the result of the postponement. I understand that the Honourable Minister is going to lay before the House what he proposes in the form of an amendment, because he has no other way of bringing his motion except by way of an amendment. Here is a clause, which is a remodelling of clause 5, which he wants the House to substitute for the original clause 5. If the House is agreeable, it may accept it or refuse to accept it. This is merely an explanation I wanted the House to bear in mind, while considering strictly technical points of order in connection with this particular amendment, which has a history behind it. I would like to hear the Honourable Minister.

The Honourable Mr. G. B. PRADHAN: Sir, we have not been able to follow the point of order at all.

The Honourable the PRESIDENT: Why?

The Honourable Mr. G. B. PRADHAN: I cannot understand why, if the Honourable Minister was a member of the select committee and he was in charge of the bill, he cannot move an amendment.

The Honourable the PRESIDENT: There are other arguments also on which the honourable member has relied. I am afraid the Honourable Minister has not followed him closely.

The Honourable Mr. G. B. PRADHAN: Not the Minister alone; I hear voices from the other side also.

The Honourable the PRESIDENT: I will put before the House the objections, if I have understood the honourable member rightly. The first point was that the Honourable Minister in charge of the bill cannot bring in an amendment to the clause to which he has himself been a party on bringing it into existence. The second point was that this is an alternative clause, and therefore constitutionally out of order. Those were the two main points on which the honourable member has raised this point of order.

Mr. NOOR MAHOMED: There are two more points, firstly, that this is a negation of the original clause, and secondly, that it is a continuance of some parts of the old clause in a different form.

The Honourable Mr. G. B. PRADHAN: Sir, I would request your attention to Standing Order VIII, 10, which says:

"When a Bill is submitted clause by clause, any Member may move an amendment, not being an amendment of principle, of the Bill."

The order does not say that because the member happens to be the member in charge, or because he is a member of the select committee, therefore he is debarred from moving the amendment. The wording is explicit enough—"any member may move an amendment."

With regard to the second point which the honourable member has raised, in one and the same breath he said that this amendment was a negation of the original clause, and at the same time it is an alternative to the powers which are vested in the Viceroy. I do not understand how it can be both. It is either a negation, or it is not. But it is not a negation; the powers which are vested in a particular individual have been transferred to another. Where is the negation or contradiction? That is a thing which I cannot understand for a moment.

Mr. F. J. GINWALLA: As the Honourable Minister has been permitted to make a speech, will you permit me also to make a few observations, Sir?

The Honourable the PRESIDENT: If there is any argument to be placed before the House, let it be brief; otherwise I will stop the honourable member.

Mr. F. J. GINWALLA: The rules provide that members may address the House on points of order with the permission of the President.

The Honourable the PRESIDENT: No debate on points of order, except on my permission.

Mr. F. J. GINWALLA: I want to make one single observation, and it is this, that the Honourable Minister has moved his bill, and therefore the simple procedure in all constitutional assemblies is this, that the man who moves the bill cannot move an amendment. If I move a bill, or if I move a resolution, I cannot move an amendment to it.

An Honourable MEMBER: What is the honourable member's authority?

Mr. F. J. GINWALLA: If a member moves a bill or a resolution in a public meeting or any other meeting, I would ask whether he is allowed to move an amendment to it. My main contention is that when a man moves a resolution he cannot move an amendment to it. It is somebody else who moves an amendment.

Mr. P. R. CHIKODI: When the honourable member makes an assertion, the responsibility is on him to quote his authority for it.

Mr. K. F. NARIMAN (Bombay City, South): I do submit, Sir, that the procedure adopted in this case is irregular, and in considering the result of that irregularity, you have got to consider not only the members of this House but the outside public also. Under the constitution, certain provision is made whereby the public may also have an

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opportunity to express their opinion and express their views. Standing Order VIII, 8 says :

"The report of the Select Committee on a Bill shall be presented to the Council by the Member in charge of the Bill; in presenting a report the Member in charge shall, if he makes any remarks, confine himself to a brief statement of fact. There shall be no further discussion of the report at this stage."

The Honourable Member in charge of this particular bill is the Honourable Minister of Education, and under Standing Order VIII (1) he shall present the select committee's report to the House. Now, if you look at the procedure that is adopted after that, you will find that an opportunity is given not only to the honourable members of this House to have their say, but to those who have got to say anything on legislation of this kind, an opportunity to have their say is given. Standing Order VIII, 8 (2) lays down :

"After the presentation of the report of a Select Committee on a Bill the Member in charge may move—

(*a*) that the Bill as reported by the Select Committee be read a second time either at once or on some future date to be then stated ; provided that no such motion shall be made unless copies of the report, of minutes of dissent and of the bill, if amended, have been despatched to each member 15 clear days before the date appointed for the session of the Council at which the report is presented....."

Now, Sir, before a bill is read a second time, the report of the select committee should have been despatched to each member 15 clear days before the date appointed for the session. The original clause 5 as passed by the select committee was before the public and the public and the Senate had an opportunity of expressing an opinion on it. But now this new clause has been sprung as a surprise upon the honourable House, upon the public and upon the Senate. The public and the Senate have not had an opportunity of expressing an opinion on it. This new amendment is practically an amendment of the select committee's report ; the public and the Senate have had an opportunity of expressing an opinion on the select committee's original clause 5, but they have not had an opportunity of expressing an opinion on this new amendment. ....

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, is this a point of order ?

The Honourable the PRESIDENT : The honourable member will confine himself to the point of order.

Mr. K. F. NARIMAN : Sir, I am speaking on the point of order. The rules lay down that the report shall be despatched to honourable members 15 clear days before the date appointed for the session. If that had been done with regard to this amendment, the Senate would have had a chance of expressing an opinion.

Now, an honourable member has a right to move an amendment provided he does not agree with the original report. He cannot agree with the original report and disagree at the same time. The position is most anomalous. If he did not agree with the report, he could have put in a dissenting minute and moved any amendment. In this case,

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he agreed with the report and presented it; therefore it was his duty to present it to the honourable House. How is he going to move an amendment which is not consistent with the select committee's report which he has himself presented under the Standing Orders? I refer to Vol. XX, page 138, which says that the mover of a bill can only introduce an amendment if he does not agree with the original report. In this case, as the Honourable Minister has agreed with the report, he cannot, I submit, introduce an amendment now.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, as you very rightly said we have to consider this point of order in the light of the history which is behind this particular matter. Out of deference to the views of honourable members on the original clause 5, I requested the honourable House to let me have time, so that the Government of Bombay may negotiate with the Government of India and put before them the objections which were raised in the House. The result of those negotiations is the amended clause which I wish to substitute for the original clause 5. I, as a member of this House, have every right to move an amendment at the stage of the second reading when the bill is discussed clause by clause. It is not right to urge that it is not open to a member who has signed the select committee's report or who is in charge of the bill to move an amendment. My honourable friend Mr. Chikodi was one of the signatories to the select committee's report without a dissenting minute, and he had given notice of amendments as well as others.

The real point to be considered with reference to this amendment is whether it is barred under Rule 8 of Standing Order V as being not relevant to and within the scope of the original motion, namely, the original clause 5, or as being a negation of the original clause or an alternative to it. I submit, Sir, that having regard to sub-clause (5) of the original clause 5, the present amendment is not only relevant to but also within the scope of the bill. The gist of clause 5 is whether there should be a visitor for the University and what should be his powers. Who should be the visitor is a different matter and a matter of detail. The difference between the present amendment and the original clause 5 lies in matters of detail. The amendment also provides for a visitor as in the original clause, and the powers provided in the amendment are also far more restricted than the wider powers given in sub-clause (5) of clause 5. There is, again, hardly anything in the allegation that this is a negation of the original clause or that this is an alternative amendment.

The other point urged by the honourable member Mr. Nariman was with reference to the select committee's report being presented to the House. The select committee's report has been presented to the House long ago and the House has thereafter entered on the discussion. After the second reading is sanctioned, and the bill is being read clause by clause, under Standing Order, VIII, 10 (1), every member has the right to move an amendment. I do not think there is any force in the point of view which the honourable member Mr. Nariman put before the House. I, therefore, submit that there is nothing in the point of order.

Mr. P. R. CHIKODI (Belgaum District): Sir, I wish to point out a precedent. In the case of the Primary Education Bill, the select committee had changed the proportion of Government's share of the cost from two-thirds to three-fourths. The report of the select committee was presented to the House. In the meanwhile, the Governor took objection to the increase in the proportion, and the then Honourable Minister Dr. Paranjpye brought in an amendment to restore the original proportion of two-thirds. A situation similar to this arose at that time, and there was a ruling of your predecessor, Sir Narayan Chandavarkar. I think, therefore, this amendment of the Honourable Minister is in order.

The Honourable Sir COWASJI JEHANGIR: Sir, I find that the two points of order have been raised by my honourable friend Mr. Nariman.

The Honourable the PRESIDENT: He did not raise a point of order, but he has supported the point of order.

The Honourable Sir COWASJI JEHANGIR: I mean to say that the honourable member, Mr. Nariman, has brought forward two arguments. He said that under the rules a member of Government cannot move an amendment, if that amendment is in any way contrary to any of the clauses in the bill as decided upon and settled in the select committee, I submit, Sir, that there is no such rule in the Standing Orders. An honourable member of Government, as any other honourable member, can change his mind in this Council, even after any clauses have been agreed to in select committee. It is open to any honourable member of Government to accept any amendment moved by the other side also. It is open to the honourable member of Government to move an amendment to any of the clauses at any time.

The second argument is this. He said that certain public bodies who had been asked to express opinions, had not had the opportunity of expressing their opinion on the amended clause as moved by the Honourable Minister. I say that that is an argument for the adjournment of the debate and not a point of order. If this argument of the honourable member is used for the adjournment of the debate he is perfectly in order.

The Honourable the PRESIDENT: Order, order. The point of order raised was a point which had struck me also, when the amendment of the Honourable Minister was sent in. I had therefore looked into the Parliamentary procedure on that point and I may point out to honourable members and refer them to May's "Parliamentary Practice," pages 380 down to almost 400. There I find instances after instances given to show that amendments have been considered at a much later stage than the present one. I may just quote one instance:

"Some time after the House has ordered the bill to be read a third time, this order is discharged and the bill has been reconsidered or amendment has been moved to the question for reading a bill in that particular form for the third time."

The stage at which this bill has reached is the second reading. All clauses have been gone through, except the clause 5, which is under consideration and it has been properly pointed out that the amendment to that clause 5 can be moved by any member, even if that member of the House happens to be the Government Member in charge.

[The President]

There is a confusion that has been made in asking two points in favour of the point of order. The honourable member, who raised the point of order, said "it is an alternative clause and a negation of the clause." I say that it cannot be both. If it is a negation, it cannot be an alternative clause. It is not a negation at all, and therefore it is a proper amendment because I find it is merely remodelling of the visitorial powers. So, it is not negation and it may be alternative clause. The real thing is this: that the Honourable Minister has come forward with some proposal and I think he has come forward with that proposal properly, legally and constitutionally. He is, therefore, right in moving the amendment. Whether the House should accept the one or other is left to the House. I, therefore, rule that the Honourable Minister is in order in moving his amendment and I now call upon him to do so.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I beg to move my amendment, copy of which has been given to honourable members. It runs thus:

(1) For clause 5, the following clause shall be substituted, namely:—

"5. (1) The Chancellor shall have the right to make an inspection, or to cause an inspection to be made by such person or persons, as he may direct, of the University, of any institutions associated with the University and of any work conducted or done by the University, and to make an enquiry or to cause an enquiry to be made in like manner in respect of any matter connected with the University. The Chancellor shall in every case give notice to the Senate of his intention to make an inspection or enquiry or to cause an inspection or enquiry to be made, and the Senate shall be entitled to be represented thereat.

(2) The Chancellor may, by order in writing, annul any proceeding of the University or of any authority thereof which in his opinion is not in conformity with this Act and the Statutes, Ordinances and Regulations:

Provided that, before making any such order, he shall call upon the Senate to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same."

* * * * * *"

Sir, I shall now give my views in support of this amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to a point of order. In this connection I would refer you to rule V-8 (1) of the Standing Orders. It says:

"An amendment must be relevant to and within the scope of the motion to which it is proposed."

You will, therefore, see, Sir, that an amendment must be within the scope of the motion. In the present instance I submit that it is not at all relevant. At least sub-clause (2) which gives power of annulling the proceedings to the Chancellor is outside the scope of the original motion. The original motion referred to gave the Visitorial power to the Governor General and this has nothing to do with the power of veto. This was never contemplated in the original motion and so it is outside the scope of the motion.

If you read the whole of the bill, you will find there is a clause, clause 9 which states that the Governor shall be the Chancellor and the head of the University and clause 10 gives him power to appoint the vice-Chancellor. By clause 13 (1) II-B the Chancellor nominates forty fellows.

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By clause 34 (2) the Chancellor sanctions statutes. By clause 43 (1) the Chancellor nominates honorary fellows. By clause 47 (1) the Chancellor interprets statutes in the case of doubt. You will, therefore, find that in no part of the bill there is any provision for the powers to annul the proceedings. This power of annulling the proceedings has nothing to do with the visitorial power and therefore it is outside the scope of the bill. I therefore submit that the sub-clause 2 is out of order, it not being within the scope of the motion. Therefore, according to Standing Order V-8 (1), the sub-clause (2) of the amendment of clause 5 moved by the Honourable Minister is clearly out of order.

The Honourable the PRESIDENT : May I ask the honourable member who has raised the point of order to explain one thing in clause 5 as it originally stood, as to what he understands thereby ? In clause 5, line 15, the words are " in respect of any matter connected with the University. " That enquiry that is referred to is " in respect of any matter connected with the University. " What does the honourable member take the scope of those words to be ?

Mr. J. C. SWAMINARAYAN : The scope of those words you refer to refers to any matter concerning an inspection of institution, museums, libraries, etc. That is what I think.

Mr. K. M. MUNSHI (Bombay University) : I only want to add one word, Sir, in regard to the contention of the honourable member Mr. Swaminarayan. The scope of the old clause 5 included both things *intra vires* of the Act and also *ultra vires* of the Act. The present one is only restricted to the *intra vires*, only a part of them. And, Sir, if necessary I may draw attention to a judicial authority that visitorial power includes the power of annulment as well as inspection. So, the clause before the House is within the scope of the visitorial power originally defined.

The Honourable Mr. G. B. PRADHAN : Mr. President, I submit, if you will please see sub-clause (5) of original clause 5, you will find the following :—

" The Chancellor may where action has not been taken by the University within a reasonable time to his satisfaction, after considering any explanation furnished or representation made by the Senate or the Syndicate, issue such directions as he may think fit and the University shall comply with such directions. "

" And the University shall comply with such directions. " These are absolute powers of ordering anything. When all the powers are vested in the Chancellor of issuing any direction, those powers will also include the power of veto. I cannot for a moment understand the honourable member who said that there was no such thing as a power of veto in the original clause. The clause gave absolute power to give directions in every possible way, and any direction issued by the Chancellor was to be obeyed. If such wider powers are given to issue instructions in any direction, in any way he likes, then, that also contains the power of veto. So, those wider powers also include the other power of veto and similar such powers of modifying, annulling, etc.

The Honourable the PRESIDENT: I should like to point out to honourable members, and I should like to hear some few honourable members on this point freely but briefly. What I should like to be satisfied about is this. I understand that the honourable member has raised a point of order, which may be summed up briefly this way, that in bringing in sub-clause (2) of the new amendment the Honourable Minister has not only incorporated in clause 5, as it stands, something new, but he has imported into the bill something which did not exist before. That is to say, it has given to the Chancellor in this new form, the power of annulling the proceedings of the Senate, which he contends did not exist throughout the whole bill and, indeed, certainly not in this clause. And I, under Standing Order V,8 (1), certainly will have to be satisfied that by bringing in clause (2) the scope of the motion before the House has not been increased.

Now, as to the point made out by the Honourable Minister for Excise, that clause 5—sub-clause (5) —gives absolute powers to the Governor. I am not prepared to accept that statement: for, sub-clause (5) of clause 5 is not a clause independent by itself; it has to be read with (4) and with (3). That sub-clause lays down the procedure to be followed by the Governor, as the Chancellor, to whom the orders of the Visitor are communicated, in case he is not satisfied that they are enforced. I do not so far,—though I am not committing myself to anything,— accept sub-clause (5) as an independent clause by itself.

The Honourable Mr. G. B. PRADHAN: It is not an independent clause, Sir. But you have got to see the other portion:

"The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinions of the Senate and Syndicate thereon advise the University upon the action to be taken."

Now, whatever action the Visitor may think necessary, that action may also include the vetoing.

The Honourable the PRESIDENT: No; the Visitor's powers, as pointed out, are limited in the above clause, (2).

The Honourable Mr. G. B. PRADHAN: As regards inquiry and inspection?

The Honourable the PRESIDENT: Yes.

The Honourable Mr. G. B. PRADHAN: Sub-clause (2) reads:

"The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment and of any institutions maintained by or affiliated to the University and also of the teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University."

The words are "any matter connected with the University." The inquiry may relate to the records; it may relate to anything. Then, under sub-clause (3), the Visitor addresses the Chancellor as to the course to be taken. Then, there is sub-clause (4), "The Syndicate shall, within such time as the Chancellor may fix, report to him," etc. So, sub-clause (2) gives the Visitor a power to start an enquiry into any matter connected with the University. These words are quite comprehensive.

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Then, sub-clause (3) gives him power to communicate the result of the inquiry. Then, there is sub-clause (4) as regards the Syndicate. Then, sub-clause (5), under which, if those directions are not carried out, then the Chancellor says "Carry them out." So, I submit that there are absolute powers given, and if all the powers are given, then the whole contains the part. All the powers are there included. So, the power of veto is also included.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I do submit that the construction sought to be put by the Honourable Minister for Excise is quite wrong. As you remark, Sir, sub-clause (5) is not to be isolated but it has to be read along with other clauses, and if you read the other clauses, the function of the Visitor is quite apparent on the very face of it. The Visitor has got power to inspect, and then he can give certain advice. If that advice is not taken, then the Visitor has got power to issue instructions with reference to the advice in connection with the enquiry and the inspection made by him.

Sub-clause (2) goes far more than was originally intended. It is tantamount to the power of vetoing of anything whatever that may take place in the proceedings of the University. That clause gives power to the Chancellor of vetoing any resolution—it may not be an inspection or an enquiry but any ordinary resolution of the senate which may be in existence, and without any visit or any inspection the Chancellor can also annual anything whatever in the proceedings of the University. That power is quite different from the power given to him under clause 5. I submit it goes far beyond the original clause 5.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the original clause 5 referred to the provision of a visitor; then, his power as to inspection and enquiry; then further as to what he was to do after receiving the report of the enquiry or the inspecting officer and finally, what orders he was to pass or what action he was to take as to the result of that enquiry or inspection and the report made thereon. That is the principle which underlies the original clause 5. The amendment which I have proposed has to be relevant to the principle of the original clause 5 and has also to be within the scope of that original clause 5.

Now, Sir, there is a provision in the original clause about the Visitor. There is a provision in the amendment also about the Visitor. So, the principle is common to both and no question has been raised about it. There is also a common factor in the original as well as the amended clause that the enquiry or the inspection may be ordered by the Visitor.

Then, after the inspection or enquiry takes place, a report would be coming and after he receives the report, the Visitor has to decide what action he is to take. In the original clause 5, we have got sub-clause 5 conferring on the visitor the power of deciding what action should be taken after the report is received and with reference to his powers to take action that sub-clause says "issue such directions as he may think fit and the University shall comply with such directions." His directions may be to annul provisions or orders or proceedings which are not in

[Dewan Bahadur Harilal D. Desai]

conformity with the Act. He may also say that a particular sort of action shall be taken further. He can impose upon the University more than what my amendment seeks to do, namely, he can not only interfere under the sub-clause 5 of the original clause 5 with reference to *intra vires* acts but also to *ultra-vires* acts. That is the point and the meaning of the words " issue such directions as he may think fit and the University shall comply with such directions " which appear in the sub-clause 5 of the original clause 5.....

The Honourable the PRESIDENT : Issue directions consistently with the report mentioned in the sub-clause 4 of that clause 5.

The Honourable Dewan Bahadur HARILAL D. DESAI : I beg your pardon. Sir, No. The point is that sub-clause (3) of the original clause 5 reads " The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor," (so that the advice or the views of the Visitor are there) " and may, after ascertaining the opinions of the Senate and Syndicate thereon, advise the University upon the action to be taken." Then comes the procedure as to how the Chancellor, who has been communicated with by the Visitor, is to act. Sub-clause (4) reads " The Syndicate shall within such time as the Chancellor may fix, report to him for communication to the Visitor such action, if any, as is proposed to be or has been taken upon such advice. The report shall be accompanied by the opinion of the Senate thereon." If that advice is not acted on to the full extent or to a partial extent, then sub-clause (5) empowers the Chancellor under the direction of the Visitor to issue such directions with reference to the report and the advice that was given as he may think fit and the University shall comply with such directions. These directions may refer to proceedings which may not be in conformity with the Act or may refer to proceedings which are in conformity with the Act that is, *intra-vires* and are within the power of the University. Therefore, sub-clause (2) of my amendment is quite within the scope of sub clause (5) of the original clause 5....

The Honourable the PRESIDENT : What I wish to be satisfied on is this, that I understand (I may be wrong) that under clause 5, as it appears in the printed bill, the Visitor's powers are defined and limited. Is that right ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They are absolute, except as regards inspection and enquiry, and then, as the result thereof, he can take any action....

The Honourable the PRESIDENT : I understand that first of all the principle of a Visitor has been introduced. That happens to be a certain great personage in the State. His powers are defined here. I understand that the Visitor's powers will be (1) " to cause an inspection to be made, by such person or persons as he may direct, of the University." Is the annulment of proceedings included in this ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No. This is only the initial stage..

The Honourable the PRESIDENT : The annulment of the proceedings of the Senate is not included in the first part.

The Honourable Dewan Bahadur HARILAL D. DESAI : No, it is not.

The Honourable the PRESIDENT : Then the clause proceeds " its buildings, laboratories, libraries, museums, workshops and equipment and of any institutions maintained by or affiliated to the University and also of the teaching and other work conducted or done by the University." Is the annulment included so far anywhere in this ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

The Honourable the PRESIDENT : The clause then goes on " and to cause an inquiry to be made in respect of any matter connected with the University." Is it included here ? I very pertinently asked the honourable member who raised the point of order to tell me how he interprets or what he understands the scope of these words in the clause to be. I should like the Honourable the Minister to help me here. The sub-clause runs further " and cause an inquiry to be made in respect of any matter connected with the University." Does that include the annulment of proceedings ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It does.

The Honourable the PRESIDENT : The form in which the new clause has been brought certainly has all the appearances of bringing in or incorporating in the bill something which did not exist before because of the emphasis that is being given to the power of annulment of proceedings by a separate second clause. If that is the interpretation of the honourable member of the words " to cause an inquiry to be made in respect of any matter connected with the University," that is, they include the annulment of the proceedings of the Senate, then what he should have done was to have indicated in his new sub-clause 2 that that was as the result of the inquiry and not put it so broadly and independently as it appears in clause 2 of this new amendment. I should like the Honourable Minister to connect it in such a way as to make it consequential on what has gone before.

The Honourable Dewan Bahadur HARILAL D. DESAI : If you compare sub-clause (2) of the original clause 5 with sub-clause (1) of the amended clause which I have put forward, you will see that they are practically the same.....

The Honourable the PRESIDENT : How ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I shall read the amended clause, and would request you kindly to look at the original clause. The amended clause reads :

" (1) The Chancellor shall have the right to make an inspection, or to cause an inspection to be made by such person or persons, as he may direct, of the University,..... "

[Dewan Bahadur Harilal D. Desai]

So far, the wording in both is the same. Then, further in the amendment, the wording is shortened by saying :

" .....of any institutions associated with the University and of any work conducted or done by the University, and to make an enquiry or to cause an enquiry to be made in like manner in respect of any matter connected with the University. "

The amended clause goes on to say :

" The Chancellor shall in every case give notice to the Senate..... "

This wording also is in the original clause. Further it says :

" .....of his intention to make an inspection or enquiry or to cause an inspection or inquiry to be made, and the Senate shall be entitled to be represented thereat. "

The Honourable the PRESIDENT : Then the object of the Honourable Minister is fulfilled all along. The words are there. What is the necessity and the mystery of sub-clause (2) ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Sub-clause (2) is substituted for sub-clause (5) of the original clause 5. I may also point out that the proviso to sub-clause (2) in my amended clause is also important. It says :

" Provided that, before making any such order, he shall call upon the Senate to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same. "

Sub-clause (2) gives powers to him to annul any proceedings of the University or of any authority thereof which, in his opinion, is not in conformity with the Act and the Statutes, Ordinances and Regulations. So that, that power, I submit is within the purview of sub-clause (5) of the original clause 5, because there the words are such as to vest complete powers of not only annulling *ultra vires* proceedings but even interfering with *intra vires* proceedings, and to issue such directions as he may think fit, which the University shall comply with. So, my submission is that, though the present amendment is not as long as the original clause, it substantially incorporates every provision which is in the original clause, and in scope, with reference to the powers of the visitor, is restricted.

Lastly, I may point out that my amendment provides for the visitor, for his powers of inspection and enquiry, and then it provides for how to deal with the report, that is, to call for the opinion of the Senate, and all that, and then how to take action. So, there are four points : the visitor, his powers of enquiry and inspection ; then how he has to deal with the report. Is he to pass orders without consulting the Senate or knowing its views ? No. Is he to have an inspection and enquiry without giving due notice ? No. Lastly, after receiving the report, and after receiving also the views of the Senate, what is he to do ? What action is he to take ? There restricted powers are vested in him of annulling what is not in conformity with the Act. I submit, Sir, that sub-clause (2) of the amended clause is within the scope of sub-clause (5) of the original clause.

The Honourable Sir CHUNILAL MEHTA : Sir, may I have your permission to say just a few words ? As so many legal luminaries have taken part in this point of order I rise with a very great deal of hesitation. It appears to me that the arguments that have been advanced now

[Sir Chunilal Mehta]

seem to miss the point which you, Sir, brought out when you put the question to the honourable member who raised the point of order. Sir, it appears to me that you struck at the kernel of the whole question when you referred to sub-clause (2) of the original clause 5, and you asked the honourable member to point out what those words " to cause an enquiry to be made in respect of any matter connected with the University " meant. I understood the honourable member to fumble and to say that it may be " institution ", or " college ", or " library ", or some such thing. All those matters, as you will notice, are already provided for in the earlier part of sub-clause (2). The words " any matter " place no restriction whatsoever at all on the powers of the Visitor with regard to making enquiries. I trust, Sir, so far I have made the position clear. The point that you have to decide is whether the amendment is relevant to and within the scope of the motion which is proposed.

The Honourable the PRESIDENT: That is not the only thing. As I have said, these words may mean all that the old sub-clause means, and the Honourable the Leader of the House seems to take that view. That being so, these words are incorporated in the amendment put forward by the Honourable Minister, the words are: " and to make an enquiry or to cause an inquiry to be made in like manner in respect of any matter connected with the University ". If the intention of the old clause is incorporated into the amended sub-clause (1), then where is the necessity, or what is the mystery, I repeat, of sub-clause (2) of amended clause 5 ?

The Honourable Sir CHUNILAL MEHTA: I do not suppose there is any question of mystery. The whole point really, as you seem to agree, is whether new clause 5 (2) is already included in old clause 5 (2) and 5 (5). If so, then surely it is relevant and within the scope. The point that the Chair has to decide, if I may respectfully submit, is whether the new clause 5 (2) is relevant to the amendment. The question whether the wording should be as it is relates to the merits of the question, and on that point the Council can come to any decision it likes. But as regards its relevancy and its being within the scope, I understand your question now to me to mean that the new clause is superabundant, that amended clause 5 (2) is not necessary and has been inserted by the Honourable Minister without any good reasons. He may have his good reasons for it or not. With that I am not concerned. I think there are good reasons, and if I am permitted to show them I will show them, but that is not the point at issue just now. The point at issue is, as I contend, if new clause 5 (2) is of less scope than old clause 5 (2) and (5) then it is in order. If, Sir, you are inclined to hold that new clause 5 (2) is of less scope than old clause 5 (5), then I will not pursue the other matter as to whether there are good reasons for using the words that have been used in new clause 5 (2).

Mr. R. G. PRADHAN (Nasik District): Sir, I shall try to submit what appears to me the criterion in the matter. In my view, the test is this: Do the powers, as given to the Visitor in the original clause,

[Mr. R. G. Pradhan]

constitute or include the powers of annulment ? If the powers given in the original clause to the Visitor constitute the power of annulment or include the power of annulment, then the amendment does not go beyond the scope of the original clause. But if we read the provisions of the original clause, my submission is that those powers do not constitute or do not include the power of annulment. I invite your particular attention to the last sub-clause, sub-clause (5). What does it say ? It says that the Chancellor may " issue such directions as he may think fit and the University shall comply with such direction. " You will see, Sir, when the power of annulment is given, the act of annulment is the final act and there may be no further act than that ; whereas in the particular case all that has to be done by the Chancellor is to issue directions and the final decision as to carrying out those....

The Honourable the PRESIDENT : " Final action ".

Mr. R. G. PRADHAN : ....the 'final action' as to carrying out those directions rests with the University itself. In other words, however wide the powers may be as they were originally given to the visitor, they fall short of the power of annulment ; they do not include or constitute the power of annulment ; whereas in the new clause that is introduced the power of annulment is expressly given to the visitor, and it is further stated that that power of annulment can be exercised by him on his own motion. He may on his own motion annul any proceeding. So, I think that the powers that are now proposed go beyond the powers which were given in the original clause.

The Honourable the PRESIDENT : Will the honourable member explain to me what he understands to be the scope of the old clause in its wording " cause an enquiry to be made in respect of any matter connected with the University ? "

Mr. R. G. PRADHAN : " Any matter " does not, according to me, include any proceeding or any decision arrived at by the University in accordance with its ordinances and regulations.

The Honourable the PRESIDENT : Why does it not ?

Mr. R. G. PRADHAN : " Matter " can only be anything apart from any particular proceeding which has been committed by the University in accordance with its own ordinances and regulations. The word " matter " there is not so wide.

The Honourable Sir CHUNILAL MEHTA : It is " any matter ".

Mr. R. G. PRADHAN : " Any matter " does not include what is now proposed to be included.

The Honourable the PRESIDENT : I am giving all this latitude because this is an important point of order ; but I wish it to be understood that I shall allow further discussion only on the point of order raised.

Rao Bahadur R. R. KALE (Satara District) : Sir, the whole of the old clause enables the Chancellor to issue directions to the University, which

[Rao Bahadur R. R. Kale]

the University is bound to comply with. If the Chancellor says that a certain proceeding should be cancelled, then the University will say "it is cancelled." The difference between the old and the new clause is only a difference in wording. The whole dispute arises from the fact that sub-clause (2) of the amendment is detached and read independently of the first sub-clause. But it is really part and parcel of the whole clause 5. Sub-clause (1) says that the Chancellor may himself enquire or cause an enquiry to be made, and sub-clause (2) says that if as a result of such enquiry he finds that certain directions have to be issued, he can issue those directions. It is not necessary to put in so many words "if as a result of such enquiry," etc. Under the old clause an enquiry could be made and directions issued as a result of such enquiry, after calling upon the University to show cause. So also in the proposed amendment, if after the enquiry the Chancellor thinks that any proceeding is *ultra vires*, he can cancel that proceeding. So, sub-clause (2) is not an independent power irrespective of the enquiry that is contemplated in sub-clause (1). If this is conceded, the present amendment is not only included, but is only a smaller part of the whole.

Mr. F. J. GINWALLA (Bombay City, North): Sir, the question is very simple. The point is this. In the old clause powers of inspection were given in respect of buildings, laboratories, museums, workshops and equipment and of any institutions maintained by or affiliated to the University and also of "any matter connected with the university." If "any matter connected with the university" meant its proceedings, then where was the necessity to detail buildings, laboratories, etc.? If it meant that, the whole clause was self-contradictory. The new clause is intended to replace the old clause. Let us compare these clauses. Sub-clause (1) of the new clause is intended to cover sub-clauses (2), (3) and (4) of the old clause 5. Sub-clause (2) of old clause 5 gave the power of inspection in respect of buildings, laboratories, etc. Sub-clause (3) stated that the University may be addressed on the result of such inspection and sub-clause (3) provided for an explanation from the University. Sub-clause (1) of the new clause is intended to cover all these three clauses. Sub-clause (2) of the present clause is intended to substitute sub-clause (5) of the old clause. Now, if the old clause provided for the power of annulment, as is contended, where was the necessity to change the wording? That knocks the bottom out of the argument and shows that what is now proposed was not included before. Therefore, this is an absolutely new proviso intended to include even appointment of professors and proceedings under the ordinances and regulations of the University. That is how it appears to my mind and to ordinary commonsense.

The Honourable the PRESIDENT: I do not want a debate. I have understood the point all right.

Mr. B. V. JADHAV: My suggestion is that there are only twenty minutes now and the point is a very important point. I think, therefore, it would be much better if you postponed the decision on it till Monday.

The Honourable the PRESIDENT: Why?

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, it will be noticed that in the clause there are words "as he may direct."....

Mr. F. J. GINWALLA: Sir, is the Honourable Minister entitled to address the House now?

The Honourable the PRESIDENT: I have given him permission.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I would submit that the power has been given to annul the proceedings, but there is also a provision that the Chancellor shall consider the cause submitted by the University.

The Honourable the PRESIDENT: That would be perfectly reasonable if those words only referred to the matters of inspection. An intelligent argument was made by the Honourable the Leader of the House that if I hold that these words "inspection of any matter" may mean to include the power of the Chancellor to annul the proceedings, then clause 2 in the new amendment is repeated or is redundant or is brought here for any ulterior or other motive is not a point of much consideration. My difficulty is this. Whether "inspection of any matter connected with the University" does include or does not include the powers of annulling the proceedings of the Senate. That is my greatest difficulty and unless I strain those words to that extent, I do not see that these words do really mean all that. Not being able to interpret those words in that light, I consider that clause 2 in the new amendment is beyond the scope of the amendment and hold it so.

The Honourable Sir CHUNILAL MEHTA: Sir, this is a matter of such great concern not only in connection with this bill but also other bills. The interpretation of what is within the scope and what is not is very important both for the Government and non-official benches.

I respectfully suggest that the opinion of the law officers should be taken. In the present instance no law officer has been consulted and I suggest that we be allowed to consult the Advocate-General before you finally rule that there are any other words which can be used which would not be outside the scope of the bill. As we have taken so much time, I respectfully suggest that you send for the Advocate-General if you so desire and take his opinion. To me, as a layman, it is not clear at all. Even the Legal Remembrancer has not spoken in this matter.

The Honourable the PRESIDENT: The Legal Remembrancer had an opportunity to speak, but he did not do so.

The Honourable Sir CHUNILAL MEHTA: That is so, Sir. But I think that the opinion of the Advocate-General should be allowed to be taken by us.

MOULVI RAFIUDDIN AHMAD: On the point of order, Sir. Is not the Honourable the Leader of the House discussing your ruling?

Mr. F. J. GINWALLA: Sir, may I know if the Honourable the Leader of the House can speak, once the ruling is given by the Honourable the President?

The Honourable the PRESIDENT : I would have resented it first, if I were to feel that the Honourable the Leader of the House was discussing my ruling. I have given him permission to speak and he is not discussing my ruling but is making a suggestion.

The Honourable Sir CHUNILAL MEHTA : Sir, you yourself have also stated that the matter is of the utmost difficulty and it is not clear to you, much less it would be clear to laymen like me. Therefore, Sir, I submit that you may allow us to take the opinion of the Advocate-General whether there is any other way. I am not discussing your ruling at all.

The Honourable the PRESIDENT : The ruling has been given. I would have been very willing to reconsider that, if I were convinced by any one on this point. So, according to me, I think there are now two courses open, either to put the rest of the amendment or the original clause which stands being read a second time.

The Honourable Sir CHUNILAL MEHTA : The amendment No. 1 is not out of order.

The Honourable the PRESIDENT : No, it is not out of order.

The Honourable Sir CHUNILAL MEHTA : Then the discussion on that clause should go on.

The Honourable the PRESIDENT : Then we go on with the clause 1. The amendment has been moved and is before the House. I have held only one portion of it out of order.

The Honourable Dewan Bahadur HARILAL D. DESAI : Well, Sir, I am inclined not to proceed with this my amendment, but to request the Chair to put the original clause. On further consideration I would proceed with my amendment.

MOULVI RAFIUDDIN AHMAD : Does the Honourable Minister change his mind ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes : he is entitled to change his mind. Sir, now, with reference to the amendment *minus* sub-clause (2), it only refers to the appointment of the Chancellor of the Bombay University as a Visitor and gives him powers of inspection and inquiry, which were in the original clause 5, and even in the debate which took place with reference to the original clause no one took objection to the first three clauses. Consequently, Sir, I submit the honourable House will accept this part of my amendment.

Mr. R. G. PRADHAN : What is the question before the House ?

The Honourable the PRESIDENT : The amendment.

(Mr. K. M. Munshi rose).

The Honourable the PRESIDENT : Is the honourable member likely to finish in five minutes as the time is up ?

Mr. K. M. MUNSHI : No, Sir.

SUKKUR MUNICIPAL ELECTION RULES

The Honourable the PRESIDENT: If he is not likely to finish in five minutes, then we shall proceed to the next business, I mean the Sukkur Municipality Rules. With reference to the statutory motion regarding the rules of the Sukkur Municipality, the alterations suggested by the honourable member from Sukkur are these:

In rule 10, add sub-clause (2) to this effect:

"(2) If any person qualified to be entered in the said list in virtue of the provisions of Rule 8 is also personally qualified to be entered in the said list, his name shall be separately entered therein in both capacities, and the provisions of clause 1(*a*) shall not apply to votes recorded on the strength of the two entries."

Question put and carried.

In rule 19, the following is the alteration to be made:

Omit "appointed for the" and "Returning", and insert before the word "date" the word "appointed" and after the word "date" the words "and time the Nomination officer appointed under rule 16 shall hold a"; and after the word "of" insert the word "the"; and for the word "Returning" substitute the word "Nomination."

The Honourable the PRESIDENT: All these alterations being made, the rule would read to this effect:—

"On the appointed date and time the Nomination Officer appointed under rule 16 shall hold a scrutiny of the nomination papers. The candidates, one proposer and one seconder of each candidate and one other person duly authorised in writing by each candidate, but no other person, may attend at the appointed time and place and the Nomination Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 16."

Question put and carried.

In rule 22, omit the word "Returning" and add the word "Nomination."

Question put and carried.

In rule 26, substitute the word "his" for the word "their."

Question put and carried.

In rule 36, omit the words "or her" and "or she" wherever they occur.

Question put and carried.

The Honourable the PRESIDENT: The motion is that

In Rule 37, omit the word "which" occurring in line 1, and insert the word "and" between the words "officer" and "shall" occurring in line 2.

Question put and carried.

The Honourable the PRESIDENT: The motion is that

In Rule 39, omit the words "or the polling officer acting under his general or special directions."

Question put and carried.

The Honourable the PRESIDENT: The motion is that

In Rule 40, omit the words "or the polling officer acting under his general or special directions."

Question put and carried.

The Honourable the PRESIDENT: The motion is that

In Appendix A, omit the word "and" occurring between the word "Shah" and the word "Miani" against IV, and add the words "and Lloyd Barrage Township" after the word "Miani", and at the end of the Note, add the words "in addition to the Lloyd Barrage Township."

Question put and carried.

The Honourable the PRESIDENT : The motion is that

In Rule 11 (4) change " municipality " into " Chief Officer of the Municipality."

Question put and carried.

The Honourable the PRESIDENT : The next motion is :

In Rule 11 (5) and (6) change " Judge " into " Magistrate " where it occurs."

Question put and lost.

The Honourable the PRESIDENT : The House is adjourned to 1-30 p.m. on Monday, the 19th March 1928.

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Monday, 19th March 1928

The Council re-assembled at the Town Hall, Bombay, on Monday, the 19th March 1928, at 1-30 p.m., the Honourable the President, Mr. A. M K. DEHLAVI, Bar-at-Law, presiding.

Present :

ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
AMBEDKAR, Dr. B. R.
AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANDREW, Mr. T. A.
ASAVALE, Mr. R. S.
ATAVANE, Mr. A. M
BALAK RAM, Mr.
BECHAR, Mr. N. A.
BHOSLE, Mr. M. G.
BOLE, Mr. S. K.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
DABHOLKAR, Sir VASANTRAO
DASTUR, Khan Bahadur F. M.
DAWOODKHAN SHALEBHOY, Mr.
DESAI, Mr. B. T.
DESAI, Rao Saheb D. P.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GINWALLA, Mr. F. J.
GUNJAL, Mr. N. R.
HAMLEY, Mr. H. R.
HARRISON, Mr. R. T.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JAIRAMDAS DOULATRAM, Mr.
JEHANGIR, the Honourable Sir COWASJI
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED
JONES, Major W. ELLIS
JOSHI, Mr. S. C.
KALE, Rao Bahadur R. R.
KARKI, Mr. M. D.
LALJI NARANJI, Mr.

LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY
LIGADE, Mr. S. P.
MAJMUDAR, Mr. N. G.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MARZBAN, Mr. P. J.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
OLIVEIRA, Mr. F.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. J. R.
PATIL, Rao Saheb D. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RAJMAL LAKHICHAND, Mr.
RIEU, the Honourable Mr. J. L.
SARDESAI, Mr. S. A.
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHETH, Mr. A. D.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
SYED MUHAMMAD KAMIL SHAH
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, the
THORNBER, Mr. J. P.
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WILES, Mr. G.
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Swearing in of new members.

The following honourable members then made the prescribed oath of allegiance to His Majesty the King-Emperor, and took their seats in the Council:—

Mr. T. A. ANDREW.
Mr. N. J. WADIA.

The Honourable the PRESIDENT: Order, order. Before we proceed to the next business before the House, I should like to refer to a matter of importance in connection with questions. I take this opportunity of doing so, because there is no question list to-day. I understand that the last list was the last one for this session.

I have found, particularly during this session, that a number of questions have been sent in, a number which cannot easily be counted by any honourable members, and most of them, the House will pardon my saying so, were not tabled properly, and it was a task for the Secretary and myself to see if we could help the honourable members in putting them right, but we found that that task was overpowering, and therefore we had to give it up. I must therefore draw the attention of honourable members to the Rules and the Standing Orders, which they should bear in mind in tabling their questions. If the directions laid down in them are not strictly followed, it will be my painful duty after this to disallow questions which fail to comply with them and honourable members will find that their questions are mostly rejected. The Rule regarding questions is rule 8 (1), which says:

"A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed:"

Now, the important thing to be borne in mind here is that "it must be a matter of public concern." Very often questions are put from which it is not clear as to whether they refer to any matter of public concern. The second thing is that it must be "within the special cognisance of the member to whom it is addressed." Much confusion has been caused, I have noticed, by honourable members not quite clearly understanding as to what is the import of the words "within the special cognisance of the member to whom it is addressed." Then Standing Order VI, 3 further refers to the form and contents of the questions. Now, sub-clause (2) of the Standing Order lays down:

"If it contains a statement, the Member asking the question must make himself responsible for the accuracy of the statement."

That is a very important matter. If I find that it is a statement for which the honourable member does not appear to be quite responsible. I may even have to go to call upon him to satisfy me as to how he is responsible. Then, Standing Order VI, 3 (5) lays down as follows:

"It must not contain arguments, inferences, ironical expressions or defamatory statements."

Particularly, a question must not contain arguments. I find that hundreds of questions are sent in which are really arguments rather than questions. Then sub-clause (6) says:

"It must not ask for an expression of opinion or the solution of a hypothetical proposition;"

Questions without number have been sent in, which ask for opinion or are hypothetical. And last, but not the least, sub-clause (8) says:

"It must not be of excessive length."

Very many honourable members have sent in questions which appear not to end at all. I, therefore, would now expect all honourable members to confine themselves strictly to these Rules and Standing Orders, and

[The President]

put their questions in the form in which they must be. Otherwise, it will be, I repeat, my painful duty to disallow them.

There is a change I have made, in consultation with a few leaders in the House, as regards the time allowed for correcting and returning speeches. So far we have been allowing four days for that. It was ascertained from other legislatures as to what time they gave for this purpose as a speedy return enables printed copies of the Debates to be issued earlier than it is possible now. It is found that in a good many legislatures only 24 hours are given. I am, therefore, curtailing the number of days for correction and return of speeches to 2, within which time the speeches will have to be returned from the next session. As regards the speeches of the last day of a session, the time allowed will be as it is to-day, that is four days from the date of despatch.

BOMBAY UNIVERSITY BILL

(Consideration of Amended Clause 5.)

Mr. BALAK RAM: Sir, I beg leave to move an amendment to the amendment moved by the Honourable Minister to clause 5 of the Bombay University Bill. If I have your permission, I will move it. I have given a copy of it to the Secretary.....

The Honourable the PRESIDENT: Order, order. What is the amendment?

Mr. BALAK RAM: Clause (2) of the amendment moved by the Honourable Minister was ruled out of order. Now, there is only one clause to the principal clause 5 and my amendment is to add a second clause to be called sub-clause (2). My amendment runs as follows:

Add as sub-clause (2) the following:

(2) The Chancellor may, after such inspection or inquiry, by order in writing, cancel any decision of the University or any authority there of in respect of any matter which is not in conformity with this Act and the Statutes, Ordinances and Regulations:

Provided that, before making any such order, he shall call upon the Senate to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same.

Mr. K. F. NARIMAN: I rise to a point of order, Sir.

The Honourable the PRESIDENT: What is the point of order?

Mr. K. F. NARIMAN: Sir, this amendment of the honourable member the Legal Remembrancer is only a legal quibble to try to get round the ruling which you gave yesterday. If you look at the original sub-clause (2) you will find that there is no difference between the two. Even after you ruled that amendment out of order, the Honourable the Leader of the House tried to bring it up again by stating that proper legal opinion had not been obtained. If you look at the original sub-clause (2) it was as follows:

"The chancellor may, by order in writing, annul any proceeding of the University or of any authority thereof which in his opinion is not in conformity with this Act and the Statutes, Ordinances and Regulations:"

Now, the honourable member the Legal Remembrancer has substituted the word "cancel" for the word "annul." That is the only difference between the sub-clause you ruled out and the sub-clause which the

[Mr. K. F. Nariman]

honourable member the Legal Remembrancer now wishes to add. I do submit that they are trying to circumvent the ruling of the Chair, which is not permissible under the rules. It is expressly stated that the ruling of the Chair shall be final. Rule 16 says:

"The President shall decide all points of order which may arise and his decision shall be final."

Now, I again call your attention to Standing Order V,6 (2) which says that a member while speaking must not:

"Discuss any ruling or direction of the President or any order disallowing a question or resolution."

My submission is that this is a very clumsy effort on the part of the Legal Remembrancer to deliberately, by means of a legal quibble, try to get round the ruling which you gave yesterday. I am surprised at the audacity of the Legal Remembrancer in trying to put a veil as to the real intention of what he wants to do. It will affect an important principle which is this. We may consider certain of your rulings wrong and Government may consider some of your rulings wrong.....

The Honourable the PRESIDENT: I am very sorry.

Mr. K. F. NARIMAN: We do submit to your ruling, Sir, and observe better discipline than the members on the Government benches by not trying to circumvent the ruling of the Chair. This is nothing more than an effort to re-introduce the matter which has been already ruled out. This is quite against the rule, which says that the President's ruling shall be final. If this amendment is allowed by the Chair, the result will be that members will have to discuss practically the validity of the ruling of the Chair which has already been given on the same clause. I do hope that you will not allow Government by this crooked means to get round your ruling.

Mr. BALAK RAM: Sir, may I, with your permission, explain? The means we adopt are not crooked at all. Your ruling, I understand, Sir, was that the amendment moved by the Honourable Minister was not within the scope of the original clause 5 of the University Bill as sent up by the Select Committee. If you look at sub-clause (5) of clause 5, you will find a provision there....

Mr. F. J. GINWALLA: Sir, will the honourable member give us a copy of the amendment? We have not even that before us.

Mr. BALAK RAM: If any honourable member wants a copy, I can spare one.

Mr. W. S. MUKADAM: He can read it out.

Mr. BALAK RAM: Sub-clause (5) of the original clause 5 gave the Chancellor the power of issuing such directions as he pleased as a result of enquiry made by the Visitor under the first four sub-clauses, and those directions were binding on the University. The University could not disobey them. This practically includes the provision that if the University had taken any illegal action the Chancellor had the right of annulling it, provided the order of the Chancellor was issued as a result

[Mr. Balak Ram]

of an enquiry made by the Visitor. That is the crucial point. In the amendment, put before the House by the Honourable Minister, sub-clause (2) was independent of sub-clause (1), and orders under sub-clause (2) annulling any illegal action could be issued without an enquiry taking place under sub-clause (1). You have ruled that this took sub-clause (2) out of the scope of the original clause 5. I am now suggesting the insertion of the words "after such inspection or enquiry." If this is done, sub-clause (1) and sub-clause (2) will be connected together, and we will merely get back to the original provisions of the bill, though in a very attenuated form: That is all. I submit, Sir, that my amendment is not beyond the scope of the bill in this respect.

I am suggesting another change also. In the amendment proposed by the Honourable Minister there were the words 'in his opinion,' which gave the Chancellor complete authority to override even the result of an enquiry. These words, I am suggesting, should be taken out. This course will bring the rest of the sub-clause within the scope of the original clause 5 and not beyond it.

The Honourable the PRESIDENT: I am glad the honourable member the Legal Remembrancer has added the last words to the statement he has made regarding his amendment. I know that there is a strong feeling in connection with this bill both inside and outside the House and on either side of the House, but I am not concerned with that. All that I had to consider on Saturday last was whether the amendment, as it stood then and brought by the Honourable Minister, was within the scope of the bill or not. Amongst other things, it struck me as, as has been admitted to-day, quite independent of sub-clause (1). Whatever the meaning may be of the words 'in respect of any matter connected with the University' in the original clause 5 (1), I considered that sub-clause (2) in the new clause, went beyond those words and included something which probably those words did not contemplate. The words were 'annul any proceeding of the University or of any authority thereof which, in his opinion were,' etc., etc. It was really a moot point for me as to whether those words in clause (2) did not go beyond the scope of the original clause 5. The statement now made by the honourable member the Legal Remembrancer openly admits that the words 'in his opinion' in sub-clause (2) of the clause, ruled out were significant and important words. That statement greatly supports my ruling that sub-clause (2) was not within the scope of the bill. The sub-clause as now amended connects it with sub-clause (1) and omits the former objectionable words. It now lays down, in the language it adopts, the procedure, in an abridged, and perhaps limited form, which was contemplated in the sub-clauses of the original clause 5 of the bill. The sub-clause is now as a result of the inquiry referred to in sub-clause (1) above, whatever the scope of the words 'in respect of any matter connected with the University.' The words 'in his opinion' which were new and distinctly outside the old clause, and even the bill, go out. I, therefore, do not see how this sub-clause (2) of the new amendment is in any way inconsistent with clause 5 (1) and different from the sub-clause (5) of the original clause 5.

[The President]

Whether that sub-clause was objectionable to the House or not is not the point before me. The question is whether the amendment now proposed read with sub-clause (1) of the amendment proposed by the Honourable Minister falls within the scope of the old clause 5. I hold it does, and I, therefore, hold the amendment now proposed to be in order.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I want to rise to a further point of order. This amendment which the honourable member the Legal Remembrancer proposes is not an amendment to the amendment before the House. It is an amendment to the original clause 5.

(At this stage a copy of the amendment proposed by the honourable member the Legal Remembrancer was handed over to the honourable member Mr. F. J. Ginwalla).

The Honourable the PRESIDENT : The honourable member may take time to examine it, and raise the point of order later.

Mr. K. F. NARIMAN (Bombay City, South) : I submit, Sir, that so far as the Honourable Minister is concerned he has given up the original clause 5 by giving notice of an amendment. So far as the honourable House is concerned, the amended clause as given notice of by the Honourable Minister is in its possession, and for purposes of giving notice of amendments it is in the same position as the original clause 5. The original clause 5 is not before the House ; the only clause before the House is the clause as amended by the Honourable Minister. The amendment that the honourable member the Legal Remembrancer has moved is practically an amendment to the original clause. Therefore, I submit that it will be covered by the rule under which notice of seven days is necessary. Whenever an amendment has to be moved to a clause, seven days' notice must be given, and that is quite necessary under Standing Order VIII, 10 (2). Now, for the purpose of moving amendments the amended clause is in the position of the original clause, which has been given up by the Honourable Minister. Therefore, this amendment which is an amendment to the original clause ought not to be moved and cannot be moved in accordance with Standing Order VIII, 10 (2).

The Honourable the PRESIDENT : I am sure that the honourable member has not stated the case as the case really is. Before calling upon the Honourable Minister on Saturday, I explained the circumstances under which the Honourable Minister had to come to the House again. He came with a new proposal which he could not place before the House except in the form of an amendment to the original clause ; and I allowed it. That amendment was before the House. A portion of that amendment was taken objection to, and I ruled it out of order. Now there is the amendment to the original clause, in that particular limited form, which is before the House. This is an amendment to that amendment, and is perfectly in order.

Mr. K. F. NARIMAN : Sir, may I know if seven days' notice is required ?

The Honourable the PRESIDENT: An amendment to the amendment, as I take this to be, does not require seven days' notice.

Mr. NOOR MAHOMED (Hyderabad District): Sir, if you would refer to the amendment of the honourable member, the Legal Remembrancer, you will find that he says: "add the following." It clearly shows that it is a rider and not an amendment. On Saturday you were pleased to rule clause 2 out of order; so there is absolutely no clause 2. Therefore this new clause cannot be an amendment to the amendment. It is only a rider and I, therefore, submit that clear seven days' notice is required. If you are pleased to allow this without that notice, you can do so, but I submit, in my opinion, it is necessary that seven days' notice should be given; and if you are pleased to dispense with the necessary notice, it may kindly be done in clear language, to the effect that you are pleased to do away with the notice.

The Honourable the PRESIDENT: The honourable member is not very clear in making the statement. The clause before the House is clause 1 that is moved by the Honourable Minister. This is distinctly an amendment to clause 5 originally included in the bill inasmuch as it makes a great departure and substitutes "Governor-General" by "Chancellor", the Governor of this Presidency. Further it makes certain alteration in the whole clause 1. Therefore that is really an amendment and clause 2 was found to be not within the scope of the bill and I ruled it out of order. Clause 1 before the House is an amendment to the original clause 5 (1) and the present one is an amendment to the amendment; call it rider or an amendment, as you like.

Mr. NOOR MAHOMED: Sir, my submission is that the Honourable Minister cannot move an amendment even to clause 1, because there is a relevant clause as originally put in his name. I, therefore, refer you to Erskine's Parliamentary Procedure, 'that when the mover of a bill has a clause standing against his name to be moved, unless that clause is disposed of, the mover cannot bring in an amendment to change the original clause.'

The Honourable the PRESIDENT: That point of order was raised by the honourable member on Saturday and I have given my ruling on that. I have mentioned pages after pages of the parliamentary procedure and showed that there were many instances where a House has been compelled to reconsider a certain clause even at a later stage than the present one. I have given rulings on the various points raised by honourable members and I again repeat that the amendment is in order.

Mr. F. J. GINWALLA (Bombay City North): Sir, I find that this amendment is the same amendment which was ruled out of order the other day.

The Honourable the PRESIDENT: That is the point of order raised by the honourable member, Mr. Nariman. The honourable member is now submitting or trying to submit further arguments in support of the point of order raised by the honourable member Mr. Nariman, which is ruled out.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I want to raise a point of order with regard to the principle. I submit under Standing Order 10 (1) this amendment is not in order, this being the question of principle. The Standing Order 10 (1) says:

"When a Bill is submitted clause by clause any member may move an amendment, not being an amendment of principle, of the Bill."

I submit that this amendment of the honourable member, the Legal Remembrancer, is an amendment of principle so far as the original bill, as well as the amended clause, is concerned. If you look at the statement of objects and reasons, if you look at the whole bill, the principle of the new bill which has been introduced by the Honourable Minister is to democratise the University of Bombay. That is the principle of the bill. All the clauses from the beginning to the end observe the same principle that the University should be democratised. If you look at this clause which has been introduced to-day—the amendment to the amendment of the honourable member, the Legal Remembrancer—you will find that it is contrary to the very principle of the bill. You will find that the original bill gives power to the Senate and in no way is the power given to the Chancellor for direct action. The Legal Remembrancer is introducing a clause which has gone against the principle of the bill. Therefore, I submit that after the first reading is passed, this amendment cannot be brought forward here at the second reading.

The Honourable the PRESIDENT: I think the answer to the point of order raised by the honourable member is given by himself in his last sentence. The honourable member ought to have raised the question of principle when the original clause 5 of the bill was before the House. The point now before the House is that the principle of visitorial powers having been introduced in the bill, clause 2 is an amendment to the amendment brought in by the Honourable Minister, which deals with the visitorial powers which are before the House in clause 5 of the bill. The consideration of that clause 5 was postponed at the request of the Honourable Minister and agreed to by the House. That is the principle before this House and I cannot go beyond that. Whether this clause 5 should have been allowed by the select committee or should have been allowed by this House was a matter for the House at an earlier stage. The honourable member is too late in thinking of it now.

Mr. BALAK RAM: Then, I take it Sir, that I have your permission to move the amendment?

The Honourable the PRESIDENT: Yes.

Mr. BALAK RAM: I do not want, Sir, to make any remarks on the subject which has been discussed in this House at length, and I move the amendment which you have kindly allowed me to move.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, under Standing Order IV, 4 (1), I move

that the consideration of clause 5 be adjourned to July session.

Sir, I have to perform the painful duty of moving this adjournment because we thought that the harmful portion was taken away and only

[Mr. J. C. Swaminarayan]

the first part of the amendment to clause 5,—the amendment of the Honourable Minister,—was to remain before the House to-day. But, again, Government have brought the same thing in a new form by means of a legal quibble. Sir, this is a very important matter. The Honourable Minister referred to the fact that he had brought forward this amendment on the 13th of February. As soon as he had brought forward this amendment, the public of Bombay, especially the graduates of Bombay University had considered this matter and meetings are being held all over the presidency and the graduates of the whole presidency are resolving that the amended clause is also against the independence of the University, and, therefore, the amended clause is such as is not acceptable to them. At the same time, a requisition of many Fellows has been sent to the authorities of the University for the purpose of calling a special meeting of the Senate, and I hear a special meeting of the Senate is to assemble in a few days (An Honourable Member: On the 31st)—on the 31st—for the purpose of determining and pronouncing its opinion of this clause, and I think it would be very unwise on the part of this House to rush this legislation before the Senate—the most important body that is to be consulted in this matter—is allowed to have its say in this respect. And, therefore, in order to give time to the Senate and also to the other graduates of the presidency who are very much interested in this particular matter, I wish that the consideration of this clause should be adjourned to July session.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I oppose this motion and beg to say that the question has been discussed threadbare by the public by this time, and the substantial objection to sub-clause (2) of my amendment was that there were words "in his opinion" which would give a finality to the orders of the Chancellor. Now, those words have been dropped in the amendment to my amendment which has been moved by the honourable member the Remembrancer of Legal Affairs. This question has now to be discussed once for all and decided by the honourable House. It has been sufficiently considered and sufficient time has been wasted after this, and I submit there is no reason why we should not proceed with the clause at present.

The Honourable the PRESIDENT: I do not think the discussion need go on. The motion is that the consideration of this clause be postponed till the July session of the Council.

Question put. House divided. Ayes, 13; Noes, 47. Motion lost.

Division No. 6

Ayes

BECHAR, Mr. N. A.	NOOR MAHOMED, Mr.
DESAI, Mr. B. T.	PATEL, Mr. J. R.
GINWALLA, Mr. F. J.	RAHIMTOOLA, Mr. HOOSENALLY M.
JAIRAMDAS DOULATRAM, Mr.	RAJMAL LAKHICHAND, Mr.
KARKI, Mr. M. D.	SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
MARZBAN, Mr. P. J.	SWAMINARAYAN, Mr. J. C.
NARIMAN, Mr. K. F.	

Tellers for the Ayes: Mr. J. C. SWAMINARAYAN and Mr. NOOR MAHOMED.

Noes

AMIN, Mr. H. J.
ANDERSON, Mr. F. G. H.
ANDREW, Mr. T. A.
BALAK RAM, Mr.
BRANDER, Mr. J. P.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
DASTUR, Khan Bahadur F. M.
DESAI, the Honourable Dewan Bahadur HARILAL D.
DESAI, Mr. J. B.
DESHPANDE, Mr. L. M.
FREKE, Mr. C. G.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
HAMLEY, Mr. H. R.
HARRISON, Mr. R. T.
HOTSON, the Honourable Mr. J. E. B.
HUDSON, Sir LESLIE
JADHAV, Mr. B. V.
JEHANGIR, the Honourable Sir COWASJI
JONES, Major W. ELLIS
KALE, Rao Bahadur R. R.
LALJI NARANJI, Mr.
MAJMUDAR, Mr. N. G.
MANSURI, Khan Saheb A. M.
MARTIN, Mr. J. R.
MEHTA, the Honourable Sir CHUNILAL
MONTEATH, Mr. J.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
MUNSHI, Mr. K. M.
NAIK, Rao Bahadur B. R.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATIL, Rao Saheb D. R.
PETCH, Mr. F. W.
PETIT, Mr. J. B.
PRADHAN, the Honourable Mr. G. B.
RIEU, the Honourable Mr. J. L.
SMYTH, Mr. J. W.
SOLANKI, Dr. PURUSHOTTAMRAI G.
THAKOR OF KERWADA, the
TURNER, Mr. C. W. A.
VANDEKAR, Rao Saheb R. V.
WADIA, Mr. N. J.
WILES, Mr. G.

Tellers for the Noes : Mr. S. K. BOLE and Dr. P. G. SOLANKI.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, before the debate on this matter proceeds, I want to make our position absolutely clear in order to avoid any misunderstanding in the future. We do submit to the ruling which has been given to-day, but at the same time, Sir, we do think that we have a right, which is a constitutional right also, to have this ruling tested at another place. Therefore we want our position to be made absolutely clear. We do not want it to be suggested that we have acquiesced in these proceedings either by not participating in the debate or taking further part in the proceedings of this House. With these words, I beg leave to withdraw from the House.

Mr. F. J. GINWALLA : (Made some remark which was inaudible).

(At this stage Messrs. K. F. Nariman, Mr. F. J. Ginwalla, J. C. Swaminarayan, B. T. Desai, Rajmal Lakhichand, N. A. Bechar, J. R. Patel, M. D. Karki, V. A. Surve and M. G. Bhosle walked out.)

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I accept the amendment moved by the honourable member the Legal Remembrancer, to my amended clause 5.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I am opposed to this clause. I regret that my colleagues on the opposite benches have taken the course of walking out, which to my mind is absolutely imbecile and puerile. As for myself, I am going to do nothing of the kind, and with due deference to honourable members on this (official) side, I propose to place my views, for what they are worth, before them in support of my opposition to this clause. Not being in the secrets of the party leaders, not being in touch with the mysteries of party politics, also not being in the confidence of Government benches and not being in the "know" of the intricacies of official voting, I always have failed to

[Mr. P. J. Marzban]

understand the mentality of certain honourable members here, both on the official and on the non-official side in regard to clause 5 in this bill. Sir, to my great surprise at Poona, those gentlemen who had come to bless this bill, all of a sudden began to curse it! and vice-versa—those who were bitterly opposed to it at first started showering benedictions on it. I was one of those who maintained a systematic opposition to the controversial clauses which were first proposed to be introduced into it. I had some inkling of what had transpired in the select committee, I had some idea of what was going on behind closed doors and behind cloistered conferences of Cabinet Ministers and party-leaders. But certainly I was not prepared for the tremendous change of mentality in certain honourable members of the opposition who seem to always think that *any* stick is good enough to beat Government with. To my great surprise, Sir, the staunch opponents of Government had somehow banded together and had for certain reasons of their own decided to support this clause. I was very keen to know the reasons for their changed attitude and after very great effort and heart-searchings I was able to find out that there were three reasons advanced. One is that if you do not support this clause, Government will drop the bill. The second is that this is what is called half a loaf, and half a loaf is better than no loaf. The third is that this is an extremely harmless clause which absolutely means nothing and therefore it may be accepted. Now, Sir, it seems to me that Government, in short, wants to hold a pistol at our heads and wants to say "you shall accept our will or we reject the whole bill altogether." The fact is that a vague fear lurks in the mind of some members here, *viz.*, this democratic body has come to such a pass that our present Minister or some other future Minister of Education may, if this bill is allowed to drop, bring in a worse bill and something terrible might happen in the matter of increased nominated seats and therefore even some staunch Hindu oppositionists think it is better to accept the bill in its present form, though it may be far from the ideal. Yet another reason advanced by the supporters of this clause is that any member, any man in the street, at a pinch, can resort to the High Court under clause 47 and therefore, it does not matter a bit if you put this clause in; because the Senate can always take the Chancellor's decision to the High Court for revision? All these arguments are ridiculously absurd. I put it to this honourable House, Sir,—is this clause, indeed, so very necessary or is it so very harmless? I want to ask the honourable members and in particular the Honourable the Minister of Education, why he really must persist in going against the wishes of the whole graduate community and of the Senate, and why he should thus insist upon brushing aside the very emphatic opinion expressed outside this House—both in the press and on the public platforms. Sir, the adroit manner in which the honourable member the Legal Remembrancer has twisted and reshaped the clause is surprising. I do admit that, in case of emergency, we can go to the High Court. Then the safeguard sought to be vested with the Chancellor is really not necessary, as any man can stop the

[Mr. P. J. Marzban]

Senate from acting *ultra vires* in a court of law. I ask, Sir, that if the annulling powers of the Chancellor are, indeed, admitted to be unnecessary, then why insist upon it? Why insist upon the Senate or the University to stand confessed of its own incompetency? No self-respecting body would ever accept such a provision, however well-meaning it may be.

Now, about the scare and bogey that some honourable members seem to be possessed of about the distribution of nominated seats in case this bill is dropped and a worse one is brought forward, I say in all earnestness, let Government dare to bring forward a worse bill. We will then oppose it. The Senate will oppose it, a large section of this House will oppose it; let the public give its verdict. There is no reason, therefore, for accepting the present proposal, at the sacrifice of our vital principles.

Now, as regards the substitution of the Chancellor in place of the Viceroy, I tell you, Sir, that this is a much worse thing that has happened. I certainly would prefer the Viceroy to be the king log rather than the Chancellor, *i.e.*, the Governor who would be the king stork. The Viceroy is always at a great distance from us and comparatively he can do much less harm than the Chancellor, who is much too near us, too dangerously near us. A Governor has local prejudices. Surrounded by his Ministers and his Executive Councillors, he has I repeat local prejudices, and he can be influenced by the Education Department. I would much rather prefer his Majesty to be the Visitor. He would be still less harmful. I will give you only one instance. The honourable House is perhaps aware how autocratic and how dangerously independent was a former Governor of Bombay, Lord Sydenham. We all know, that in his regime, he actually issued whips at certain junctures in the University, and compelled nominated and official members to vote on the official side. Sir, this was a question taken up in the University and it was challenged. Sir Pherozeshah Mehta whipped out a letter from his pocket and showed it to the members, and it did transpire that Lord Sydenham under his own signature had compelled indirectly certain members to vote in the way that he liked. That is the sort of thing that is likely to happen again. It may not happen in the regime of the present Governor, who is an excellent gentleman; but it may happen hereafter.

An Honourable MEMBER: What about the elected majority?

Mr. P. J. MARZBAN: Excuse me; in these days our bitter experience is that an elected majority sometimes acts in curious ways too. (Laughter). A Governor is after all a powerful agency, and it is very dangerous to give him this power.

I urge, Sir, that the plea of our security under clause 47—the supreme control of the High Court—is chimerical. As a practical man I put it to you, is it feasible or practicable that every time the Senate will think of going against its own Chancellor and of trying the experiment of testing his decision in a court of law, at immense cost and trouble? Is it

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possible? I say, considering everything from the point of view of practical politics, this is an absurd proposition that we should be placed in such a position as to be compelled to contest the decision of the Chancellor in the High Court, at every turn.

As regards the right of veto, at present the Governor exercises it in conjunction with the Government, *i.e.*, in conjunction with his Councillors. But, to my regret, I must say that Government have exercised that power of veto much too often lately and it is possible that when you make the Chancellor the sole arbitrator of all these questions, it will be more frequent than certain honourable members here would like.

Now, I would refer the House to what the present Vice-Chancellor, Sir Chimanlal Setalvad has said on this question. He says in his letter to the "Times of India," dated 11th November 1927, that unless Rs. 3 lakhs a year are forthcoming, he would rather not have it. Then he said that the independence of the University was at stake. But I now find to my surprise that the Vice-Chancellor—and I know I am not wrong—has given his blessings to this clause. That passes my understanding, and I should have been grateful to the Honourable Minister or to the honourable member representing the University for some explanation about this *volte face*. Now, I come to my friend, the honourable representative of the University. Mr. Munshi is a very warm supporter of this clause! I think I am inclined to agree with the Honourable the General Member that he is a new member in this House. He perhaps has his own reasons, and I shall be very glad to hear them. But one thing I find about the honourable member for the University is that he is always against the Government in every matter except where the Minister for Education is concerned. Sir, if I may put it very bluntly with your permission, it is nothing else but a question of saving the skin of the Minister for Education. He thinks that there will be a tremendous uproar and something dreadful will happen to the venerable Honourable Minister for Education if he (Mr. Munshi) did not go into the Government lobby on this question—Government lobby, Sir, where he would otherwise never dream of going. Sir, I will only put this to the representative of the graduates. I challenge him to-day openly to resign; I challenge him to seek re-election. Then alone will he be able to fathom the anger which surges among the graduates against this clause.

Sir, I have always tried my best to calculate the intentions of the Government at their true value. I have never been led into sentiment or politics, but this time I do feel strongly, and I assure the Indian Minister of Education that his step at present in introducing such a high bureaucratic clause in a democratic measure has greatly disappointed Indians who are having very lofty ideals about Swaraj. Sir, if it had come from any other official, not an Indian Minister, I could have understood it. Coming as it does from an Indian Minister, I cannot understand it. I know the fate of this clause, and I know that after the walking out of Mr. Nariman and party my opposition is bound to end in smoke, but I will stick to my principles and stand by my guns.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the honourable member Mr. Marzban while speaking on the original clause 5 at the last session supported that clause.

The Honourable the PRESIDENT: Will the honourable member quote from his speech ?

The Honourable Dewan Bahadur HARILAL D. DESAI: On page 202 of the report of the proceedings of 30th September 1927, the honourable member says :

"I understand that in the select committee it was distinctly understood that the consent of the Governor General to the bill was given on the understanding that this clause is inserted to the effect that the Viceroy shall have the power of bringing any defect to the notice of the Chancellor and that it ought to be rectified. Now, Sir, if that is true and if the clause were to be deleted, the bill will hang fire. May I ask honourable members....."

Mr. P. J. MARZBAN: On a point of order. The Honourable Minister is evidently reading out my speech on the clause vesting visitorial powers in the Viceroy. How can that be applicable to my present opposition ?

The Honourable the PRESIDENT: The honourable member sat down having given expression in the latter part of his speech to the sentiment that the Minister was wrong as an Indian in incorporating something which was bureaucratic and against the principle of the autonomy of an institution. Whether it is the visitorial powers of the Viceroy or of the Chancellor is a different matter entirely. Therefore the honourable member is perfectly right in quoting from the speech of the honourable member.

The Honourable Dewan Bahadur HARILAL D. DESAI: He goes on to say :

"May I ask the honourable members to say whether they are prepared for this contingency ? The plea was brought forward that it is dangerous to invest this power on the Governor General because in future you may have a Viceroy who, for political reasons, might hamper the University. I think it is a far-fetched and remote contingency and only likely to occur in a blue moon."

This is how the honourable member ended. The provisions of the original clause 5 were rather of a drastic character. Now, the amendment before the House is very narrow and confers very restricted visitorial powers on the Chancellor of the University. My submission is that the Chancellor of the University is not an outsider. He is the head of it; and as such he would ordinarily consider the local feeling before taking any action. I may inform the honourable House that the Chancellor in every matter consults the Minister of Education, takes his advice, and I believe a responsible Minister would not advise him to take any action unless the matter has so far advanced that an emergency has arisen to use these emergency powers. Secondly, the words 'in his opinion' as it stood in the sub-clause have been taken out. As a result, the fear of the public and some honourable members of this House as to the arbitrary exercise of the powers of the chancellor has been altogether discounted. My further sub mission is that this clause would remain ordinarily dormant. It is only for emergency purposes. If the university acts *intra vires*, there will be no interference. Under the existing Act all actions and all decisions of the University come up

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before Government and they are subject to the veto of Government. Under the present bill only statutes are to go before Government, and ordinances passed by the syndicate and regulations passed by the academic council are not to come before Government. Under these circumstances when the University has been democratised it is absolutely necessary to provide for residuary powers if the machine goes wrong. I submit that the fears entertained by some of my honourable friends are not well-founded, as these residuary powers are to be exercised only on occasions of emergency, and particularly when the senate itself would be sharply divided on a particular question. Ordinarily, it would continue to be dormant as at present.

The Honourable the PRESIDENT: The amendment proposed by the Legal Remembrancer has been accepted by the Honourable Minister. I shall therefore put the amendment to the amendment to the House.

Amendment to the amendment put and carried.

The Honourable the PRESIDENT: The whole amendment will read thus:

"5. (1) The Chancellor shall have the right to make an inspection, or to cause an inspection to be made by such person or persons, as he may direct, of the University, of any institutions associated with the University and of any work conducted or done by the University, and to make an inquiry or to cause an enquiry to be made in like manner in respect of any matter connected with the University. The Chancellor shall in every case give notice to the Senate of his intention to make an inspection or enquiry or to cause an inspection or enquiry to be made, and the senate shall be entitled to be represented thereat.

Visitor.

(2) The Chancellor may, after such inspection or inquiry, by order in writing, cancel any decision of the University or any authority thereof in respect of any matter which is not in conformity with this Act and the Statutes, Ordinances and Regulations;

Provided that, before making any such order, he shall call upon the Senate to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same."

The Honourable the PRESIDENT: I suppose no honourable member wishes to speak on it.

Clause 5 (as amended) ordered to stand part of the bill.

The Honourable the PRESIDENT: If the House remembers clause 7 was left over to be disposed of by the honourable House. The honourable member Dr. Ambedkar had proposed an amendment to that clause, which was to come before the House after the consideration of clause 25 was taken up. Clause 25 was passed, Dr. Ambedkar was absent and his amendment could not be moved. But about that time the postponement on account of clause 5 was given and the consideration of clause 7 was left over. I therefore put clause 7 to the House.

Clause 7 (*Authorities of the University*) ordered to stand part of the bill.

Clause 1 (*Short title*)

1. This Act may be called the Bombay University Act, 192 .

Mr. BALAK RAM: Sir, I move the usual formal amendment:

In clause 1, substitute '1928' for '192 .'

Question put and carried.

Clause 1 as amended ordered to stand part of the bill.

The Preamble.

WHEREAS by Act XXII of 1857 a University was established and incorporated at Bombay;

And whereas the law relating to the said university was amended by the Indian Universities Act, 1904;

And whereas it is necessary to reconstitute the said University to enable it to provide greater facilities for higher education and to conduct post-graduate teaching and research in all branches of learning, including technology, while continuing to exercise due control over the teaching given by colleges affiliated to it from time to time; And whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I beg to move:

In the preamble for the words ' of the Government of India Act has ', the words ' and the previous sanction of the Governor required by section 80C of the Government of India Act have ' shall be substituted.

Question put and carried.

The preamble as amended ordered to stand part of the bill.

Third reading.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move that Bill No. XXI of 1927 (A Bill to amend the law relating to the University of Bombay) be read a third time.

Mr. B. G. PAHALAJANI: Ask permission.

The Honourable Dewan Bahadur HARILAL D. DESAI: Permission has to be asked only if objection is taken. However, I request you, Sir, to suspend the provision of Standing Order VIII, clause 11, (2) (*a*).

The Honourable the PRESIDENT: Yes.

The Honourable Dewan Bahadur HARILAL D. DESAI: I move now that the bill be read a third time.

Bill read a third time.

Question put and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed into law.

PRIVATE BILLS

BILL No. XXIV OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY LOCAL BOARDS ACT, 1923)

Mr. L. M. DESHPANDE (Satara District): Sir, I am not moving it this time.

The Honourable the PRESIDENT: Not moving?

Mr. L. M. DESHPANDE: Not in this session.

BILL No. XXXVII OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY LOCAL BOARDS ACT, 1923)

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I shall move the first reading in the July session. I am not moving it now.

BILL No. XXXVIII OF 1927 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY POLICE ACT, 1902)

Mr. J. C. SWAMINARAYAN (Ahmedabad District): I shall move it in the July session. I am not moving it now.

A BILL TO REGULATE THE EMPLOYMENT OF WOMEN IN FACTORIES SOME TIME BEFORE AND SOME TIME AFTER CONFINEMENT AND TO MAKE PROVISION FOR THE PAYMENT OF MATERNITY BENEFIT

(*Motion for leave to introduce*)

Mr. R. S. ASAVALE (Bombay City, North): Sir, I beg leave to introduce my bill, a bill to regulate the employment of women in factories some time before and some time after confinement and to make provision for the payment of maternity benefit. I have already submitted copies to the honourable House, and the object of the bill has been described in the statement of objects and reasons. I do not therefore wish to take up much of the time of the House now, when I only ask for leave to introduce. I hope the House will allow me to introduce the bill.

Question put and leave granted.

Mr. R. S. ASAVALE: Sir, I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL FURTHER TO AMEND THE BOMBAY LAND REVENUE CODE, 1879

(*Motion for leave to introduce*)

Mr. J. C. SWAMINARAYAN: Sir, I beg leave to introduce a bill to amend the Bombay Land Revenue Code, 1879. In the existing Land Revenue Code, Government have provided that the Commissioner can issue a commission by which special powers are given to superior holders against the inferior holders. There is no reason why we should give special powers to superior holders against inferior holders. In the matter of the recovery of their dues, courts are established for the purpose of enabling them to recover the dues from the inferior holders. There is no reason why special powers should be conferred on the superior holders. Under section 88 of that Code, special powers can be given to the superior holders against inferior holders. Therefore I bring this amending bill for repealing section 88 of Land Revenue Code.

Question put and leave granted.

Mr. J. C. SWAMINARAYAN: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL FURTHER TO AMEND THE BOMBAY HEREDITARY OFFICES ACTS, 1874, 1886 AND 1923

(*Motion for leave to introduce*)

Rao Bahadur R. R. KALE (Satara District): Sir, I beg leave to introduce a bill further to amend the Bombay Hereditary Offices Acts, 1874, 1886 and 1923.

Honourable members are aware that the Bombay Hereditary Offices Act, 1886, was amended by this House in 1923, by which a mother and a grand-mother were placed on the same footing as a widow. Now, Sir, there are amendments which are necessary and my object in introducing the bill is to make those consequential amendments in sections 33 and 34 of the Act.

There is one more point. A mother or a grand-mother, having been placed on the same footing as a widow, has been given a power of adoption, but it has been found in a case, which went up to the High Court and which has been reported in the Indian Law Reports, XXVI, Bombay, that an adoption made by a grand-mother is valid for some purposes, but invalid for the purposes of the Vatan. In order to remove this defect, I beg leave to introduce the bill.

Question put and leave granted.

Rao Bahadur R. R. KALE: I introduce the bill.

The Honourable the PRESIDENT: The bill is duly introduced.

A BILL TO RESTRICT THE UNLIMITED RIGHT OF ADOPTION OF HINDU WIDOWS IN THE PRESIDENCY OF BOMBAY

(*Motion for leave to introduce*)

Mr. B. V. JADHAV (Satara District): Sir, I beg leave to introduce a bill to restrict the unlimited right of adoption of Hindu widows in the Presidency of Bombay.

Question put and leave granted.

Mr. B. V. JADHAV: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888

(*Motion for leave to introduce*)

Mr. S. K. BOLE: Sir, I beg leave to introduce a bill to amend the City of Bombay Municipal Act, 1888. The bill seeks to do away with the fees that are given to members of the Standing Committee of the Bombay Municipal Corporation.

Question put and leave granted.

Mr. S. K. BOLE: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL TO PROVIDE FOR THE REGISTRATION OF MARRIAGES AMONG THE HINDUS

(*Motion for leave to introduce*)

Mr. B. V. JADHAV (Satara District): Sir, I beg leave to introduce a bill to provide for the registration of marriages among the Hindus.

Question put and leave granted.

Mr. B. V. JADHAV: Sir, I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

A BILL FURTHER TO AMEND THE BOMBAY HEREDITARY OFFICES ACT, 1874

(*Motion for leave to introduce*)

Dr. B. R. AMBEDKAR: Sir, I beg leave to introduce the bill further to amend the Bombay Hereditary Offices Act, 1874.

Question put and leave granted.

Dr. B. R. AMBEDKAR: Sir, I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

MOTIONS TO AMEND STANDING ORDERS

The Honourable the PRESIDENT: The two honourable members, Rao Saheb D. R. Patil and Sardar G. N. Mujumdar, have been informed that their time has been extended. Now, there are certain motions to amend Standing Orders received from the honourable member, Mr. Bole. One runs thus:—

"Under Standing Order IX (1) of the Standing Orders of the Bombay Legislative Council, notice of the following amendment has been received from Mr. S. K. Bole, M.L.C.

"In Standing Order VI (1), after the word 'given' add the words 'before the day appointed for the session of the Council'.

(2) In Standing Order X (1) (*a*) between the words 'notice' and 'and' insert the words 'before the date appointed for the session of the Council' and delete sub-clause (*d*)."

Has the honourable member leave of the House to amend the Standing Order as proposed in the motion? I will put one by one. The first is:

"In Standing Order VI (1); after the word 'given' add the words 'before the day appointed for the session of the Council'."

Mr. J. C. SWAMINARAYAN (Ahmedabad District): I am taking objection, Sir. Just now we have got the right of sending questions even whilst the Council is pending. That is, we have to give only 10 days notice, while the amendment that is sought to be brought by the honourable member Mr. Bole restricts our right. Under it, we have to put a question only 10 days before the commencement of the session. Therefore, as the amendment seeks to restrict the powers of the honourable members of the House, I want to object to it.

The Honourable the PRESIDENT: The procedure is, if there is an objection taken, I have to test the wish of the House by asking honourable members in support of the motion to stand in their places. Those who are for supporting the motion will stand in their places. (None stood up). Leave is not granted.

The Honourable Sir CHUNILAL MEHTA : I am sorry, Sir. But what is it exactly that you put before the House ?

The Honourable the PRESIDENT : I shall read the procedure again. When an amendment of Standing Orders is before the House, the procedure laid down in Standing Order IX is this :

" When the motion is reached, the President shall ask whether the Member has the leave of the Council. If objection is taken, the President shall request those members who support the motion to rise in their places, and if more than 30 members rise accordingly, the President shall intimate that the Member has the leave of the Council."

No one stood up. Therefore, he has not the leave of the Council.

The Honourable Sir CHUNILAL MEHTA : But, Sir, some honourable members may not have understood the exact position.

Mr. P. R. CHIKODI : The procedure has been gone through and the decision has been given.

The Honourable the PRESIDENT : I suppose the honourable member has understood the procedure rightly. There is a motion which I read out for the amendment of Standing Order VI (1) by the honourable member. There was an objection taken by the honourable member from Ahmedabad, and, therefore, according to the procedure laid down I had to ask the House, if there are any honourable members to support the motion made by the honourable member, to stand up, and if 30 members stand up, I have to inform the honourable member that he has the leave of the Council. None stood up, not even the honourable member (the mover) himself !

Mr. S. K. BOLE : My impression was, Sir, that you were telling the House about the procedure.

The Honourable the PRESIDENT : Very well ; if that is so, I will give him another chance. Those honourable members who wish to support the motion of the honourable member should stand in their places. (Some few, not 30, rose in their places.) So, the honourable member has not the leave of the House. The point of order would have been all right ; but the honourable member seemed to have been under a wrong impression.

There is another motion by the same honourable member, to this effect :

" In Standing Order X (1) (*a*) between the words ' notice ' and ' and ' insert the words ' before the date appointed for the session of the Council ' and delete sub-clause (*d*)."

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : I object to this amendment also, because it also restricts the right of the honourable members on this side for sending resolutions to 15 days before the commencement of the session only. Just now resolutions can be sent at any time. They may be placed in supplementary agenda. In the last case the restriction was sought to be placed on the sending of questions. In this case similar restriction is sought to be placed on the resolution. So I object to the amendment.

The Honourable the PRESIDENT : Those honourable members who support the motion will stand in their places (A few honourable members stood up.) Leave is not granted.

MOTION TO PRESENT AN ADDRESS TO HIS EXCELLENCY THE GOVERNOR

Mr. S. K. BOLE : Sir, the motion that stands in my name runs thus :

" That the following humble address be presented to His Excellency under Standing Order XII, 6 :

May it please Your Excellency,

We, the members of the Bombay Legislative Council, respectfully pray that Your Excellency may be pleased to so exercise the right vested in Your Excellency under Rule 6 of the Bombay Legislative Council Rules of allotting different days for the disposal of different classes of business as to enable the non-official business to be taken up between days assigned to Government business and not to allot all the days for non-official business after the completion of Government business. "

Sir, what has been done in this Council is this that some days are given, two or three or more, for non-official business and those days are given at the fag end of the Council, with the result that many members get tired and they leave the Council. So, the attendance is very poor but from the non-official point of view, the non-official business is very important and the attendance of more members is very essential. Therefore, instead of allotting a few days for non-official business at the end of the Council, I think it would be better if the days for non-official business are given in between official days.

Question proposed.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir, I rise to support my honourable friend Mr. Bole's motion. The present arrangement is very defective because by the time the days for non-official business are reached, many of the honourable members leave for their places and thus they do not get a chance of moving resolutions or bills or any other kind of non-official business. So, it is but fair to accept the suggestion made by my honourable friend Mr. Bole.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I also rise to support the address that has been moved by my honourable friend Mr. Bole for the same reasons which have been quoted by him and also by the previous speaker. Our non-official business is always taken last when most of the non-official members generally leave for their own towns after getting tired of sitting in the Council for 25 to 26 days at a stretch. It is therefore proper that this House should accept the motion placed before it by my honourable friend Mr. Bole, in order to allow non-official business to be done properly and efficiently.

The Honourable Sir CHUNILAL MEHTA : I can quite see the difficulty which the honourable members sometimes labour under in connection with the practice which we have followed ever since the Reforms of allotting days for private business at the end of the sessions. I think that there is a good deal to be said in favour of that practice. This Standing Order was considered very carefuly, I believe, by the committee of official and non-official members which deals with Standing Orders, and they came to the conclusion that the interests of the House as a whole and not merely of Government or of the non-official members, would be best served by the provision that exists in the Standing Orders now and which, I venture to think, has worked well for the last seven or eight years. It must be remembered that certain Government business has got to be done by a certain time. Let us take the case of the budget

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sessions of the Council. There, supplementary demands and finance bills and demands for grants have got to be gone through by a certain date so that we may be able to apprise the Government of India of our requirements. Now, if the days were allotted by His Excellency so that the private business could be taken up in the middle of Government business, very awkward situations can arise. In fact the honourable members will see that an awkward situation arose in this very sessions and it would be very difficult for us to alter any allotments of dates that may have been made by His Excellency the Governor. The point of the matter is that His Excellency the Governor, not only under the Standing Orders but under the Rules (which rules cannot be changed by this Council), has the power to allot so many days as may in his opinion be compatible with the public interests for the business of non-official members. I claim that His Excellency has allotted days compatible with the public interest and has always been careful to see that private business is given a fair chance. It will be remembered that it was by the agreement of the members of this House that the amount of private business and indeed of Government business in the budget sessions was to be limited to extremely urgent matters. We have followed that practice very closely and if this motion were to be accepted, after all it is a recommendation to His Excellency, then during the budget sessions dates may have been allotted which would prevent Government business being done within the time in which it must be done. I think it would be a very awkward procedure, and I think the House will realise that we have tried, as far as lay in our power, to meet the wishes of the House with regard to private business. I do not think the House can have forgotten that on several occasions where the matter was of very great urgency we have allowed it to be taken in hand. That was by agreement between the various sections of the House. That procedure has worked very smoothly so far and I do not think that this motion should be pursued as otherwise it may fetter the hands of His Excellency the Governor. I think no case really has been made out to show that private business has not received the attention from Government and from the non-official members that it deserves.

The practice of the Assembly was quoted, but the House will remember that the Assembly has two sessions usually and those two sessions are of very long duration and business has been so arranged that if any honourable members desire to leave the seat of the meeting of the Assembly, they can do so because the sessions are very long. With us, the practice is quite different. Except the budget sessions, the other sessions are not very long, and we have made it clear before that at least in one sessions (and probably in two) in Poona we should try and give as many days for non-official business as may be possible. I do not wish to stress the point that Government business is really very important, that bills and supplementary demands put forward by Government are of a nature which I should say, with due respect, is a little more important than resolutions which are mostly the business that non-official members bring forward. We shall be very pleased indeed to give due consideration

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to any request that may be made for the interspersing of private business when occasion arises, but I do not remember a single case where it was urgently required and where Government refused to accede to the convenience of the honourable members. We have worked throughout by consulting each other's convenience, and I do not think we should adopt the very unusual course that is suggested, namely, the presentation of an address to His Excellency the Governor. I personally believe that an address to His Excellency should be a rare occurrence and on really very important matters. In this case, I feel certain that amicable arrangements can be made and I do not really think that we should resort to the unusual procedure of moving an address to His Excellency. Sir, had the honourable member made out, firstly that private business does suffer very much, and secondly that Government had in the past shown an attitude of uncompromising opposition to any request that honourable members may have made for the consideration of particular private business, I could have understood the force of his contention. He has not done so, and all I can therefore infer is that the honourable member has really no specific or strong cases which he can put forward before the House in that connection. There is one other difficulty with regard to interspersing of private business. I do not know whether the honourable member desires that the whole of the private business should be taken in the middle of the agenda. I do not know whether he wishes that, for the first two days for instance, Government business may be taken, the next two days may be left for private business, and then Government business should continue for two more days, and so on. It is extremely vague, and it would be extremely difficult to work in practice. I recollect at the moment one case where it was proposed at one of the budget sessions, in order to fulfil the condition of the 7 days intervening between the presentation of the budget and the demand for grants, that private business should be taken up, but the non-official members themselves objected to that course. It is not clear as to whether the private business is to be taken in a block at any particular stage of the agenda, or whether alternate days for Government and private business are to be given. If either of these courses is accepted then it must happen that private business will have to be broken up. That is to say, a resolution or a private bill may be before the House and be considered on one of the days that are set apart for private business. Supposing it remains unfinished, then it is taken on to some other day; then again Government business may remain unfinished, and so on. It may cause a great deal of confusion, and will certainly cause a considerable amount of inconvenience. Honourable members must be more aware than myself of the effect of their speeches on the Government benches, and I feel certain that if the force of those speeches were to be broken up, during the interval of Government business, they may not probably carry the same effect as they do now.

The Honourable the PRESIDENT: I am sure the Honourable the Leader of the House is not ironical.

The Honourable Sir CHUNILAL MEHTA: No. On the contrary I am very serious—I think that that is a very strong argument, and if I were on the other side of the House, I should certainly like to have the decision of the House immediately after the speeches are finished, while they are within the memory of those whom I wish to impress. Surely, I could not do that if about 5 or 6 or 10 days were to elapse and the effect of all that anybody said had been lost. I think that is a point which ought to be considered by the honourable members.

In any case, my final contention is that, unless it can be shown, and shown conclusively that private business has suffered in the past owing to the arrangement, which I again say, we have made by harmonious agreement, I think there is no case for having such an unusual procedure as a motion for an address to His Excellency to exercise his discretion in any particular manner. I think His Excellency should be left free to exercise his discretion in any way he likes, and I repeat again, we should, as in the past, be glad indeed to meet the wishes of the House whenever it is possible. But I do not think we can have a hard and fast rule or a procedure laid down by His Excellency under that rule.

Rao Bahadur R. R. KALE (Satara District): Sir, while appreciating all that the Honourable the Leader of the House has said, I must say that non-official business has suffered, as we have seen, from time to time, owing to its being relegated towards the close of the session. Now, the official business is uncertain, and as an illustration of that we have the example of the present session. The days at the disposal of Government for Government business are unlimited. If Government business is prolonged, the time allotted for official business is automatically prolonged, but with regard to non-official business the number of days is fixed, say, 2 or 3 or 4, or whatever it is; it is certain. For instance, in this session two days have been allotted for non-official business immediately after the budget, and it will be over in two days. The difficulty pointed out by the Honourable the Leader of the House that in these two days the business may not be finished exists whether the business is taken in the middle of the session or whether it is relegated to the end.

The Honourable Sir CHUNILAL MEHTA: There may be 8 or 10 days allowed for private business.

MOULVI RAFIUDDIN AHMAD: Never.

Rao Bahadur R. R. KALE: I am not in a position to say whether private business is ever extended for so many days, but even if it were to extend for, say, eight days, we need not have the eight days consecutively. If the number of days for private business is increased, then we can so adjust the business that it may come in in two compartments.

Sir, the one point that strikes me is that when the non-official business is reached, most of the honourable members are tired, and they leave for one reason or another. If that be taken into account.....

The Honourable Sir CHUNILAL MEHTA: Then important Government business would go.

Rao Bahadur R. R. KALE: Government business is important, we admit. The importance of Government business is there, and if the measure is contested, non-official members will make it a point to stick on, even though the business comes at the end. If they really are serious in opposing as they are supposed to a contentious measure, Government will perhaps be not at a disadvantage. My point is, all the same Government members have to sit throughout the session, so that it is the look-out of the non-official members, if they are serious in opposing any contentious business, to stick on; such of them at least as care to watch the whole of the Government business will stick on. In my opinion, owing to the uncertainty that attaches to Government business, the days for non-official business are shunted on and on from day to day. As a matter of fact, last Thursday and Friday were expected to be non-official days; but they have been shunted on, and now we are on the eve of Tuesday, and I know how many honourable members are left here for non-official business.

In this connection, one thing that strikes me is that in the Legislative Assembly and also in other councils.....

An Honourable MEMBER: Madras.

Rao Bahadur R. R. KALE: Yes, and in the Central Provinces also the non-official business is taken up towards the beginning of the official business. The argument that was used about the Legislative Assembly having two sessions only hardly applies. It may be two sessions or three sessions. The reasoning is the same, that some members may like to be present for non-official business, and they may go and come back.

So, the argument advanced on the basis of the Assembly and the other provincial councils must certainly prevail with this Council also. The rule under which His Excellency allots days is rule 6, passed under section 72D of the Government of India Act. From the asterisk to that rule I find that it was passed on the 13th of August 1925. As we are in the dark as to what existed before, I should like to be enlightened on that point. Anyhow the only way by which the Council can communicate its wishes to His Excellency is by way of a motion like this. It may not be a very important matter, I agree, but there is no other alternative. This is not a question of standing order but it is a question of rules. The discretion of the Governor is there already.

Then a fear was expressed that official or non-official members may like this or may not like this. It all depends upon the circumstances of the session. After all, the Governor may be left to use his discretion. But now we simply want to communicate the wish of the House and for this purpose this motion will be very important.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I have always held the Honourable the Leader of the House to be a logical, clear and conscientious speaker. But his last speech is a serious deduction from that high estimate. You yourself were pleased to interject a remark that the Leader of the House was ironical. (The Honourable Sir Chunilal Mehta indicated dissent). The Leader of the House shakes his head. What is it that he objects to in this motion? It is only a

[Moulvi Rafiuddin Ahmad]

recommendation to His Excellency. Why should he object to a recommendation to His Excellency? After all, His Excellency will consult his Cabinet before finally deciding this matter. The step that the honourable member has taken will prevent us from approaching the threshold of His Excellency. This is rather a very novel and not at all a sympathetic attitude; whether one moves a resolution or an address does not matter. All these are weapons at our disposal: whether we should make it an address or a motion depends upon the individual and the discretion, the wisdom and experience of the honourable member. Therefore I do not think that it is right for the Honourable the Leader of the House to suggest that we should not have recourse to addresses. I do agree with him that these should not be too frequent. When there is no chance of resolutions being reached, this is the only method by which we can make our recommendation. This is why the honourable member Mr. Bole has adopted this step. The Honourable the Leader of the House himself would have adopted the same steps had he been on this side of the House. In the House of Commons every Wednesday is allotted for private business; in the Assembly it is interspersed with official business; and the example of Madras is the same. I do not know why Bombay should stick to the present practice, which is exceedingly inconvenient to the honourable members on this side of the House. Take the present session. Half of the honourable members have left, and we have been deprived of the benefit of their experience and wisdom in the discussion of matters of great importance. I can understand that some inconvenience to Government would be caused at budget session, but I do not think that there would be any inconvenience in the other sessions at all. Even in the budget session if two days are allotted in the middle of the session I do not think Government would lose much; on the contrary we will gain a good deal. After all there can be no objection to such a course. I hope the Honourable the Leader of the House on a second consideration will be converted to our view. If he does not, I hope the House will pass this motion.

Rao Saheb D. P. DESAI (Kaira District): I do not understand, Sir, why the Honourable the Leader of the House is so very uneasy over this matter. Does he think that the Cabinet alone can approach His Excellency and not this House? On a former occasion on the representation of the official members of this House, private business was interspersed with Government business. But Government found out that it was to their disadvantage, and advised His Excellency to allot days for private business towards the end of the session. What I understand from the working of the Cabinet is that His Excellency is guided in such matters by the advice of the Government benches. So far as His Excellency is concerned, this Council and the Cabinet stand on the same footing. So, I think that if we send this recommendation to His Excellency, he will be pleased to grant days for non-official business interspersed with Government business.

[Rao Saheb D. P. Desai]

Sir, the Honourable the Leader of the House asked: Is this compatible with public interest? Does he believe that the plea of compatibility with public interests can only be advanced from Government benches and not from the non-official benches? We also believe that whatever the non-official benches bring before the House is always compatible with public interest. Not only that, but sometimes we actually find from experience that it is the Government benches who create trouble by bringing matters which are not compatible with public interest. For this reason, His Excellency the Governor should be approached with a request that as Government have had their innings, the non-official benches should be given some advantage. In this House the official benches are very favourably placed. In the first place they can shift their business, they can drop their business at any time and they can increase the number of days they require. The non-official benches are given a specified number of days and at the same time, those days are being allotted at the end of the session, when many of the members are absent. I think therefore that the honourable member Mr. Bole has done well in bringing this motion before the House. With these words I support the motion.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I support the motion. I thought the Honourable the Leader of the House knew too well the difficulties of the non-official members to advance any arguments against this motion. But I am very sorry to see that he does not attach much importance to the difficulties that the non-official members perpetually feel in bringing forward motions, resolutions, or bills. His argument was that Government had done nothing in the past to justify the passing of such a motion. My reply to that is this. We have always found that Government had their days fixed in advance and if non-official members had wanted any of the Government days for non-official business, I am sure the Honourable the Leader of the House would have been the first to oppose. If Sind members had made a request for a day during Government business, I am sure the non-Brahmin members would have opposed stating that too much importance was being attached to Sind members; if the non-Brahmin members had asked a day for their business, the Coalition party would have objected; and if the Coalition party had asked for a day the non-Brahmin party would have objected. Therefore, such an arrangement could not have been made. Sir, the present rule 6 of the Bombay Legislative Council Rules was made in 1925, because experience showed that it was necessary to entrust the Governor with powers to allot days for different business. This rule was inserted in 1925 after the Reforms came into operation, because they knew.....

The Honourable the PRESIDENT: What is the authority of the honourable member for that statement?

Mr. NOOR MAHOMED: It is stated in the footnote that it was introduced in 1925.

The Honourable Sir CHUNILAL MEHTA: May I ask whether the honourable member contends that before 1925 there was no such rule and the Governor had no power?

The Honourable the PRESIDENT: The honourable member stated that it did not exist.

The Honourable Sir CHUNILAL MEHTA: I want to know whether the honourable member contends that a similar rule did not exist before 1925.

Mr. NOOR MAHOMED: I certainly contend that any rule that existed before did not give His Excellency so much scope for deciding the procedure of business as this rule gives. The Honourable the Leader of the House contended that this motion is intended to restrict the power of His Excellency the Governor. This motion does not restrict the power of the Governor; it is only a recommendation. Therefore, that argument has not much weight.

I have always contended that this presidency is so situated that members from different parts of the presidency find it difficult to go to their headquarters during the pendency of the Council. It is difficult for them to remain here for a full month until the two days allotted for private business are reached. Therefore, I contend that the prayer contained in this motion should be conceded, as it will be advantageous to all members, whether they come from Sind or from other parts of the presidency; and the present arrangement of having non-official business at the end of a session should be done away with and non-official days should be interspersed with Government days. As it is, no private business is being done. I think the request is reasonable; and in making it we are not fettering the discretion of His Excellency the Governor in any manner; but are only pointing out the difficulties of the non-official members.

The other day when I made some remarks in connection with the University Bill being taken up at the end of the sessions, they were misunderstood, and the honourable members on the opposite side saw something bad in them. After all, we are here to protect our interests, to help our constituencies. An important bill like the University Bill was taken up when practically all the members from Sind were away. These are difficulties which we always experience in every session.....

The Honourable Sir COWASJI JEHANGIR: Was the University Bill a Government measure?

Mr. NOOR MAHOMED: The University Bill was a Government measure. It was not certainly a popular measure. I do say the University Bill was not a popular measure; it was a Government measure; and it was not in the interests of the presidency.

I therefore request the Honourable the Leader of the House to consider the difficulties of the non-officials. After all, he himself has been a non-official member and he has experienced the same difficulties as we experience to-day.

The Honourable Sir CHUNILAL MEHTA: More difficulties.

Mr. P. J. MARZBAN (Bombay City, South): Sir, the Honourable the Leader of the House himself does admit that the number of days allotted for non-official business is certainly smaller than the number of days allotted for Government business. A suggestion has been thrown out, and I bring it to the notice of the Honourable the Leader of the House, that the budget session might be divided into two sessions. Instead of having one session for one month at a stretch, it could profitably be divided into one session of fifteen days in January for all Government business and one session of fifteen days in March for private business. That would be very suitable to members from Bombay and even for mofussil members. I see that a similar procedure obtains in other provinces. There we have a budget session purely for budget work, and the rest is taken up mostly by private business. This address is a very reasonable one, and I do not see how we can object to it.

Mr. B. G. PAHALAJANI (Western Sind): Sir, this is a matter in which, I hope, the Honourable the Leader of the House would not seek to win by the help of the official *bloc* against the non-official members. It is not fair for him to use that power of majority. This is a matter in which it is for the Government to concede to us and not for us to concede to Government. Government is stationary in one place, but the non-official members are in different places. We know that the non-official resolutions are taken at the end of the session and some of the honourable members are not able to move their resolutions. After attending the session for such a long time, some of the honourable members go to their different places and thus they do not move their resolution. In this way the object of the Government is achieved. We expect mutual accommodation in this matter. As it is, Government are treating the non-official business with contempt and it is, therefore, necessary that some mutual arrangement should be made.

(*After recess*)

The Honourable Sir COWASJI JEHANGIR: Sir, I would like rather to speak on the merits of this question. It is not a question of the convenience of the official benches or non-official benches.....

Mr. B. G. PAHALAJANI: Are not Government anxious to have their own way?

The Honourable Sir COWASJI JEHANGIR: I am putting the merits of the question before the House. Really, the essence of the question is: What do the non-official members consider is the most important business?

The Honourable the PRESIDENT: May I interrupt the Honourable the General Member and tell the House—if the honourable member from Sukkur would follow me—that there was a suggestion thrown out by the Honourable the Leader of the House in his speech that he would be amenable to a sort of compromise or arrangement every session for the arrangement of private business and Government business, and that the address need not be pushed through? If that arrangement is acceptable to the House, the Honourable the Leader of the House may be asked to make a more definite statement in that respect and the whole

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discussion might end, and probably the honourable mover may feel inclined to withdraw his motion. I do not know what the wishes of the House are. But, if that is not so, the Honourable the General Member may address the House.

Mr. B. G. PAHALAJANI: If His Excellency has been asked to decide this matter, then he may decide it through the Honourable the Leader of the House.

The Honourable Sir COWASJI JEHANGIR: Mr. President, I am only placing the facts before the House as they strike me, and I am trying to take the non-official point of view. The point is: Which is the more important business in the opinion of the non-official members? And that is to be seen from the attendance of the House. The argument is that because private business comes at the end of the sessions there are very few members on the non-official benches to support those who move resolutions, or, it may be, to oppose them. But, Sir, may I point out that if the order was reversed and non-official business came first and official business came afterwards, it is quite possible that we may start with an empty House? It may be that non-officials would not turn up at the beginning and would come later on in the sessions. Our experience now is that very often non-official members, who cannot spare the time—and let us fairly admit that they are busy men and have to look after their own affairs, and it is a great call upon their time to have to spend a month and a half in Bombay, and, therefore, because they happen to be absent, I do not think they should be unnecessarily attacked—try to suit their own convenience. It is not possible to suit the convenience of every non-official member. Some members may have got business at the end of the sessions in their own constituency or at their own homes. Some members may have business at the beginning of the sessions, and they may find it more convenient to come later during the sessions than at the beginning of the session. Therefore, I do not think it is quite a logical argument to say that because non-official members absent themselves at the end of the sessions, therefore, we should alter the procedure. As I just pointed out, it is quite possible that we may begin with an empty House, and non-official members who are interested in any resolutions may find the House empty when the non-official business is going on. Therefore, the suggestion is to put the non-official business between the two in order to compel the presence of non-official members when non-official business is being transacted. Now, I put it to honourable members on the other side whether they desire to compulsorily have non-official members on the opposite benches when private business is being transacted? That is what the argument comes to, that because some non-official members either at the beginning of the session or at the end of the session do not choose to be present, they should be compelled to be present for non-official business, and non-official business should be put in the middle of the agenda. Now, allow me to say, Sir, that non-official members will find a way out of it anyhow, and if they find that their presence is required at home for a certain number of days, they may make enquiries and find out which

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are the most interesting days in this honourable House when their presence is really necessary, and they will see that they are present here on those days. The only trouble is with honourable members who live at a great distance from either Poona or Bombay,—and I may specially mention the Sind members; they will be put to a considerable amount of inconvenience. We shall be compelling them to be present when non-official business is being transacted and perhaps we shall be having more of the instances quoted by my honourable friend Mr. Noor Mahomed, when an important Government measure was moved with empty non-official benches. Now, I ask honourable members: which is more important, a measure like the University Bill or a non-official resolution, the most important resolution, that any honourable member can move from the other side? The very instance given by my honourable friend Mr. Noor Mahomed is an exceptionally good example of what will happen very often if important official business is taken right at the end of the session. It may be that you may be giving Government considerable facilities. I only put that aspect of the case before non-official members. Important Government bills may happen to come at the end of the session and non-official whips may find that it is all they can do to bring even a few non-official members into the House. Is it not much more to the benefit of those benches and opposite benches that important Government business should be transacted when a large majority of non-official members are present and can be present in this honourable House? And, therefore, I contend that to express a definite opinion that all non-official business should, at every session, be given precedence over Government business is not a wise policy to adopt. The debate in itself will have some effect. It will all be printed; it will all be read. The opinion of honourable members will be considered and therefore I cannot see any useful purpose in non-official members committing themselves to the definite principle that the non-official business should always come in the middle of the agenda. I point out to non-official members that occasions may arise when they may have to regret this definite expression of opinion; and therefore, I would advise them not to commit themselves to such a policy, because it cuts both ways.....

An Honourable MEMBER: You can reconsider it then.

The Honourable Sir COWASJI JEHANGIR: It may be too late to reconsider. I point out to non-official members that they may very soon come forward to blame Government for having brought forward important Government measures at a time when Government and the non-official members know that the non-official benches will be empty, and it will not be then open to any honourable member on the opposite side to blame Government for doing so, and therefore when my honourable friends have spoken on this question with no uncertain voice, I would only ask them to reconsider their opinion and let them imagine occasions when they would like to see opposite benches full but find them empty due to the allocation of work as suggested to-day. They will have to remember the words they have spoken to-day—words that

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they will not be able to retract. It will be difficult then and remember that these debates are printed and can always be produced and then non-official members will not be able to turn round and tell these benches that Government deliberately brought forward an important measure with empty benches which required the close attention of non-official members. I can only say that the debate that has taken place will, I am sure, carry great weight not only with the head of the administration but also with honourable members on the front bench, and if an occasion arises in future when any important non-official business is tabled, and it is found that that non-official business should be given precedence, I see no reason why Government should not put in one or two days of non-official business in order to enable non-official members to discuss such business.

Khan Saheb A. M. MANSURI: Has it been done in the past?

The Honourable Sir COWASJI JEHANGIR: Has there been an occasion, I ask? My honourable friend from Ahmedabad asks "Has it been done in the past?" May I point out the difficulties? Sometimes a very important resolution may be tabled but in the ballot it may draw an unfortunate position,—low down: then, if Government do give one or two days in the middle of a session, it will not be possible for that resolution to be moved unless priority is granted and we have already experienced the difficulties honourable members have in being able to get priority for their resolutions, because there is bound to be a difference of opinion on the opposite benches as to the importance of that resolution. Each member will consider his own resolution the most important, naturally, and he will be reluctant to give way and not to claim the advantage that the ballot has given him. Therefore if one or two important resolutions are tabled, it may not be possible to discuss them, even if it is definitely decided that two days or three days should be allotted for non-official business in the middle of the agenda. I hope I have pointed out some difficulties honourable members will find in committing themselves to a policy which is not to their advantage.

Mr. P. R. CHIKODI (Belgaum District): Sir, I rise to support the motion moved by my honourable friend Mr. Bole. I am rather surprised to see Government Members showing so much solicitude for the convenience of the non-official side of the House. Such being the case, why should they not accept the motion which we consider to be more convenient than the arrangement they are proposing? Just now the Honourable the General Member told us that if this motion is passed, then it would be very difficult to retract. I cannot understand how such a statement can be made by him. Till now, during the last seven years we have tried one experiment. We have found that experiment to be most inconvenient and member after member from every section of the non-official side has told the House that the present way of allotting non-official days is inconvenient. We have tried one experiment and let us now try another. Why should not Government yield and why

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should they put up so many obstacles and opposition ? If it is inconvenient to have non-official days interspersed between Government days, then let us begin from the commencement of the session with non-official business and if we have to address empty benches, of course we can then modify our view and take suitable measures to see that that arrangement is changed, but is it not open to us to reconsider the matter and reopen it ? Why is it too late, as the Honourable the General Member says, to reconsider ? We have been experimenting all these years with one system. We know that the old rule No. 6 was changed after five years, that is to say, it was changed in 1925, and similarly, we can effect a change again if there be need for one. It is hardly fair to put forward such arguments and to oppose the motion that is unanimously demanded by the non-official side. Government show that they are very solicitous about the convenience of non-official members and profess that they are ready to adjust their own programme to the convenience of non-officials, but at the same time Government put forward all possible opposition. The Honourable the Leader of the House, although he spoke for half an hour and although I carefully and attentively listened to his speech, was unable to convince not only me but all other members on the non-official side. If Government are really very serious and anxious to meet the desire of the House in this matter of arranging business so as to suit the convenience of the non-official members, then they should accept the motion put forward by the honourable member Mr. Bole.

Mr. B. V. JADHAV (Satara District) : Sir, I rise to support the motion brought forward by the honourable member Mr. Bole. I am surprised, Sir, at the opposition of the Honourable the Leader of the House and also of the Honourable the General Member. The point brought forward by the Honourable the General Member is that the present arrangement is a very good one and that if the private business is allowed to be opened at the beginning of a session, then it will have to be opened before empty benches. But, Sir, if we refer to the motion, it will be found that the prayer to His Excellency the Governor is that he may be pleased to so exercise the right vested in His Excellency under Rule 6 of the Bombay Legislative Council Rules of allotting different days for the disposal of different classes of business as to enable the non-official business to be taken up between days assigned to Government business and not to allot all the days for non-official business after the completion of Government business. The prayer is that some days in the middle of the session should be allotted, and not the days at the fag end of the session. What is the condition this time ? According to the original programme, the days allotted by Government for private business were the 16th and 17th of this month. But Government business could not be finished on the 15th, or the 16th, or even the 17th, with the result that private business has been shoved on and on, day after day, to the last day. This is the reason why the benches are so very thin. We have been sitting for more than a month, and it is but natural that all the honourable members will not be in a position to spare the time to enable them to remain

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in Bombay and neglect their business. So, it is very natural to find that, at the fag end of the session, the benches on this side are thinner and thinner. Therefore, it is but proper that some more convenient days should be allotted for private business. The Honourable the General Member has asked a question as to which is the more important business. I do admit that Government business is more important, but that does not mean to say that private business should be neglected altogether. Under the present arrangement, private business is wholly neglected, and therefore it is necessary that due consideration should be paid to it. In this long session, there are only two days allotted for private business. It would have been very convenient if the original arrangement of the 15th and 16th for non-official business had been adhered to, and Government business had been taken after the 16th. But private business is treated like the untouchables, who are not taken in a line with the higher communities, but are shoved.....

The Honourable Sir CHUNILAL MEHTA : Higher and higher.

Mr. B. V. JADHAV : Lower and lower. That is the treatment they are given, and that is what they protest against. I think the motion of my honourable friend Mr. Bole is reasonable. Private business should be allotted days in the middle of the session, where Government may find it convenient. I do not mean to say that any particular days at the beginning or at the end should be allotted, but some room must be made for it somewhere between Government business. It is not necessary that all Government business should be taken together. As a matter of fact, Government also cannot in this session finish legislation and had to go to the discussion of the demands. They took legislation first, then there was the discussion on grants, and then legislation that had been left over was taken up later on. In the same way, if private business is allotted a day or two in the middle of the session, I do not think Government business will be handicapped or greatly inconvenienced. The arrangement will be of great convenience to private business, and I think this motion should be adopted by the House.

Mr. J. B. PETIT (Bombay Millowners' Association) : Sir, I am afraid the proposal is not likely to be very beneficial either to this House or to the individual members thereof. The present system, so far as I can see, is very elastic, and has proved satisfactory. Under the existing arrangement, members who may not be interested in private business, can easily, and do as a matter of fact, stay away. If Government business is intermingled with private business, you will practically compel people to listen to debates on subjects in which they may not be interested. On the other hand, such subjects may be discussed by the House as may have the effect of excluding important public work from the discussion and examination they may need. Again, suppose private business had been intermingled with Government business, say, during the current session, we could not possibly have avoided the resolution, which stands in the name of over a couple of dozen members, on ghee, and we would have had to listen to a lengthy debate on the resolution perhaps for

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days, to the detriment of other public work of a more important and pressing character. On the whole, I think that the present rule has worked very well and ought to be allowed to continue. It is elastic enough to enable Government whenever required to give precedence to any important and urgent private business, on which an early decision may appear to be necessary. It is not impossible to do that under the present arrangement; and I have no doubt in my mind that whenever a wish in that direction is expressed by the House, the Government would be prepared to accede to it. On the other hand, if you lay down a hard and fast rule, such as is proposed by the resolution before us, we would be irrecoverably tied down to it; and such a course would be impossible. Under these circumstances I think the present rule is very good and satisfactory and ought to be allowed to continue.

The THAKOR of KERWADA (Northern Division): Sir, I support the motion. Our experience of the past few years is that private business is always taken up at the fag end of the session, when the benches are empty. I quite agree with the Honourable the Leader of the House that Government business is of great importance, but, at the same time, the business of which the non-official members have given notice is also important. After all, they are the representatives of the people, and whatever motions they bring forward is in accordance with the wishes of the public. Therefore, their business should not be set aside to the last days of a session. That arrangement causes great inconvenience to the non-official members, and therefore I support the motion.

Mr. SYED MUNAWAR: Sir, I rise to support the motion brought forward by my honourable friend Mr. Bole. Our experience of the last four sessions of the Council has proved that, as non-official business is taken at the very last, most of our resolutions which are of a very important nature, are not reached. Besides that, other provincial legislatures, such as Madras, the United Provinces and Bengal have their official and non-official business interspersed with each other, and they have not experienced any such inconvenience. I do not understand why the Honourable the Leader of the House and the Honourable the General Member entertain such apprehensions that Government business will suffer at the cost of non-official business. Sir, I think there is every justification for non-official members to claim that their business is as important as Government business and that non-official business should be taken first. If Government thinks that the allotment of time for non-official business in the middle of a session is likely to cause inconvenience, then precedence may be given to non-official business. The first two or three days of a session may be allotted for non-official business. With these few words I support the motion.

Mr. S. A. SARDESAI (Bijapur District): Sir, I support the motion. This question has been discussed in all its aspects, and I think this motion should be supported, simply because there are no points for Government to press the non-official members to stick to the old practice. If I correctly heard the Honourable the Leader of the House, he wanted

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to induce us to stick to the old rule simply because he said it is not a good thing to do away with the discretion of His Excellency. The discretion will be there in any case. According to the old rule also His Excellency is authorised to allot the days as he wishes. According to Standing Order XII, 6, this motion if carried by the House will be placed before His Excellency through the Leader of the House, and it will be carefully considered. I think the discretion is always with His Excellency. The Honourable the Leader of the House surely did not convince the House that we would be doing away with the discretion of His Excellency.

As regards the other points, the Honourable the Leader of the House said that if the non-official business is not finished on the day allotted for it, and it has to be postponed, the effect of the speeches will not remain, and honourable members will not be able to convince the House because the effect will have worn away ; that was his argument. But that, I think, is a fallacious argument because it applies to Government as well as to non-official business.

Sir, the motion is a very modest one, because the honourable mover does not wish that non-official business should be taken in the beginning of a session. What he desires is that in the middle of Government business non-official business should be taken.

Another argument was that of the honourable member Mr. Petit, that you should not commit yourself in any way by imposing these restrictions. There is no commitment of any kind in this. If this motion is carried, it will be placed before His Excellency, and it will be duly considered. We are not going to commit ourselves to anything by passing the motion. Supposing the arrangement proposed in the motion is inconvenient, we can bring in another motion, and pray to His Excellency to alter the arrangement, as we are now doing. In this way I do not see anything in the arguments of the Leader of the House or of some other speakers who tried to convince us that the old arrangement was good. Therefore, I think the House should not be misled by the arguments of the Leader of the House or some of the honourable members who opposed this motion ; I hope that this motion will be carried with acclamation.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I regret very much the refusal on the part of the Government to accept such a simple proposal by the honourable member Mr. Bole. A request is made : ' Do not give us all the days at the fag end of the session. Give us some days in the middle of the session so that proper justice may be done to us.' I have been here for the last four years and I have found that non-official business is always neglected, because members coming from long distances go away with the result that practically no attention is paid to non-official business, which is most important. A modest request is made here that days for non-official business should be allotted between days for Government business. I therefore think that this is a very reasonable proposal and ought to have been accepted by Government.

MOULVI RAFIUDDIN AHMAD : I move the closure.

The Honourable the PRESIDENT : I accept the closure.

Mr. S. K. BOLE : Sir, I think there is nothing left for me to say, as the motion has received full support from the non-official members except one who is a representative of the Millowners' Association. That honourable member has belittled the ghee resolution. He should have been the first to realise the importance of ghee. He need not be told that those who eat a good amount of ghee are fat and those who cannot afford to eat a sufficient amount of ghee are lean like myself. Then, Sir, this arrangement may not meet with the convenience of members who are directors in other concerns and who get fat fees for attendance. Their own arrangement would be inconvenienced and it is no wonder that they should oppose this motion.

As regards the address, I may assure the Honourable the Leader of the House that I do not want to give the least trouble to His Excellency. But under the existing Rules and Standing Orders, there is no other alternative left to me but to move this address to His Excellency : and that has been done. As regards the sympathy of the Honourable the Leader of the House, I must confess that he is very sympathetic and considerate. But with all that, he will not be able to alter the days unless the Standing Orders are changed. I have, therefore, made a request not to allot the number of non-official days at the end of the session, because non-official members find it very difficult to get support to their bills or resolutions. As Government members are very anxious about their own business, so also non-official members are very anxious that their resolutions which are very important from their own point of view should be discussed in a full House. If the non-official days are kept at the fag end of the session, then they are not properly discussed and they don't get proper support. I may quote one instance. I moved a resolution as regards unemployment in this very House but it was taken at the fag end of the session and very few members remained till the end. The result was that that resolution was not passed by the House. Had there been a full attendance of members, I am sure that the resolution would have shared a different fate. There are several instances like this. Therefore Government should be very considerate and come to some arrangement in order to satisfy the wishes of the non-official members in this connection. I do not say that the days for non-official business should be allotted at the beginning of the session. Do not do that but give us some days in the middle of the Government days or intersperse them as has been done in the Assembly and some other provincial councils. If Government wish to do that, they can do so. Where there is a will, there is a way. I do not in the least desire to complicate the position of His Excellency. I only want to communicate to His Excellency the wish of the non-official members and that is my intention in moving this motion. I hope the motion will be carried by the House.

The Honourable Sir CHUNILAL MEHTA : Sir, I want to place a few facts before the House. The point was made by two honourable

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members—Rao Bahadur Kale and Mr. Noor Mahomed—that there had been a change made in the rule since 1925. That is not correct. I would like honourable members to refer to the Legislative Council rules before 1925. The rule then was substantially the same as the present rule. It stated :

"The Governor, after considering the state of business of the Council, shall, at the commencement of each session, "

These are the words which do not appear in the present rule but otherwise it is the same. It goes on :

"allot as many days as are in his opinion compatible with the public interests for the business of non-official members in the Council, and may from time to time during the session alter such allotment, and on these days such business shall have precedence."

The Honourable the PRESIDENT : The discretion of altering was there and it is not here.

The Honourable Sir CHUNILAL MEHTA : Precisely. But, Sir, that is not the point at issue. The point made was that this was a new rule which did not exist before 1925. All that honourable members want now is that the Governor should so exercise his discretion as to place private business in the middle of the agenda.

The Honourable the PRESIDENT : That was possible under the old rule but is difficult under the present rule, unless he is approached.

The Honourable Sir CHUNILAL MEHTA : In every case there is the discretion of His Excellency. He can exercise it now.

The Honourable the PRESIDENT : He could alter it before but not now.

The Honourable Sir CHUNILAL MEHTA : It is not a case of the power of alteration being taken away from him. In fact I shall show that we have made alterations in the past. (Interruption) I will explain that. Please do not think that Government want to obstruct the wishes of the House or the interests of private business. It is entirely wrong to say that even in little matters like this Government are following the ways of obstruction. It is nothing of the kind. I want the House to consider what the effect of this proposal will be in actual practice, and I trust that the House will bear with me. First of all, the address deals with a request for allowing private business to be placed between Government business. Now, I want to ask the honourable mover and those who supported him to let me know whether they specially have in mind budget sessions or other sessions of the Council. There is a great deal of difference as I shall try to show. We have got three sessions of the Council. The first session, namely the budget session, lasts for about a month. By agreement it has been arranged that as little as possible of other business than budget should be done then, and consequently two days only for private business are being allotted. In other cases, where the session may last for 15 days, private business gets as much time as—in some case perhaps more than—Government business. I have here the number of days allotted for private business during the last two years. In the July session of 1926, eight days were allotted

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for non-official business. In the July session of last year (1927) nine days were allotted for non-official business. Now, it is quite conceivable—in fact it has happened before—that Government business in those two sessions may not take even as much time as private business. Does the honourable member suggest that three days should be first taken for Government business and then nine days for private business and then three days for Government business? I do not think that will at all be convenient to the House. I see the difficulty of the House with regard to the budget session. I think the difficulty has been expressed before that in the budget sessions only two days are allotted at the end of the session.....

Mr. L. M. DESHPANDE: Last year there were three days. This year there are only two.

The Honourable Sir CHUNILAL MEHTA: If I remember aright, it has been arranged that not more than a small number of days should be allotted during the budget sessions.....

Mr. L. M. DESHPANDE: One day is curtailed this year.

The Honourable Sir CHUNILAL MEHTA: I do not remember that. But I think it was by agreement arranged that about two days should be allotted for private business.

I could not understand some of the arguments which honourable members who have spoken have used. It was said it is because private business has been put down at the end that many important resolutions are not reached. I think those are the very words used by the honourable members Mr. Bole and Mr. Syed Munawar.

Rao Bahadur R. R. KALE: Government business encroaches on private business.....

The Honourable Sir CHUNILAL MEHTA: There is something to be said about that. But the objection raised was that private business was not reached. I cannot understand why private business cannot be reached. It may be that a certain amount of private business, several resolutions, which may not have drawn the ballot early, cannot be reached. But it is not possible that private business will not be reached on the days allotted for private business. I cannot conceive how an important resolution, say the one on unemployment, could not be discussed provided it drew a place in the ballot that was sufficiently favourable. I cannot see that position at all, and I would like really to be enlightened on that. I think I may assure the House that there is no desire whatsoever to inconvenience the House. If they show that any inconvenience has been felt and that their business is not reached, I will certainly be very glad to consider this proposal. But I want to point out now the inconvenience in the two sessions in July and September in Poona. The whole sessions may extend to two or three weeks, and out of these two or three weeks eight or nine days have been allotted for private business. What do honourable members want? Do they want that half the portion of Goverment business should be

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taken up first and half the portion relegated to the end? I do not think that will suit them. I think they have agreed that Government business is just as important as, if not more important than, private business. I think it is very desirable that Government business, which mostly consists of legislation should be passed when the House is more or less full. I think the House itself will like to have such an arrangement. It is no use passing legislation of a very important character when the benches are not altogether full.

Then, I would like to mention the point which has been made by the honourable member Rao Bahadur Kale, namely that Government business extends oftentimes from day to day. That, I admit, causes a considerable amount of inconvenience, and I am quite prepared to meet the wishes of the House in this connection. We shall, as far as possible, put down absolutely the days, and we shall give long notice and say private business will be taken on those days in the budget session. Then, except for very special circumstances, there cannot be any alteration of those dates, and honourable members will know fully when private business will be taken up and that will enable them to go away and come back if they so desire to do. I think that will meet most of the objections and the difficulties which I admit have been felt and which I think ought to be met. I want to say that during the last seven or eight years there has really been no occasion on which honourable members desired that a certain arrangement should be made for private business and Government refused it without good reason. Not one single instance of it has been pointed out, and I do not think it can be pointed out. Throughout we have tried to work in harmony and tried to meet the wishes of the House. I hope the honourable member will be content with this, that the dates for private business, not days only, will be fixed and that the House will have fairly long notice, if long notice is possible.

It was suggested that this desire of the House should be submitted to His Excellency. Well, I can assure the honourable House that the honourable member's motion was considered by the whole Government, with His Excellency; we discussed it in all its bearings, and we came to the conclusion that it was to the convenience of everybody if no change was made. It is not as if His Excellency is unaware of the *pros* and *cons*.....

MOULVI RAFIUDDIN AHMAD: The only difference is that His Excellency did not know the authoritative opinion of this side of the House on previous occasions.

The Honourable Sir CHUNILAL MEHTA: Then, the honourable member knows more than either His Excellency or ourselves. His Excellency did know. This question was considered several times before; this is not the only occasion on which it has been brought up; it has been brought up privately oftentimes before us, and we have, as I told you, fixed dates, giving notice of those dates and taken private business in between. But in view of the difficulties I have pointed out, I do not think it will at all be to the interest of the House itself to fix any

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definite hard and fast method. Certainly, in the two Poona sessions it will cause a considerable inconvenience, because this motion leaves no discretion to divide private business at all; it says you must take the whole private business in the middle of Government business.

MOULVI RAFIUDDIN AHMAD: It is only a recommendation.

The Honourable Sir CHUNILAL MEHTA: If the honourable member is content with what I have suggested, I think the non-official members will find that their convenience and also that of Government is much better served at present.....

Mr. B. V. JADHAV: Under the present arrangement the private business is taken at the end of the session.

The Honourable Sir CHUNILAL MEHTA: It is only in the budget session that this difficulty arises. I am aware of that. I propose that we should fix the date for the private business so that honourable members will get sufficient notice of it...

The Honourable the PRESIDENT: I do not know whether the Honourable the Leader of the House is right in his interpretation of this address. The honourable the mover means to say that the whole of the private business need not be taken together after the Government business. What he means is that the private business should be intermingled with the Government business. That is to say, Government business and private business should be taken on alternate days.

The Honourable Sir CHUNILAL MEHTA: I do not know whether that is the intention of the honourable mover.

Mr. S. K. BOLE: Yes, it is so.

The Honourable Sir CHUNILAL MEHTA: If that is the intention, how shall we fix what private business should be taken at what particular time? The best way is to fix the days by agreement with the House. If there are certain days that honourable members would like to have between, we can certainly put them in, but it is no use making hard and fast rules.

Mr. B. V. JADHAV: How does the Honourable the Leader of the House propose to consult the wishes of the House?

The Honourable Sir CHUNILAL MEHTA: Just as we do now. I hope the honourable member does not object to consultation. The difficulty only arises specially in the budget session. We shall arrange two days for the private business, so that the honourable members will know well ahead that particular two days will be taken for the private business.

Mr. B. G. PAHALAJANI: But you shift those days.

The Honourable Sir CHUNILAL MEHTA: I am suggesting that an arrangement can be made for fixing of these days and these days will not be shifted.

Rao Bahadur R. R. KALE: Government business is adhered to.

The Honourable Sir CHUNILAL MEHTA: The confusion is caused by Government business taking more days than anticipated. The present arrangement is that Government business goes on until it is finished, and the private business is shifted forward. I suggest that instead of private business being shifted, the days may be adhered to for the private business and the Government business can be taken up later. I trust in view of the discussion that has taken place and the express desire of the Government to make arrangements convenient to all sides of the House, I do not think that this is a matter which needs to be pursued further and address presented to His Excellency the Governor. The honourable House will do well to accept this suggestion and work in combination and harmony as I have always done.

Mr. J. C. SWAMINARAYAN: Do you make these suggestions only for the budget session ?

The Honourable Sir CHUNILAL MEHTA: Principally, but not wholly.

Mr. N. R. GUNJAL (Poona District) then (Addressed the House in Marathi):

Sir, I have got to make a suggestion to the Honourable the Leader of the House to the effect that there should be two sessions for the budget.....

The Honourable the PRESIDENT: Order, order; that is quite a different matter.

Mr. S. K. BOLE: In view of the assurance given by the Honourable the Leader of the House, I beg the leave of the House to withdraw my motion.

Question put and leave granted.

The Honourable the PRESIDENT: I should like to ascertain the wishes of the House in one respect, and that is, if the House is desirous to end the discussion to-day, namely, whether the House wishes to end the Council session to-day, or continue it till to-morrow. We have taken up private business at 3 o'clock to-day and to-morrow at 3 o'clock would be one day. Besides, there are two holidays, Jamshed Naoroz on Wednesday and the Goodipadva day on Thursday.

MOULVI RAFIUDDIN AHMAD: Sir, can we not meet to-morrow at 12 noon ?

Mr. J. C. SWAMINARAYAN: Sir, I suggest that we meet one hour earlier to-morrow to make up the time.

The Honourable the PRESIDENT: Then the House must tell me definitely that it would be agreeable to proroguing the session to-morrow and not taking it over further.

Honourable Members: No, no.

The Honourable the PRESIDENT: That is to say, that I should agree to give more hours. (Honourable Members: Yes.) I suppose the Honourable the Leader of the House is agreeable to this proposal. (Honourable Sir Chunilal Mehta: Yes, Sir.) It is absolutely no use if

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honourable members say to-morrow that they would take full two days and continue the session further.

Mr. R. S. ASAVALE : There is no such desire.

The Honourable the PRESIDENT : Then to-morrow at three o'clock will be the end of one day.

Mr. R. S. ASAVALE : To-day we can sit half an hour late and to-morrow one hour early.

Rao Bahadur R. R. KALE : To-morrow we should begin at 12-30.

The Honourable the PRESIDENT : Am I to understand that the honourable House is willing to take only one day instead of two days for private business ?

Honourable Members : No, no.

MOULVI RAFIUDDIN AHMAD : If we begin at 12-30 to-morrow and go on till 6-30, the House will be satisfied.

The Honourable Sir CHUNILAL MEHTA : Sir, I take it that the House should sit to-morrow at 12-30 and go on till 6-30. That is the idea. I may say that an alternative suggestion has also been made to me and that is this. We should sit to-morrow early in the morning and finish the session at 2 o'clock so that the mofussil people may be able to get away by the afternoon train. If that is the wish of the House, I shall have no objection to that suggestion.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST

Mr. B. V. JADHAV (Satara District) : I beg to propose, Sir, that the resolution of the honourable member Mr. Jog be carried over to the next session. Mr. Jog is not here and at the same time it is a very important proposition, and the House is not full. So, I think it would be much better that the consideration of it should be postponed to the next session.

The Honourable Mr. J. L. RIEU : I am not agreeable.

Question put : " That the consideration of the incomplete discussion of the resolution of the honourable member Mr. Jog be carried over till the next session " and lost.

The Honourable the PRESIDENT : Any honourable member wishing to address the House may do so.

Rao Bahadur R. R. KALE (Satara District) : Sir, this is a resolution which in my humble opinion is an important resolution, since the Government have in their resolution of May last adumbrated their general policy which they intend to pursue and also undertake legislation in pursuance of that policy. The House is aware that the question of this land revenue assessment and the enhancement thereof was mooted in this Council in 1924, when there was a resolution. Then, there was another resolution, which was carried by this Council, last year after the committee that was appointed submitted its report but before the report was properly considered by the various members.

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Now, this resolution is passed by Government after the three events, first in 1924 when the question was mooted, the Land Revenue Assessment Committee's recommendations, and the resolution of this House carried last year. I now want to show, Sir, that it is surprising that the Government should have set aside even the recommendations of the majority report of the committee. That is to my mind giving the go-by even to the recommendations of their own committee, and in preference the Government have chosen to accept the opinion of the official members, and I may say principally the opinion of the honourable member the Director of Land Records, who, as I said on one occasion, is really the Director of the land revenue policy of the Bombay Government.

Now, Sir, the first point which I wish to deal with is this, namely, the question about the basis or the principles on which the land revenue should be assessed. With regard to that, it will be observed that the majority of the committee stated that profits of cultivation, that is, the net income, should be the principal basis, and when on the last occasion the debate was on, even the Honourable Sir Lalubhai Samaldas, who was the spokesman of the Government then,—he was also the Chairman of the Land Revenue Assessment Committee,—declared in most emphatic terms as follows. These are his words: "I fear that my honourable friends opposite have laid greater stress on the minutes of dissent by official members of that committee." We had said so, that the official members had regarded the rental value as the basis and we had laid stress no doubt on that. Sir Lalubhai in reply said that the non-official members had laid greater stress on the dissenting minutes of the official members than on the recommendations of the committee itself. Then, he went on to say:

> "I draw the attention of honourable members to the end of paragraph 33 on page 20 where the committee says that in fixing the assessment regard should be had to the 'profits of cultivation.' Rental value is not mentioned here, and though it is included in the list that follows it has not been put as the first item but as the sixth one. Those honourable members who stated that the committee had recommended rental value alone as the basis will now see that the basis recommended is the profits of cultivation."

These are the words of Sir Lalubhai Samaldas, Sir, and I think even the Government Resolution must have caused some surprise to him, because he rose and said that the non-official members are taking as if the Government's policy was to accept rental value, and he said "No; that is not so; that is the last thing that is to be taken into consideration. Profits of cultivation is the main and first thing which is recommended by the majority of the committee." And, therefore, he wanted to remove all the misunderstanding or misapprehension which he thought prevailed among the members. But our fears proved too true, because the recommendation of the majority of the committee has been given the go-by and the opinion of the official members of the committee has prevailed with Government. Now, Sir, I submit that this is the first point with regard to the basis of assessment, namely, Government having accepted the rental value as the basis it is a recommendation which really finds no support in the majority of the committee. Then,

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secondly, we proceed next to the point about the pitch of assessment, that is to say, the share of the State, what is the percentage, whether it should be 30, 40 or 50, or what? Here again, you will see, Sir, that the majority of the committee recommended 25 per cent., whereas the Government has even not accepted that, and they have taken 50 per cent. as the rate. So, it seems to me even in that case Government has failed to give effect to the popular view, the view of the non-officials as well as the view of the majority of the members of the committee, because they say "the committee were unable to make any recommendation of fixing a maximum percentage on rental value as assessment which the State is entitled to take and the committee decided by majority that the assessment should not exceed 25 per cent." That was the recommendation of the majority of the committee, *viz.*, 25 per cent. of the gross profits, less all expenses. Government consider that the views of the committee on this question are inconsistent with one another, and they go on to say that they do not accept the maximum of 25 per cent. and they therefore take 50 per cent. as the pitch of assessment. That is the proportion of the State's share of the profits. Here, therefore, in this respect also the recommendations are set aside and an attempt is made, I must say, to take support from certain remarks in the report of the Taxation Committee. The time at my disposal is not much, otherwise I would have shown (honourable members will do well to read the report of the Taxation Committee as a whole) that really speaking they have neither regarded rental as the true basis nor 50 per cent. as the pitch of assessment. The Taxation Committee's recommendations must be read as a whole and it is half truth, I should say, to take a sentence here and a sentence there and then try to support the view as the Government have done.

Let us come to the third point. The third point is with regard to the recommendations of the standing or advisory committee of this Council. That recommendation is also disregarded, and it is very surprising to find that the resolution goes on to say that what they have done is nothing more, nothing less, than to give effect to the recommendations of the Joint Parliamentary Committee, and they quote finally at page 3:—

"Finally, there is the general consideration that the object of the legislation now proposed, as was indicated by the Joint Parliamentary Committee, is to give legislative sanction to the existing principles and practice of land revenue assessment."

I submit, Sir, that the word "existing" is doubtless italicised. I submit there cannot be a greater misreading of the recommendation of the Joint Parliamentary Committee's views. What the Joint Parliamentary Committee said was not about the existing principle. They referred to the main principles. They said that they were impressed by the large number of witnesses who gave evidence before their committee as to the inequality that prevails at present owing to the present practice which obtains in the matter of assessment of land revenue. They wanted therefore to say something about the main principles, whereas the Government resolution proceeds to say that it

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is only the existing principles and the existing practice that is to be legalised, that is to be embodied in the form of a statute. I submit, where was then the necessity of appointing a committee to make enquiry and to call for a report if the only work that was to be done was merely to give legislative effect to the existing principles and existing practice? That could have been done very easily, why make such a fuss and spend so much money over calling for evidence and calling for a report? I submit therefore that this is really giving a complete go-by to the real point at issue, and the attempt of the Government to say that that was the recommendation of the Parliamentary Committee and that therefore they have taken up that recommendation is, I submit, really not a correct reading but a misreading of the Joint Parliamentary Committee's recommendation.

Further, even supposing for argument's sake that Government had to do as, they say, they have done, I say they have gone back, that they have not given effect to the existing principles because in the Land Revenue Code as it exists to-day, the profits of cultivation are mentioned in section 107 of that Code as the first thing to be taken into account. By this legislation which is proposed and the policy which is laid down in this resolution, the profits of cultivation are relegated to the last; the other consideration, the main considerations are different, and the first consideration, the first principle is the rental, so that the policy, instead of being an improvement on the old state of things, is actually going to be a reactionary and a retrograde step in the wrong direction. I do submit that the attempt made in this resolution not only does not satisfy, really speaking, the requirements of the Joint Parliamentary Committee's recommendations, or the opinion expressed throughout the country, in this Council and also in the report of the Assessment Committee; but this policy is actually going to be reactionary and the consequences of this retrograde policy are, I must warn the House, bound to lead to very disastrous results. It will be conceded, I think that there exists at present great inequality in the way in which assessments are levied or enhanced, and hence it was that, after the lapse of so many years, it was thought necessary and desirable that the whole question should be reviewed and that once for all a policy of land revenue assessments should be laid down and that such a policy should be embodied in the form of a statute. If that is really the intention, (and I submit it ought to be the principle which should guide the revenue officers of Government) it seems to me that, to say that this is the policy and to wind up by saying that legislation will be introduced on these lines that are set out in this resolution, seems to me to be hardly consistent. Do Government hope that legislation that may be undertaken by Government on these lines will be passed by this House.....

(The Honourable Mr. J. L. Rieu indicated assent) I do ask honourable members opposite if they are really serious in taking the House into their confidence in framing legislation. If so, should they not make some attempt to lay down certain principles which are more equitable and which will certainly be an improvement on the old state of things?

The Honourable Mr. J. L. RIEU: That is just what we are trying to do.

Rao Bahadur R. R. KALE: I submit, Sir, that in the present instance Government have gone back, they have gone further than that, they have taken a reactionary step. I know that the whole question is what is the basis? And Government have taken the rental as the basis. Very well, now, that was not the basis in section 107 of the old Land Revenue Code, and I would certainly think that if the matter is thrashed out (and that is the second part of the resolution) in a committee, I can show how the rental basis is wrong, even on the assumption of Government that the rental basis which they admit, is a basis that is based upon certain statistics. They themselves admit that the rents which prevail in villages cannot be taken into consideration; they themselves say that there are certain rent-notes which do not really represent the actual income; they also admit that there are various rent-notes which really show more rent than is really accepted; then they say there are certain other rents which, for instance, in the case of good crops, are much higher than in the case of other crops. It will be seen that rents in the case of crops like sugarcane or cotton or groundnuts are much higher, but here we must remember that the majority and the greater portion of the cultivators are not sugarcane growers or cotton growers, and hence the standard that can be applied to all landholders, all cultivators, which is based upon rent-notes, which take into account crops like the sugarcane or the groundnuts, must certainly.....

The Honourable the PRESIDENT: Fifteen minutes is the time limit.

Rao Bahadur R. R. KALE: Very well, Sir, I will finish shortly. What I submit is that in this respect viz., in respect of the rental basis, I know that it is the easiest thing, because you can collect in a village certain rent-notes and you can say "Here are these figures, we can take them as something tangible." It is an easy thing no doubt, but is it equitable and is it the correct test to apply? That is the point. No doubt it may be said that there is no other mode and it has been said that it has not been possible for the members of the Assessment Committee to suggest any other mode. It seems to me that we can suggest other modes by which really the assessment can be fixed with due regard to equity and justice. It will take some time for me to go into this question fully. It has been stated by the honourable member, the Settlement Commissioner, that some precise ground must be found on which the land revenue can be based and in his opinion the rental basis is the only proper basis that can be found. It may in the first instance be observed that his comparison with the income-tax administration is not quite correct. When the income of any man is ascertained under the Act, you get at once the figure on which the tax is to be levied, while even the most accurate rental figures can only serve as a basis on which to make estimates of the normal income of the agriculturists. In those provinces of India where the land is held by big landowners and cultivated almost entirely by tenants the rent rolls are obviously the best guides on which to base the land revenue assessment. For in these cases the rent receipts are the

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actual income from which the land revenue is going to be paid. In a ryotwari tract, where the bulk of the land is cultivated by peasant proprietors, the small part let out on rent can only serve as an index of the probable income of the other agriculturists. The air of precision that the honourable member Mr. Anderson seeks to invest the rental basis with is, therefore, false. No doubt, rental figures are the most easily ascertainable but they can serve as precise guides only if the income from rent rises and falls in exactly the same proportion as agricultural incomes. It can easily be demonstrated that this is not the case. In the first instance, the instructions issued to settlement officers lay stress on their scrutinizing the rent entries very clearly; that whenever there is a previous debtor and creditor transaction between the tenant and the landlord or when it is a case of special facility, those particular rent entries are to be disregarded. Thus Government itself recognises that not all rent entries are reliable and that special care is to be taken when the rent statistics are compiled. Now, it must be clear to everybody that a settlement officer cannot be expected to scrutinize every rent entry of each village, and secondly, even if he is so conscientious, he could not possibly determine over a fifteen years' record of rent entries which entries are admissible and which are not, so that even if we admit that the rent figures are an exact index, as the honourable member Mr. Anderson maintains, of agricultural incomes, it is still humanly impossible to collect accurate rent statistics on which such absolute reliance can be placed as the Settlement Commissioner desires us to do. So, Sir, it will be seen that however easy it may be, it is not a sure and equitable guide on which to base the rental standard.

It is a truism of the statistical method that any figure which proposes to be an index of the movements in any group must be a representative sample of that group. Now, it is obvious that lands let out on rent are not representative samples of all the lands in cultivation. To note only one point, it is well known that usually a much greater proportion of the lands under industrial crops, *i.e.*, cotton, sugarcane, etc., and such lands as grass lands, are let out on rent than lands under food crops. But as the vast majority of our cultivation is food crop cultivation, that fact itself would make the rental statistics unrepresentative. Let us take an instance. It is well known that during the war the prices of cotton reached unprecedented heights and also that in some districts near Bombay grass lands became very valuable, for example in the Surat district.

The Honourable the PRESIDENT: The honourable member has very much exceeded his time.

Rao Bahadur R. R. KALE: It is an important question. But if you, Sir, do not want me to go into this question further, I shall leave it open for further discussion if there is time for it. However, this is a very important matter, and I want to bring to the notice of honourable members on the other side that really it will not be difficult to find some other solution for this problem, which will give satisfaction to the

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people at large. That is my chief point. If you have your establishment, and the annewari is made every year, you can know in a village what the annewari of the crop is, and the assessment can fluctuate with such annewari in lieu of an inelastic annual revenue. If, therefore, such a method can be found out by an initial presidency settlement aiming at equality of taxation all over the presidency, it will prove to be truly scientific, and then alone there will be something in the policy which will be equitable. I know that the land is assessed low in some parts; that has been admitted. But such land should be brought under proper assessment, and Government should take their due share of the income from such lands. At the same time, where lands which are cultivated do not yield sufficient, I do not think it would be proper to give legislative effect to the present system. I can only say that the representatives of the people on this side and the Government are anxious for the welfare of the masses. The policy that has been laid down in the Government resolution is certainly not the correct policy, and those who vote for that policy will vote against the present resolution, and those who vote in favour of the present motion will vote against the policy that is adumbrated in the Government resolution.

Rao Bahadur B. R. NAIK (Surat District): Mr. President, I rise to support the resolution before the House. In doing so, I do not want to go into the details of the whole case, but I will dilate on two main issues, namely, the basis on which the revision assessments should be fixed and the maximum that the Government is entitled to claim from the cultivators. The Land Revenue Assessment Committee by a majority recommended that the profits of cultivation should be the main and principal basis for fixing the land revenue assessment.....

The Honourable Mr. J. L. RIEU: Where is it stated in the report?

Rao Bahadur B. R. NAIK: It is stated:

"In revising the assessment of land revenue regard shall be had to the profits of cultivation."

The Honourable Mr. J. L. RIEU: Where is it stated?

Rao Bahadur B. R. NAIK: It was resolved that the section 107 of the Land Revenue Code be amended as follows:

"In revising the assessments of land revenue regard shall be had to the profits of cultivation. The Settlement Officer shall take into account the following factors."

That was the recommendation of the Land Revenue Assessment Committee. It will be found from the report of the committee.

The Honourable Mr. J. L. RIEU: Where is it?

Rao Bahadur B. R. NAIK: It is also in the Government resolution of 13th May. The recommendation of the committee is given in that resolution.

The Honourable Mr. J. L. RIEU: On page 20 of the report it is stated:

"In revising the assessments of land revenue regard shall be had to the profits of cultivation. The Settlement Officer shall take into account the following factors."

Rao Bahadur B. R. NAIK: I am coming to that. The profits of cultivation is the main consideration, and the other factors to be taken into consideration are:

(*i*) the state of communications during the previous settlements,
(*ii*) the proximity of markets,
(*iii*) the trend of prices,
(*iv*) the general economic conditions and history of the tract,
(*v*) the results of crop experiments, and
(*vi*) rental value.

It will thus be seen that the profits of cultivation is the main factor and the others are subsidiary. They further say that in order to ascertain the rental value years of abnormal prices should not be taken into consideration. Rentals should be taken for years excluding years of abnormal prices. That was the recommendation of the Land Revenue Assessment Committee by a majority. The minority report of the Government officers who were members of the committee recommended that rental should be the main and principal basis for fixing the land revenue assessment.

Now, Sir, on this question I have so often spoken in this House and I repeat it again, that rental basis cannot be a safe and correct guide for fixing land revenue assessment. First of all, the rentals are very few, and, in spite of the statement of the Honourable the Settlement Commissioner in his minute of dissent attached to the report of the Land Revenue Assessment Committee, I am not convinced that half the land in the presidency proper and nearly all the land in Sind is rented and cultivated by tenants. Not more than 5 to 10 per cent. in the presidency proper and especially in Gujarat I know is rented, and the rest, that is, 90 per cent. is generally cultivated by the owners themselves. The other point is this. Government say they are entitled to take a maximum up to 50 per cent. of the rentals as land revenue. The Land Revenue Assessment Committee recommended that there should not be more than 25 per cent. assessment on the profits of cultivation and this was supported by the recommendations of the Taxation Enquiry Committee. Government discarded these two recommendations and have adopted the recommendation made by the official members of the Land Revenue Assessment Committee that 50 per cent. of the rental should be the maximum limit for fixing the land revenue assessment. This is a very important question. 40 per cent. of the total revenue of the presidency is derived from land assessment. The resolution before the House simply asks that in amending the Land Revenue Code members on this side of the House also should be consulted. It is a very reasonable and a very moderate request made by this side of the House. Government are not going to listen to it. Not only that but before the Land Revenue Code is amended, Government have been revising land revenue assessments on rental basis, which I submit is not legal, according to section 107 of the Land Revenue Code. The honourable member the Settlement Commissioner in his argument stated that 33 per cent. are absentee landlords and they get high rents from the cultivators and therefore Government are entitled to receive one-half from those landlords. I will read one paragraph from the settlement

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report of the much discussed Bardoli taluka, in order to show how sometimes it misleads the public as well as this honourable House. The Settlement Commissioner says :

" Mr. Jayaker has collected rents for 42,923 acres of dry-crop and rice out of a gross area of 126,982. Thus it is clear that at least one-third of the whole Taluka and Mahal together are actually leased on cash rental and to this must be added the crop shares and rent area. I found in going through several villages even some additional areas thus cash leased beyond those he has noted. He had probably not included these rentals I found, because the transactions were open to some objection. However I think there is little doubt that *at least* half the total area is held by landlords who do not cultivate it."

Does the Settlement Commissioner mean to say that one-third to half the area is held by landlords and cultivated by tenants ? The fact is that these lease statistics were collected for seven years and added together. (Interruption). If you divide 42,923 acres by 7 it will come to 6,132. (Mr. F. G. H. Anderson : If you divide by 2, it will be 20,000.) May I know from the Settlement Commissioner that he means that it is an average for one year ? Is he prepared to reply to me ? This is for seven years and if 126,982 acres is divided by 6,132 it will come to 5 per cent. of the total area. (Mr. F. G. Anderson : And divided by 20,000 ?) The Honourable the Settlement Commissioner is smiling and makes some gestures but these figures are given on page 9 of the second revision report of the Bardoli taluka made to Government by the Assistant Settlement Officer and approved by the honourable member the Settlement Commissioner. It may be argued by the Settlement Commissioner that it is an average for one year. Against such an argument I give instance of village Bamroli, Bardoli taluka, in which the total area as shown in appendix H, is 680 acres while the area leased is 787. Take another village of Uttara ; total area 1,317, area leased 2,862. Take the village of Mota ; total area 4,825, area leased 4,015. The Settlement Commissioner was Collector in Surat and he has seen all these villages. Take the village of Wadhawa, total area 794, area leased 1,233. Take the village Miyawadi, total area 1,057, area leased 1,203. Take the village Bhensudla, total area 751, area leased 963. These figures show the absurdity of such an argument, if advanced, as the area leased can in no case exceed the total area. Therefore it is a misleading statement. If I have time enough, I shall give many other instances. As I have got no time, I shall come to the main point. The principle of rental, I repeat, is not a safe and fair guide for assessment. There is also a risk for Government if it be adopted. Suppose to-morrow the landlords and tenants—it is quite possible—combine as regards an actual lease of Rs. 200, showing in the lease rent of Rs. 100 and execute promissory note for remaining Rs. 100. Within ten years' time you will find that the least multiple is reduced considerably. I give you this warning. When you base the assessment on the rental and when people come to know that they are going to be taxed more than they can bear, they will possibly arrange among themselves (landlords and tenants) to put down half the rent in the rent-note and manage for the other half by payment in cash or by executing a promissory note.

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Again this 50 per cent. rental maximum is too high. There is no profit in agriculture. I have very often pointed it out to the House and the Honourable the Revenue Member. I already gave last year a statement as regards the cost of production per acre. The cost of production per acre of dry land comes to Rs. 32 and in the case of rice it comes to Rs. 52. I even challenged the honourable member to verify my statement through the Agricultural Department, but the challenge remains unaccepted as I know I had given the minimum cost. Then it may be argued how it is possible for agriculturists to live upon income from their lands. The reply to that is, that because the whole family of the cultivators work on the field, they get back most of the cost of production as their wages. It is how they eke out their livelihood. But when they have to perform any ceremonies or other festivities and to pay the Government dues, they have often to go to the sowcar for borrowing money. Now, you are going to tax 50 per cent. which would be practically a tax on labour. Further, if a man owns one acre, he has to pay the assessment at the same rate as the man who holds 100 or 500 acres. I crave your indulgence for two minutes more.

There is another argument of the Settlement Commissioner that one third or half of the land is owned by absentee landlords. I shall refute this argument from the number of holdings given in the report itself. In the Bardoli taluka 64 per cent. are holders below 5 acres and 33 per cent. are holders between 5 and 25 acres. Therefore, land between 1 and 25 acres is held by 97 per cent. of the holders who are peasant proprietors. They are all cultivators themselves, and only 3 per cent. may be called landlords. Now, are you going to base your assessment on the cultivation of having 50 per cent. landlords? In Chorasi also the same conditions prevail. The other day I instanced various talukas where 75 to 80 per cent. of the land is owned by cultivators having less than five acres. The maximum limit for fixing assessment should therefore be fixed at 25 per cent. on the profit of cultivation; Even that 25 per cent. would be high. In France it is only about 10 per cent; in Italy about 10 per cent. of the economic rent; and in Japan it is only ¼ per cent. of the capital value. Of course they have to pay income-tax in addition. If Government want to base the assessment on the principles of income-tax they can do it, as is done in other countries, but to take 50 per cent. of rentals which is more than the economic rent is not right. I would like to hear from the honourable member the Settlement Commissioner how the officers will be able to find out the increase in rentals caused by improvements made by the landlords themselves.....

(At this stage the bell was rung).

Mr. L. M. DESHPANDE (Satara District): Sir, the resolution the Government have issued on the report of the Land Revenue Assessment Committee is rather amazing. Those recommendations of the committee which are supported unanimously are accepted by Government; but in other places only the recommendations made by Government officers are accepted, while the recommendations made by the majority of

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non-official members have been thrown out. That is what the resolution comes to. I will give one or two instances of how the recommendations of the non-officials have been thrown out.

"12. *Himayat assessment:* **This proposal is entirely outside the Committee's terms of reference, and Government see no valid ground for making any such general enquiry as is proposed."

This is the general trend of the report. Because non-officials made that recommendation, it is stated to be outside the terms of reference. In another place, it is stated :

"In this paragraph the non-official members of the committee propose that the Settlement Officer shall have the assistance of two representatives of the cultivators elected by the taluka local board in preparing his settlement. Government agree with the argument of the official members against this proposal, and regret that they cannot see their way to accept it."

With regard to limits of enhancement of assessment, Government say :

"Government note with approval and endorse the views of the committee contained in this paragraph on the right of the State."

Here they endorse the views of the committee because the views of the non-officials are supported by the officials. But wherever the views of the non-officials come in conflict with the views of the officials, the views of the officials have been accepted and the views of the non-officials thrown out.

I come now to the question of rental values. I completely endorse what fell from my honourable friend Rao Bahadur Naik. There is hardly any definite data before the Government to ascertain exactly the rental value of every land. I may tell you that only 5 to 10 per cent. of lands is rented ; the rest, at any rate in Satara district, is cultivated by the owners themselves. Besides, which of the rental values are Government going to accept ? That has not been stated. I may tell you that the rents are in many cases only as much as the assessment ; in some cases they are double the assessment ; and in a few instances they are three or four times the assessment. Wherever the rents increase, there are special conditions. I shall detail these conditions. First of all, the owner has to make certain improvements in the land ; he has to bund it ; he has to manure it and till it for a number of years, and show that his land has a good yielding capacity, and has yielded a fair outturn for a number of years, before a tenant will pay a higher rent for it. On the one hand Government say that improvements made by the owner will not be taken into account ; on the other hand, you want to take advantage of the improvements which he makes. This is quite in contrast with the spirit of the Code. You want to take advantage of small improvements that the landlord makes at his own cost. Sir, there are two or three difficulties in the way of finding out the rental values. The first difficulty is that only a limited number of lands are rented. Secondly, all lands are not rented at high rents, and the few cases where high rents are paid are due to improvements made by the owner. Which of the rents are you going to take in fixing the assessment ? You say :

"the real rents paid in open competition by tenants to landlords during five years immediately preceding the revision settlement, excluding years of abnormal prices, shall be taken into consideration."

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But in actual practice, we see from the instances quoted by my honourable friend Rao Bahadur Naik, you have taken the rent notes from 1918 to 1925. The year 1918 was the year in which food prices rose very high. In the case of *bagayat* crops, like sugarcane and turmeric, the prices increase in abnormal years by 100 per cent. and 500 per cent. respectively. When those rent notes are taken into account in fixing the next revision, I say it is nothing but assessing the ryots to a very undesirable degree. Besides this, there are some rent notes which correspond to the interest. There are many sowcars who get the lands mortgaged to themselves and then lease them to the owners as tenants. Here the question of yielding capacity is not taken into consideration, but only the interest that the sowcar has to receive is taken into consideration, and the figure mentioned in the rent note represents interest on the loan and not the yielding capacity of the land. So, these rent notes which are more or less always registered will show not the real state of things, but an unreal state of things. Therefore the only basis which Government have in their mind for fixing the assessment at a revision is faulty; there is strong objection to it on the part of the non-officials, and therefore it should not be resorted to.

There is one other point. In paragraph 4 of the resolution it is stated: "Government agree with the view of the committee that no distinction should be made between cultivating and non-cultivating landlords in fixing the assessment," while in sub-paragraph (2) of paragraph 7, it is stated: "to take its share in the unearned increment derived from land." I do not understand exactly what is meant by these two statements. In the first place Government say they are not going to make any distinction between cultivating and non-cultivating landlords, while in another place they say that Government know and endorse the views of the committee to take its share in unearned income. Do they mean to make any distinction between the land cultivated by the owners themselves and land rental to others? This rental income of land is supposed to be an unearned income.....

Mr. F. G. H. ANDERSON: Are the words "unearned income" there at all?

Mr. L. M. DESHPANDE: The word "rental" does appear there.

Mr. F. G. H. ANDERSON: There is not the word "income."

Mr. L. M. DESHPANDE: The unearned increment is there. I hope the honourable member, the Settlement Commissioner, will make it clear to me as to what he says and means thereby. The statement "unearned income" means "unearned share" which rental gets from the income. There is another thing also. Government now claim their half share, that is, 50 per cent. The question is whether Government are the owners of the land and the ryot only tenant. We find that the tenant gives away about 50 per cent. to Government. Therefore, it is necessary that the question of ownership should be settled. The Taxation Enquiry Committee have shelved this question and even the committee appointed by this House has also shelved the question.

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All along Government by their action go to show that they claim ownership over the land, though the land system is the ryotwari one, and to give it at their pleasure to a tenant who may be coming forward to take those lands in open competition is not what the ryot wishes Government to do. They call Government as their *Ma-bap*. But Government takes away half the share of the ryot. It is really most astonishing that Government should come forward and ask for this 50 per cent. from the poor peasants.

Mr. F. G. H. ANDERSON: Where has Government ever claimed 50 per cent. of the produce ?

Mr. L. M. DESHPANDE: They say that 50 per cent. of the rental. I therefore say income and this is the same. I do not think there is any difference at all between the two. The Joint Parliamentary Committee stated that there should be some guiding principle on which Government should base their assessment. But Government have not based their assessment on any income of the kind. Joint Parliamentary Committee have stated very definite means but now Government want to introduce an altogether new system of assessing on the rental value. Government say now that they have to meet their increased demand.....

The Honourable the PRESIDENT: The honourable member has only one minute now to finish his speech.

Mr. L. M. DESHPANDE: I have stated that Government have to meet their growing demand from the land revenue and therefore they want to take only a very large share in the land revenue. The previous Government record would show that they did not want to take any more from the land revenue than a very low share. But to-day we find quite a different thing. (Bell rings.)

The Honourable the PRESIDENT: Before any further business goes on, I have to announce to the House that a reply has been received from Lady Vidyagouri, widow of the late Sir Ramanbhai in answer to the condolence letter sent by us. It is this:

"I am most thankful to the President and the members of the Legislative Council for their sympathy in our sad bereavement. Myself and family are deeply obliged for the reference by the Honourable the President and the members of the Council, which we appreciate much."

I understand that there is a desire of the House that it should be prorogued this evening.

Mr. R. S. ASAVALE: Sir, you have already stated that you are going to prorogue the House to-morrow. That was the desire of the House and as this question has been decided, many of the honourable members are not present now.

The Honourable the PRESIDENT: Well, I may tell the House that I have a note in my hand expressing the desire that the House should be prorogued to-day and I have to deal with the House, as it is at present.

Mr. K. M. MUNSHI : Sir, it is the desire of some honourable members that the Council should be prorogued to-day, provided one more day is given to us at the next session.

The Honourable the PRESIDENT : Is that the desire of the House ?

Mr. R. S. ASAVALE : Sir, it is the desire of some of the honourable members that the business as it stands here be adjourned to the next session. The non-official business should be carried on, as it is.

The Honourable the PRESIDENT : It should not be the desire of "some" of the honourable members. It should be the desire of most of the honourable members. Those, who wish that the Council should be prorogued to-day, will stand in their places. (After a count) I find that it is not the unanimous wish of the House.

I, therefore, adjourn the.....

The Honourable Sir CHUNILAL MEHTA : Sir, I think you wanted to know whether an extra day can be given in the next session. I can quite understand that the time allotted for the non-official business is being curtailed in this session, if the Council is prorogued to-day. I submit, Sir, that we on the Government side will have no objection to give an extra day in the next session. I think, Sir, the House will be well advised to accept this suggestion. It is very thin to-day and to-morrow it is bound to be very thin and, therefore, many of the important resolutions will not get discussion they deserve. We shall be agreeable to give an additional day at the next session beyond the number of days that would otherwise have been allotted.

Mr. K. M. MUNSHI : Sir, if an additional day is given at the next session, we are agreeable that the session should be prorogued this evening.

The Honourable the PRESIDENT : Honourable members who are against the proposal of proroguing the session to-day and getting a day added to the private business in the next session will stand in their places.

Rao Saheb D. R. PATIL : Sir, the matter has already been decided by you and you have already stated that the House would be adjourned to-day.

The Honourable the PRESIDENT : No, that is not so. I was going to say it but I had not finished.

Rao Saheb D. R. PATIL : Sir, I may say that an express understanding was given to the honourable members that the House would be prorogued to-morrow.

The Honourable the PRESIDENT : Nobody is forcing honourable members to accept the suggestion. Therefore, those who are against the suggestion should stand up.

(Very few honourable members who were against the suggestion stood up.)

The Honourable the PRESIDENT : Those who are in favour of the suggestion, should stand up. (After a count) I take it that the general

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sense of the House is that it should be prorogued this evening. I may make it clear that honourable members should not think that this suggestion has been forced on them. Honourable members cannot have the whole agenda carried over to the next session.

The Honourable Sir CHUNILAL MEHTA: Sir, we are agreeable that this unfinished resolution should be carried over to the next session.

The Honourable the PRESIDENT: I then take it that honourable members are agreeable to the suggestion that the Council should be prorogued this evening (Honourable Members: Yes, Sir.) I have now to intimate to the House that I have received a commission from His Excellency, directing me to announce that he is pleased to order that the present session of the Legislative Council should be prorogued. Accordingly, by virtue of this commission of His Excellency, I declare this Council prorogued until the date of which due notice shall be given.

This Council is prorogued.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

APPENDIX 1

BILL No. II OF 1928

A Bill further to amend the Indian Stamp (Bombay Amendment) Act, 1922

(As published in the " Bombay Government Gazette " of the 26th January 1928)

Whereas it is expedient to amend the Indian Stamp (Bombay Amendment) Act, 1922, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:— Bom. II of 1922. 5 & 6 Geo. V, c. 61.

1. *Short title.*—This Act may be called the Indian Stamp (Bombay Amendment) Act, 192 .

2. *Amendment of section I (iii) of Bom. II of 1922.*—In clause (*iii*) of section 1 of the Indian Stamp (Bombay Amendment) Act, 1922, the words " and shall be in force for six years thereafter " shall be repealed. Bom. II of 1922.

STATEMENT OF OBJECTS AND REASONS

The Indian Stamp (Bombay Amendment) Act, 1922, was passed to enhance the Stamp Fees in certain cases for the purpose of increasing the revenue of Government. It was to remain in operation for four years in the first instance from the 1st April 1922, and if at the end of that period the financial position still made it necessary its life was to be extended. Bills making the Act permanent were introduced in the session of the Bombay Legislative Council, which met in February 1926 and in February 1927, but each time the Legislative Council agreed to an extension of the Act by one year only. The result of six years' experience has proved the necessity of the retention of the revised scale of Stamp Fees which is enacted in the measure; and it is therefore proposed to continue the Act. This will bring the Act into line with similar Acts in Madras, Bengal and the Punjab.

4th January 1928. C. V. MEHTA.

APPENDIX 2

BILL No. III OF 1928

A Bill to amend the Court-fees (Bombay Amendment) Act, 1926

(As published in the " Bombay Government Gazette " of the 26th January 1928)

Bom. III of 1926. 5 & 6 Geo. V, c. 61. Whereas it is expedient to amend the Court-fees (Bombay Amendment) Act, 1926, in manner hereinafter appearing; and whereas the previous sanction of the Governor required by section 80C of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:

1. *Short title.*—This Act may be called the Court-fees (Bombay Amendment) Act, 192 .

2. *Amendment of section 1(3) of Bom. III of 1926.*—In sub-section (3) of section 1 of the Court-fees (Bombay Amendment) Act, 1926, the words " and shall remain in operation for two years " shall be repealed. Bom. III of 1926.

STATEMENT OF OBJECTS AND REASONS.

The Court-fees (Bombay Amendment) Act, 1926, was passed to enhance the Court-fees in certain cases for the purpose of increasing the revenue of Government. It was to remain in operation for two years from 1st April 1926, and if at the end of that period the financial position still made it necessary, its life was to be extended. A similar Act was passed in March 1922 and remained in force for two years ending 31st March 1924. The result of the last two years' experience has proved the necessity of the retention of the revised scale of Court-fees which is enacted in the measure of 1926: it is, therefore, proposed to continue the Act.

4th January 1928. C. V. MEHTA.

APPENDIX 3

BILL No. IV OF 1928

A Bill to provide for the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans

(As published in the " Bombay Government Gazette " of the 16th February 1928)

Whereas it is expedient to provide for the grant of loans by Government to non-agriculturists for the relief of distress caused by floods or other calamities and for the recovery of such loans in manner herein after appearing :

And whereas the previous sanction of the Governor General required by sub-section (*3*) of section 80A and the previous sanction of the Governor required by section 80C of the Government of India Act have been obtained for the passing of this Act ; It is hereby enacted as follows :— 5 & 6 Geo. V, c. 61.

1. *Short title.*—This Act may be called " the Bombay Non-Agriculturists' Loans Act, 1928."

2. *Extent.*—Section 1 and this section extend to the whole of the Bombay Presidency. The rest of the Act may be extended by the Local Government by notification in the *Bombay Government Gazette* to any part of the Presidency from such date as may be specified in such notification.

3. *Purpose for which loans may be granted.*—Subject to such rules as may be made under section 6, loans may be granted under this Act for rebuilding or repairing houses or for the relief of distress to any person to whom a loan under the Agriculturists' Loans Act, 1884, cannot be granted. XII of 1884.

4. *Loans already granted to be deemed to have been granted under this Act.*—All loans granted after the 1st day of August 1927 to such persons as are referred to in section 3 for the purpose mentioned therein shall be deemed to be loans granted under this Act.

5. *Recovery of loans.*—(1) All loans granted or deemed to have been granted under this Act, together with all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same shall be recoverable at the discretion of the Collector in any one or more of the following modes, namely :—

(*a*) from the borrower—as if they were arrears of land revenue due by him ;

(*b*) from his surety (if any)—as if they were arrears of land revenue due by him ;

(*c*) out of the assets left by a deceased borrower or surety or out of the property comprised in the collateral security (if any)—according

to the procedure for the realization of land revenue by the sale of a defaulter's moveable or immoveable property other than the land on which that revenue is due ;

(*d*) if the loan is for the benefit of a house, out of such house,—as if it were arrears of land revenue due in respect of the land on which the house stands.

6. *Power to make rules.*—(1) The Local Government may, from time to time, by notification in the *Bombay Government Gazette*, make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for the following matters, namely :—

(*a*) the manner of making applications for loans ;

(*b*) the officers by whom loans may be granted

(*c*) the nature of the security, if any, to be taken for the due application and repayment of the money, the rate of interest at which and the conditions under which the loans may be granted and the manner and term of granting loans ; and

(*d*) the instalments by which and the mode in which loans shall be repaid.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to enable Government to advance loans for the relief of distress caused by such calamities as the recent floods in Gujarat and Sind to persons to whom loans cannot be granted under the Agriculturists' Loans Act, 1884, and to provide that such loans shall be recoverable expeditiously as arrears of land revenue without recourse to the civil courts. It is also proposed to give retrospective effect to the Bill, so as to apply its provisions to loans granted since 1st August 1927, for the relief of distress caused by the floods in Gujarat and Sind.

J. L. RIEU.

Bombay, 14th February 1928.

APPENDIX 4

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 1. The Honourable Mr. J. E. B. HOTSON

Temporary appointment of an Assistant Judge in Sind

Because of the increase of judicial work in Sind it was found necessary in 1924 to create a temporary appointment of an Assistant Judge in Sind. The appointment came into existence in October of that year, and has been continued ever since on a temporary basis. It was thought that temporary appointment would not be needed after the end of June 1927 and provision for the extra expenditure was therefore made in the current year's budget only for four months. It proved however that the state of the judicial work in Sind would not permit of the temporary post being discontinued, and the appointment will have to be continued throughout the year. This involves an extra expenditure of Rs. 7,205 which is proposed to be met by reappropriation from the Reserve at the disposal of the Finance Department.

Reappropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
47, Miscellaneous—Reserved.	24, Administration of Justice.
Rs. 11,95,500—Rs. 7,205.	Rs. 63,38,000+Rs. 7,205.

FINANCE DEPARTMENT :
28th November 1927.

APPENDIX 5

STATEMENTS OF DEMANDS FOR SUPPLEMENTARY GRANTS.

RESERVED 2. The Honourable Mr. J. E. B. HOTSON

Fees in Criminal Cases.

The provision of Rs. 1,71,200 made in the current year's budget on account of fees in Criminal Cases under the head " 24—Administration of Justice—Law Officers—Mofussil Establishment " has proved insufficient owing to heavy expenditure in all the districts. This item is a very fluctuating one and it is very difficult to make an exact estimate of the year's requirements. An additional grant of Rs. 45,000 has therefore been sanctioned to cover the anticipated excess expenditure up to the end of the current financial year. The sanction of the Legislative Council is requested to the grant of Rs. 1,71,200 under " 24—Administration of Justice " being increased by Rs. 45,000 by reappropriation from the Reserve at the disposal of the Finance Department.

Reappropriation suggested

Demand voted and now reduced	Demand voted and now increased.
47, Miscellaneous—Reserved.	24, Administration of Justice.
Rs. 11,95,500—Rs. 45,000.	Rs. 63,38,000+Rs. 45,000.

APPENDIX 6

TRANSFERRED 3. The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH

Grant-in-aid to the District Local Boards, Hyderabad and Thar Parkar, for repairs to roads

The Commissioner in Sind after visiting the affected areas in the Districts of Hyderabad and Thar Parkar reported to Government that the damage caused to communications owing to floods was both serious and widespread and it was impossible for either District Local Board to carry out the essential repairs without special assistance. The Commissioner also pointed out that it was absolutely necessary both from the administrative and public points of view that main roads connecting taluka head quarters be put into order before the river rises next year. The Commissioner gave each of the two District Local Boards a sum of Rs. 17,000 in excess of their usual allotment from the sum of Rs. 4,36,500 placed at his disposal by Government Resolution No. 1570 dated the 1st September 1927, for distribution among District Local Boards as Government grant-in-aid for the repair of roads but this he thought would be quite inadequate to meet the exceptional situation created by the floods. As no savings were available under "41-Civil Works" to which the charge is debitable, a grant-in-aid of Rs. 75,000 to the District Local Boards, Hyderabad and Thar Parkar, was sanctioned by Government, in anticipation of the sanction of the Legislative Council, in November 1927 by reappropriation from the Finance Department Reserve.

Reappropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
"47-Miscellaneous—Transferred"	"41-Civil Works—Partly Reserved and Partly Transferred."
Rs. 8,21,456 — Rs. 75,000.	Rs. 1,49,99,800+Rs. 75,000.

APPENDIX 7

TRANSFERRED 4. The Honourable Dewan Bahadur HARILAL D. DESAI

Stipends to Graduates in Civil Engineering

A certain number of stipends are awarded to graduates in Civil Engineering. The provision on account of this expenditure is being made under "41-Civil Works—Provincial." The Accountant General has, however, pointed out that such charges are in the nature of scholarships and are correctly debitable to "31-Education" instead of to "41-Civil Works." In view of this, the requisite provision in next year's budget estimates is being made under "31-Education." The current year's provision (Rs. 11,000) is, however, made under "41-Civil Works—Provincial." As a transfer of funds from one grant to another is not feasible, the amount of Rs. 11,000 has been allowed to lapse and a supplementary grant of equal amount under "31-Education—Transferred" is now asked for against the earmarked saving of the same amount under "41-Civil Works—Provincial." The Director of Public Instruction has, in the meantime, been authorised to incur the necessary expenditure on account of the stipends debitable to "31-Education" in anticipation of the sanction of the Legislative Council to the supplementary grant under that head.

Demand voted and now increased.

"31-Education—Transferred"

Rs. 1,91,36,000+Rs. 11,000.

APPENDIX 8

TRANSFERRED 5. The Honourable Mr. G. B. PRADHAN

Extension of the Nasik Distillery water works for the supply of water to the Nasik Central Jail

A new central jail will shortly be opened at Nasik Road, and in the interests of economy it has been arranged that it should receive its water supply from the Nasik Distillery in charge of the Excise Department on payment of a suitable rate for the consumption of water. This arrangement has necessitated the extension of the water works at the distillery by the addition of a settling tank, filters, etc., at an estimated cost of Rs. 68,200. As arrangements for the supply of water to the jail had to be made urgently so that water would be available when the jail was opened, sanction was accorded to the necessary works being carried out although no provision of funds had been made for them. As the distillery is now treated as a commercial concern the expenditure is debitable to the head "6-Excise—Investment in Government Commercial Undertakings." There are no savings in the grant under 6-Excise to meet this expenditure. The sanction of the Legislative Council is therefore requested to a supplementary grant of Rs. 68,200 under that head by a re-appropriation from the reserve with the Finance Department.

Reappropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
47, Miscellaneous—Transferred.	6, Excise.
Rs. 8,21,456—Rs. 68,200.	Rs. 51,99,166+Rs. 68,200.

Finance Department,
30th January 1928.

APPENDIX 9

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

TRANSFERRED 6. The Honourable Mr. G. B. PRADHAN

Transfer to the head " 8-A, Forest Capital Outlay charged to Revenue " of the expenditure initially recorded under " 52-A, Capital Outlay on Forests "

The current year's budget provides Rs. 3,15,000 under the head " 52-A, Capital Outlay on Forests. " When the budget was framed it was intended to meet the entire expenditure under this head from loan funds. The Secretary of State has, however, laid down certain general principles which are to be followed in debiting capital expenditure to heads outside the Revenue account. A limit of Rs. 5 lakhs has been fixed below which loan funds cannot normally be obtained from the Provincial Loans Fund. This limit is not applicable to capital expenditure (*a*) on productive works, or (*b*) in a commercial department which is working at such a profit as to fulfil the test of productivity imposed by the Secretary of State (*i.e.*, a return of 6 per cent.), or (*c*) on commercial undertakings the accounts of which are maintained on a commercial basis. The projects for which provision is made under " 52-A," do not in most cases involve an outlay of Rs. 5 lakhs and technically, considering each scheme by itself, the schemes are unproductive. Government have come to the conclusion that the system of commercial accounts is not suitable for adoption in the Forest Department as a whole. As matters stand at present, all forest capital outlay must therefore be met from revenue and be finally debited to the head " 8-A, Forest Capital Outlay charged to Revenue." Against the provision of Rs. 3,15,000 the expenditure at the end of the year is expected to amount to Rs. 2,93,000. It is therefore proposed with the sanction of the Legislative Council to allow the provision of Rs. 3,15,000 under " 52-A " to lapse and to provide Rs. 2,93,000 under " 8-A. "

Demand voted and now increased.

8-A, Forest Capital Outlay charged to Revenue.

Nil *plus* Rs. 2,93,000.

FINANCE DEPARTMENT,
30th January 1928.

APPENDIX 10

STATEMENTS OF DEMANDS FOR SUPPLEMENTARY GRANTS

TRANSFERRED 7. The Honourable Mr. G. B. PRADHAN

Increase in the amount of provisional payment to be made to the Sangli State for the lease of its abkari revenue

The Indian States whose abkari administration is managed by the Bombay Government are as a rule paid a provisional sum fixed with reference to the average revenue of the three years preceding the commencement of the current lease. This payment is subsequently adjusted with reference to the actual revenue realized if this is in excess of the provisional sum paid, the adjustment taking place at the end of the third, sixth and tenth year of the lease. The amount of provisional payment to be made to the Sangli State for the lease of its abkari revenue for ten years commencing from 1st August 1924, was fixed at Rs. 1,15,000 per annum. The State has asked that this amount should be raised to Rs. 1,24,000 in round figures in view of the average annual revenue for the last three years of the lease which expired on 31st July 1924 being Rs. 1,23,702. Government having accepted the principle of fixing the amount of the provisional payment on the basis of the average annual revenue of the three years preceding the renewal of the current lease, have therefore decided to fix the amount of provisional payment to be made to the State for the period of the current lease at Rs. 1,23,700 per annum. The extra amount payable to the State in the current year as a result of the increase in the amount of its compensation with effect from 1st August 1924, is Rs. 30,450. There are no savings in the grant under "6, Excise" to meet this expenditure. The sanction of the Legislative Council is therefore requested to a supplementary grant. An equivalent saving under "22-E. (*b*), General Administration—District Administration—Sub-Divisional Establishment—Pay of Establishment" will not be utilized.

Demand voted and now increased.

"6-Excise"

Rs. 51,99,166+Rs. 30,450.

APPENDIX 11

TRANSFERRED 8. The Honourable Mr. G. B. PRADHAN

Payment of ' Gain on liquor ' to Indian States whose abkari administration has been taken on lease

In the case of those Indian States whose abkari administration is managed by Government the entire excise revenue collected within the State limits is made over to them. The principle adopted in renewing the abkari leases is that the States are guaranteed during the period of the lease the payment of an amount which is provisionally fixed on the basis of the average revenue during the last three years of the preceding lease, subject to adjustment at the end of the third, the sixth and the tenth year of the lease, so as to bring the total up to the actual revenue realised. If in any case the average annual revenue of the last three years is less than the amount of the provisional payment during the preceding lease, the latter amount is repeated in the new lease.

2. The country spirit consumed in the Indian States is supplied at the rates charged to retail licensed vendors in the neighbouring British districts. These rates are higher than the actual cost to Government. The difference between the rate of supply charged to retail vendors and the actual cost to Government, which is known as the ' gain on liquor ' has hitherto been credited to Government. In connection with the renewal of the abkari leases which expired on 31st July 1924, some States have claimed this ' gain.' Government have admitted the claim and have decided to grant the revenue from this source also to the States with effect from 1st April 1925. They have further decided that in the case of those States for which the provisional payment has been fixed at an amount higher than the average annual revenue of the preceding three years, the gain on liquor shall be reduced by the difference between the amount of the provisional payment and the actual receipts.

3. The amount for the years 1925-26 and 1926-27 due to the Indian States whose abkari administration has been taken on lease is Rs. 57,000 in round figures. There are no savings in the grant under " 6, Excise " to meet this expenditure. The sanction of the Legislative Council is therefore requested to a supplementary grant of Rs. 57,000 under that head by a reappropriation from the Reserve with the Finance Department.

Reappropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
" 47, Miscellaneous—Transferred. "	" 6, Excise—Transferred. "
Rs. 8,21,456—Rs. 57,000.	Rs. 51,99,166+Rs. 57,000.

Finance Department,
7th February 1928.

APPENDIX 12

STATEMENTS OF DEMANDS FOR SUPPLEMENTARY GRANTS

Reserved 9. The Honourable Mr. J. E. B. HOTSON

Law Charges

The provision of Rs. 5,750 made in the current year's budget under the head "24-Administration of Justice—Law Officers—High Court Pleader—Contingencies" has proved insufficient owing to unforeseen heavy expenditure on appeals in Khoti suits. This item is a fluctuating one and it is very difficult to estimate exactly the requirements for the year. An additional grant of Rs. 15,000 has therefore been reappropriated from the Reserve at the disposal of Government to cover the anticipated expenditure on court-fees on memos of appeal in 76 Khoti suits. The sanction of the Legislative Council is requested to the grant of Rs. 5,750 under "24-Administration of Justice" being increased by Rs. 15,000.

This expenditure of Rs. 15,000 on buying court-fees stamps means that the revenue of Government from court-fees has increased by Rs. 15,000. The expenditure is thus nominal and more or less of the nature of a book-transaction, the net effect on the finances of the province being nil.

Re-appropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
"47-Miscellaneous—Reserved."	"24-Administration of Justice."
Rs. 11,95,500 — Rs. 15,000.	Rs. 63,38,000+Rs. 15.000.

APPENDIX 13

Reserved 10. The Honourable Mr. J. L. RIEU

Allotment to meet the amount of damages awarded in the remanded Khoti suits

Nearly half the villages in Kolaba District are Khoti villages, that is, villages managed by khots or farmers of the revenue. The khots were originally required to pass annual agreements or kabulayats defining the conditions on which they were permitted to manage their villages and these conditions have been revised and altered from time to time. In February 1914, Government prescribed new forms of kabulayat for the district. Certain khots refused to pass the new kabulayats and their villages were consequently attached in 1916. They thereupon filed suits in the District Court of Thana against the Secretary of State praying *inter alia* for a declaration that they had a permanent right to hold the villages as khots and to levy rents from the tenants at the rates prevailing before the orignal revenue settlement, and that they could not be required to enter into the agreement sanctioned by Government (or any agreements). The suits were dismissed by the Joint Judge, Thana, on 9th June 1920, each partly being ordered to bear its own costs. The khots then appealed to the High Court, and the appeals were decided against Government. The High Court awarded damages from the date of attachment to the date on which management was restored. The attachment of the villages has since been removed. The suits were remanded by the High Court to the District Court for ascertaining the amount of mesne profits due to the khots in respect of Khoti faida. The District Court awarded the following damages :—

	Rs.	a.	p.
Amount of faida	2,51,396	2	11
Japti expenses	24,209	9	4
Government's share in the fee ordered to be paid by the Court to the Commission appointed for calculating the faida and japti expenses	50	0	0
Forest damages	25,814	11	11
Total ..	3,01,470	8	2

Of this total, claims for the following amounts have been admitted by Government and the requisite payments have been made into Court :—

	Rs.	a.	p.	Rs.	a.	p.
Faida	89,481	10	2			
Japti expenses	24,209	9	4			
Government's share of the fee to the Commission ..	50	0	0	1,13,741	3	6
Forest damages	25,814	11	11			
Total ..	1,39,555	15	5			

Rs. 1,13,741-3-6 for faida and japti expenses were paid out of the provision of Rs. 2 lakhs in the current year's budget under the head " 5, Land Revenue " for payment of damages in these suits and Rs. 25,814-11-11 for forest damages were paid out of the Forest grant. The balance remaining amounted to Rs. 1,61,914-8-9. This balance carried interest at 6 per cent. per annum from 1st August 1927 till the date of payment into court.

2. Appeals have been ordered to be filed against the decrees of the District Court in respect of the balance still due. But in order, to prevent the running of interest against Government to the extent of about Rs. 810 per mensem, it was considered desirable to pay into court the balance of Rs. 1,61,914-8-9, together with interest up to 31st January 1928, the total amounting approximately to Rs. 1,66,774. The Court has been requested not to pay the amount to the decree-holders unless they give security for the re-payment of the money. To meet this charge of Rs. 1,66,774, a sum of Rs. 86,258-12-6 was available from the provision of Rs. 2 lakhs referred to above after the first payment of Rs. 1,13,741-3-6 for faida and japti expenses had been made, and a further sum of Rs. 80,515 approximately still remained to be provided. As this sum was urgently required, the necessary allotment has been sanctioned by Government. The sanction of the Legislative Council is now requested to the transfer of Rs. 80,515 from the Reserve with Government (Finance Department) under the head " 47-E-Miscellaneous—Miscellaneous and unforeseen charges " to " 5, Land Revenue."

Re-appropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
" 47-Miscellaneous—Reserved. "	" 5-Land Revenue. "
Rs. 11,95,500—Rs. 80,515.	Rs. 56,54,064+Rs. 80,515.

FINANCE DEPARTMENT,
9th February 1928.

APPENDIX 14

STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT

Transferred 11. The Honourable Mr. G. B. PRADHAN

Subsidies to the Taluka Development Association

Taluka Development Associations have been formed for Agricultural propaganda. Their main object is to demonstrate the utility of various implements, seeds, manures, etc., to the cultivators. Government bear half the annual cost per taluka on account of the pay and travelling allowance, leave and pension contribution, etc., of the fieldman or kamgar working under these bodies, distribution of the seed and manure, field demonstration, etc., up to a maximum of Rs. 1,000, on condition that the other half is borne by the Association. In the current year's budget a grant of Rs. 30,000 was sanctioned for subsidies to these Associations. This amount has fallen short of the actual requirements as the number of associations is steadily increasing. There are at present 74 such associations. An extra grant of Rs. 21,000 is accordingly required from which to pay the subsidies to the newly formed associations. The sanction of the Legislative Council is requested to the transfer of a sum of Rs. 21,000 on this account from the Provincial Balances to " 34, Agriculture. "

Demand voted and now increased
34, Agriculture
Rs. 25,89,000+Rs. 21,000.

FINANCE DEPARTMENT :
10th February 1928.

APPENDIX 15

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

Reserved 12. The Honourable Mr. J. E. B. HOTSON

Temporary appointments of Special Magistrates

Two Special Magistrates were appointed to try the cases arising out of the riots which occurred at Surat and Larkana, as it was essential that the cases should be disposed of expeditiously. A Special Magistrate was also appointed at Ahmednagar to try a Bhampta gang case in which a very large number of witnesses had to be examined. Had the case been entrusted for trial to a Revenue Officer invested with magisterial powers, the case could not have been finished for several months. The extra expenditure on account of these three appointments and the clerical and menial establishments entertained for them amounts to Rs. 6,560, and it is proposed to meet it by re-appropriation from the reserve at the disposal of the Finance Department.

Re-appropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
" 47, Miscellaneous—Reserved. "	" 24, Administration of Justice."
Rs. 11,95,500 — Rs. 6,560.	Rs. 63,38,000+Rs. 6,560.

FINANCE DEPARTMENT :
11th February 1928.

APPENDIX 16

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

Reserved 13. The Honourable Mr. J. L. RIEU

Resumption of plots in connection with the Artillery Maidan Development scheme, Karachi

In consideration of the military lands at Karachi taken up from the Government of India in connection with the Artillery Maidan Development scheme the Bombay Government were required to make a contribution of Rs. 31 lakhs towards the cost of the new plots and buildings required by the military authorities. Of this amount Rs. 30½ lakhs have already been paid. No provision for the balance could be made in the current year's sanctioned estimate, because the exact amount had not been settled. It has now been fixed at Rs. 50,000. A sum of Rs. 12,000 only is available from the total provision of Rs. 13,000 under the head " 60-A-Other works, etc. " in the current year's budget and additional money must be found from other loan funds. A supplementary grant for Rs. 38,000 is therefore required. This amount will be covered by corresponding savings under " 60-Civil Works " during the current year.

Demand voted and now increased

60-A-Other Provincial works not charged to Revenue

Rs. 13,000+Rs. 38,000

FINANCE DEPARTMENT :

13th February 1928.

APPENDIX 17

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

Reserved 14. The Honourable Sir COWASJI JEHANGIR

Additional funds required for the Lloyd Barrage and Canals Construction Scheme

In the current year's budget the voted provision under the head "55-Construction of Irrigation, Navigation, Embankment and drainage Works" is Rs. 2,01,45,000 and it includes a sum of Rs. 1,86,23,000 for the Lloyd Barrage and Canals Construction Project as shown below :—

	Rs.
Works	1,53,33,000
Establishment	24,78,000
Tools and Plant	6,16,000
Suspense	1,96,000
	1,86,23,000

The Chief Engineer, Lloyd Barrage and Canals Construction's demand under "Works" was Rs. 1,78,33,000 but in view of savings on his grants in previous years, a lump deduction of Rs. 25 lakhs was made by Government from his demand and the grant was fixed at Rs. 1,53,33,000. This was done with the view to avoid accumulation of interest charges on unspent balances of Government money.

The total probable expenditure (votable) anticipated on the project in the current financial year is, however, Rs. 2,00,92,000 as shown below :—

	Rs.
Works	1,64,88,000
Establishment	24,86,000
Tools and Plant	1,77,000
Suspense	5,12,000
Pensionary charges	4,29,000
	2,00,92,000

Thus an excess of Rs. 14,69,000 is anticipated over the voted grant for the project, which is due to excesses under Works, Establishment, Suspense, and Pensionary charges, partly counter-balanced by savings under Tools and Plant. The reasons for the excesses under the above-mentioned minor heads are explained below.

2. (*a*) *Excess of Rs. 11,55,000 under 'Works'.*—This is mainly due to the following reasons:—

(*i*) Greater progress than anticipated has been made on works in the Lloyd Barrage Circle.

(*ii*) Greater part of the work done on the head regulators in the last year has been paid for during the current year.

(*iii*) The cost of the arch centres and cills and grooves for the regulators, which was provided for in the last year's budget, will be paid for during the current year. No provision for this was made in the current year's demands as it was expected at the time of preparing the budgets that they would be paid for during the year 1926-27.

(*iv*) Some works, *e.g.*. downstream left guide bank, pitching the upstream side of the first apron of the regulators, are proposed to be done during the current year for which no provision was made in the budgets.

(*v*) The cost of constructing and maintaining cofferdams has been heavier than that provided in the budget.

(*vi*) Construction of third batch of 30 coolie lines, the necessity for which was felt long after the preparation of Schedules of Demands for 1927-28.

(*vii*) Revised requirements of plant in the Power Supply Division.

(*b*) *Excess of Rs. 8,000 under 'Establishment'.*—This is due to greater expenditure than anticipated on leave and deputation salaries of officers payable in England.

(*c*) *Excess of Rs. 3,16,000 under 'Suspense'.*—This is due to the reasons explained below:—

(*i*) Transfer of the total up-to-date expenditure in the Quarries Division from "Works" to "Suspense" for the purpose of capital block account which is classified under 'IV-Suspense.'

(*ii*) Revised requirements of spares, etc., for dragline excavators the cost of which is in the first instance debited to the head 'Suspense' before they are issued for works.

(*iii*) Additional funds required for the composite concrete blocks which are being manufactured for the head regulators and Barrage works and are not likely to be issued before the close of the current financial year. They will be used after April 1928 and their cost charged to 'Works' after that date.

(*d*) *Excess of Rs. 4,29,000 on account of pensionary charges.*—When the budget for 1927-28 was framed, the rules in force required that pensionary charges on account of establishment employed on irrigation works should be wholly provided for under the head '15-Other Revenue Expenditure financed from Ordinary Revenues' at the rate of 9 per cent. of the total cost of Irrigation establishment. According to the modified rules since prescribed by the Government of India, these pensionary charges are now to be provided for under the irrigation

major and minor heads concerned at the rate of 14 per cent. of the cost of establishment. As these revised orders were issued after the current year's budget was passed by the Legislative Council, no provision could be made therein for these charges under the head ' 55 '.

3. Out of the excess of Rs. 14,69,000 mentioned in paragraph 1 above, a sum of Rs. 50,000 is covered by savings to that extent on the provision for other irrigation works in Sind and the Deccan made in the voted grant under the head ' 55 '. The net excess on the voted grant under this head is, therefore, Rs. 14,19,000. A supplementary grant for Rs. 14,19,000 is, therefore, required and the sanction of the Legislative Council is requested thereto. To cover this amount, loan savings under ' Other unproductive works ' will be temporarily utilised during 1927-28 and an equivalent amount will be borrowed from the Government of India next year to cover the expenditure permanently.

Demand voted and now increased

" 55-Construction of Irrigation Works—Reserved "

Rs. 2,01,45,000 *plus* Rs. 14,19,000

FINANCE DEPARTMENT :

14th February 1928.

APPENDIX 18

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT COVERED BY ANTICIPATED SAVINGS UNDER THE SAME BUDGET HEAD

RESERVED 18. The Honourable Sir COWASJI JEHANGIR

Grant for the expenditure incurred during the current year on the Harvey-Nariman Case

In October 1926 Government gave permission to Mr. T. Harvey, late Superintending Engineer in charge of the Industrial Housing Scheme, to institute a criminal prosecution against Mr. K. F. Nariman, for defamation in connection with certain statements made by the latter in his evidence before the Committee appointed by the Government of India in the year 1926 under the Chairmanship of Sir Grimwood Mears in connection with the Back Bay Reclamation Scheme. Under Rule 24 of the Government Servants' Conduct Rules, Government has, in granting sanction to a Government servant to have recourse to a Law Court for the vindication of his public character from defamatory attacks, to decide in each case whether it will itself bear the costs of the proceedings, or whether the Government servant shall institute the proceedings at his own expense, and if so, whether in the event of a decision in his favour, the Government shall re-imburse him to the extent of the whole or any part of the costs. In accordance with this rule, Government decided that the suit against Mr. Nariman should be instituted at their cost, but subject to the condition that in the event of the complaint being dismissed due to Mr. Nariman proving his allegations, the cost should be borne by Mr. Harvey. The Magistrate has decided on this case that Mr. Nariman preferred the charge against Mr. Harvey in good faith before a competent authority although it appeared to the Magistrate on consideration of the evidence before him that Mr. Harvey did not act corruptly in regard to the indent for the excessive number of mild steel bars or in placing the contracts with the several firms referred to by Mr. Nariman in his cross-examination of Mr. Harvey. In view of this decision, Mr. Harvey is not liable to bear the cost of the case, in accordance with the condition mentioned above under which Government have agreed to bear the cost. The whole charge must therefore be borne by Government. The total expenditure incurred by Government on this case amounts to Rs. 60,800 in round figures and sufficient savings to cover the cost of this case are anticipated in the current year's voted budget grant under the head "59-Bombay Development Scheme," as increased by the supplementary grant voted by the Legislative Council at its last September-October Session. In view of the importance and magnitude of this item of expenditure, it has been treated as a new service, and accordingly, although there are sufficient savings within the grant to which the charge is debitable, a supplementary demand is submitted to the Council.

FINANCE DEPARTMENT :
17th February 1928.

APPENDIX 19

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

RESERVED 15. The Honourable Mr. J. L. RIEU

Additional grant for " refunds " under " 9-A-Schedule Taxes "

The average amount refunded out of the Entertainment Tax paid in Bombay City is Rs. 3,000 per annum, but during the current year Rs. 5,500 are required as various entertainments have taken place during the year in aid of charitable objects such as the Sir Leslie Wilson's Hospital Fund, etc., and large refunds have been granted. As there was no provision for refunds for Bombay City in the current year's budget under " IX-A-Scheduled Taxes, " it is proposed to meet the expenditure of Rs. 5,500 from the reserve at the disposal of the Finance Department. The proposal is placed before the Legislative Council for sanction.

Re-appropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
" 47 Miscellaneous (Reserved)."	" 9-A-Scheduled taxes. "
Rs. 8,21,456 — Rs. 5,500.	Rs. 26,000+Rs. 5,500.

FINANCE DEPARTMENT :
15th February 1928.

APPENDIX 20

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

RESERVED 16. The Honourable Mr. J. L. RIEU

Repairs to deras in the Thar Parkar District

Remarks.—The heavy floods which occurred last year in Thar Parkar District caused considerable damage to deras. This rendered the immediate execution of repairs necessary in order to prevent further damage being done to these buildings. A sum of Rs. 9,500 was therefore placed at the disposal of the Collector for carrying out the repairs. There are no savings in the grant under 5, Land Revenue, from which the expenditure can be met. The sanction of the Legislative Council is therefore requested to an additional grant of this amount. An equivalent amount under " 22-E (*b*) General Administration—District Administration—Subdivisional Establishment—Pay of Establishment " will not be utilised.

Demand voted and now increased
5—Land Revenue
Rs. 56,54,064+Rs. 9,500

FINANCE DEPARTMENT :
16th February 1928.

APPENDIX 21

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

TRANSFERRED 17. The Honourable Mr. G. B. PRADHAN

Additional grant under 8-Forest

In the revised estimate under the head " 8-Forest " there is an excess of Rs. 1,22,000 under " voted " expenditure. This excess is due mainly to the (*a*) cost of several revenue yielding departmental timber works in the Southern Circle, *e.g.*, extraction of timber from the Nagzari valley, (*b*) carting of increased quantities of timber to sale depôts, (*c*) payment for contracts continued from previous years in addition to new ones of the year, and (*d*) payment of khoti shares in the Kolaba Division according to the decision in the remanded khoti suits. On the other hand there will be a saving of Rs. 69,000 in the provision for " non-voted " expenditure under this major head. The net excess comes to Rs. 53,000, and it is proposed to reappropriate this sum from the Reserve at the disposal of the Finance Department under " 47-Miscellaneous Transferred." The sanction of the Legislative Council is requested to the voted grant of Rs. 36,90,000 under " 8-Forest " being increased by Rs. 1,22,000, of which Rs. 69,000 will be from the earmarked saving in the non-voted provision and Rs. 53,000 will be by reappropriation from the Reserve.

Reappropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
"47-Miscellaneous Transferred."	" 8-Forest."
Rs. 8,21,456 — Rs. 53,000.	Rs. 36,90,000 *plus* Rs. 1,22,000.

FINANCE DEPARTMENT :
17th February 1928.

APPENDIX 22

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

RESERVED 19. The Honourable Sir CHUNILAL MEHTA

Entertainment of tagavi establishment in the Bijapur District

In the Bijapur District much care and enquiry are required to be bestowed upon the selection of suitable tracts for well works and wad works and the selection in those tracts of suitable ryots and suitable fields so that the works undertaken may prove profitable. In order that the work of granting tagavi loans may be carried on uniformly and systematically throughout the district and for accelerating the execution and development of new tagavi schemes the Collector of Bijapur submitted proposals for the entertainment of the following additional staff for a period of one year from 1st July 1927 :—

Five Special Circle Inspectors on pay of Rs. 40 per mensem each in the grade of Rs. 30-5/2-80.

Permanent travelling allowance to the Special Circle Inspectors at the rate of Rs. 15 per mensem each.

Contingent allowance of Re. 1 per mensem to each of them.

Five Peons on Rs. 14 per mensem each.

The extra cost during the current year of the above proposals amounts to Rs. 2,960. Government sanctioned the above proposals, and the extra cost was proposed by the Collector to be met from savings under the head " 22-General Administration." As the establishment in question however is employed on purely revenue work, the charge thereof is correctly debitable to the head " 5-Land Revenue. " There are no savings in the grant under the head " 5-Land Revenue " from which the expenditure of Rs. 2,960 can be met. The sanction of the Legislative Council is therefore requested to an additional grant of Rs. 2,960. The savings shown by the Collector of Bijapur under the head " 22-General Administration " will not be utilised.

Demand voted and now increased
5-Land Revenue
Rs. 56,54,064 *plus* Rs. 2,960

FINANCE DEPARTMENT :
Bombay Castle, 21st February 1928.

APPENDIX 23

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

RESERVED 20. The Honourable Mr. J. L. RIEU

Contract for the printing, publishing, etc., of school wall maps

On the expiry of the contract with Messrs. Datar and Sons of Poona, for the printing, publishing, storing and selling of Departmental school wall maps in December 1927, the Director of Public Instruction invited tenders for a new contract. The Manager, Government Photozinco Press, submitted a tender, and it was accepted by the Director. In accordance with the terms of the agreement between Government and the outgoing contractors, the Manager took over the entire stock in hand with Messrs. Datar and Sons, and in accordance with the terms of the tender he has to pay the cost of this stock, *i.e.*, Rs. 26,829. As the expenditure on account of the Government Photozinco Press is debitable to " 5, Land Revenue, " the extra charge on account of the cost of the maps will be debited to that head. There are no savings in the grants under " 5, Land Revenue " to meet this expenditure which is obligatory. The sanction of the Legislative Council is therefore requested to a supplementary grant of Rs. 26,829 under that head against equivalent savings in the non-voted grants under " 31, Education Transferred " which will not be utilised.

Demand voted and now increased
" 5, Land Revenue "
Rs. 56,54,064 *plus* Rs. 26,829

FINANCE DEPARTMENT :
22nd February 1928.

APPENDIX 24

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

TRANSFERRED 21. The Honourable Dewan Bahadur HARILAL D. DESAI

Grant-in-aid to the Kambar Municipality towards the construction of a new dispensary

Since 1912, the present building of the Kambar Municipal dispensary has been reported by the Revenue, Medical, Sanitary and Public Works Department Officers to be very old and ricketty, and all of them have since been recommending the construction of a new building for the dispensary. For want of sufficient funds for constructing a new building the Municipality has been carrying out substantial annual repairs but these do not last even for a couple of months. In 1924 the Municipality asked the Executive Engineer to examine the building and report whether it could be substantially remodelled to serve for a decade more. He, however, reported that the building was very old, that the walls which were kacha were hollow in some places due to water leaking through them and that any sum spent on additions and alterations would be money wasted. The Medical Officer also stated that the building appeared to be unsafe especially during the rains and that the rain water pouring through the hollows of the walls was damaging medicines on some occasions. The Municipality therefore applied for a grant-in-aid towards a new building, and on the recommendation of the officers concerned, Government agreed in March 1926 to give a grant of Rs. 19,296 equal to one-half of the cost of the building. It has, however not been found possible up to now to sanction the grant for want of funds, nor could Government make any provision on that account in next year's budget estimates. The Commissioner in Sind has, however, in the meanwhile reported that if funds were not forthcoming at a very early date, the dispensary would cease to exist, as the present building is positively dangerous. The Municipality has again reminded Government in the matter and has expressed its readiness to pay its half share of the cost at any time. The Kambar Taluka has a population of 77,446 and it would indeed be a hardship to the people if the dispensary which is the only grant-in-aid dispensary in the Taluka were to be closed for want of a building. The sanction of the Legislative Council is therefore requested to a supplementary grant under the head " 32, Medical " for the dispensary building to be met by reappropriation from the Reserve with the Finance Department.

Re-appropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
47-Miscellaneous-Transferred. Rs. 8,21,456 — Rs. 19,296.	32-Medical—Transferred. Rs. 43,16,544 *plus* Rs. 19,296.

FINANCE DEPARTMENT :
7th March 1928.

APPENDIX 25

STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANTS

RESERVED 22. The Honourable Mr. J. L. Rieu

7, *Stamps*

A total demand of Rs. 4,96,000 (Rs. 1,58,000 for ordinary expenditure and Rs. 3,38,000 for refunds) was voted by the Legislative Council in March 1927 under this head. A Supplementary grant of Rs. 1,11,500 was also made in October last to cover expenditure on account of refunds of the value of stamps embossed on cheque and draft forms in view of the abolition of stamp duty on those documents. The total grant under " 7, Stamps " therefore amounts to Rs. 6,07,500 against which the following expenditure is anticipated in the nine-monthly revised estimate :

	Rs.
Ordinary expenditure	1,43,000
Refunds	5,15,000
	6,58,000

There will thus be an excess of Rs. 50,500 over the grant. The excess is due to abnormal refunds of probate duty, which are partially counterbalanced by a decrease of Rs. 15,000 in the ordinary expenditure. The Legislative Council is therefore requested to sanction an additional grant of Rs. 50,000 under the head " 7, Stamps. "

	Rs.
Sanctioned estimate	6,07,500
Revised estimate	6,58,000
Excess ..	50,500

APPENDIX 26

Partly Reserved and Partly Transferred—23.

The Honourable Sir CHUNILAL MEHTA

Expenditure in England—Secretary of State and High Commissioner

As explained in the Budget (blue book) the expenditure incurred by the High Commissioner is on account of leave and deputation salaries, sterling overseas pay, etc. And his estimates are therefore liable to considerable variation in the course of the year. His latest report, indicates that his voted provision will be exceeded by Rs. 29,000 and sanction is therefore requested to an additional grant of this amount.

	Rs.
Sanctioned estimate	5,34,000
Revised estimate	5,63,000
	29,000

FINANCE DEPARTMENT :

Bombay Castle. 7th March 1928.

APPENDIX 27

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 25. The Honourable Dewan Bahadur HARILAL D. DESAI

Grant-in-aid to 5-H Week Fund equal to the receipts on account of the Totalisator Tax and Entertainments Tax in connection with the extra Race meeting of the Western India Turf Club.

The 5-H Week was organised for the benefit of the Bombay Hospital Nursing Associations and the Sir Leslie Wilson Hospital Fund, Bombay. The Stewards of the Western India Turf Club have kindly agreed to donate the proceeds of a day's racing, provided that Government will remit the taxes derived from the Entertainment Tax and Totalisator Tax for the benefit of 5-H Funds on this particular day. The proceeds will be ear-marked for the Nursing Associations of Bombay. An extra-Race Meeting is therefore to be held on the 14th March 1928 and it has been agreed that Government should make over to the 5-H Fund all moneys received from the Western India Turf Club as Totalisator Tax and Entertainment Tax. The total amount that is likely to be recovered is estimated at Rs. 45,000, but the actual payment will be equal to the figure of receipts of the day. The receipts, have, however, to be credited in the first place to provincial funds and cannot be expended without the necessary provision in the budget estimates, and the amount to be paid to the 5-H Fund has to be treated as a grant-in-aid to the Fund and debited to "32-Medical." As no savings are available under that head, it is proposed to reappropriate Rs. 45,000 from the Reserve under "47-Miscellaneous-Transferred" and therefore this demand is presented to the Legislative Council for sanction.

Re-appropriation suggested

Demand voted and now reduced.	Demand voted and now increased.
47-Miscellaneous-Transferred.	32-Medical-Transferred.
Rs. 8,21,456 — Rs. 45,000.	Rs. 43,16,544 *plus* Rs. 45,000.

FINANCE DEPARTMENT :

Bombay Castle, 13th March 1928.

APPENDIX No. 28

MOTIONS TO REDUCE OR OMIT BUDGET GRANTS

(*Note.*—C. E. stands for Civil Estimates, B. for Budget and P. W. D. E. for P. W. D. Estimates)

Part I

DEBTS, DEPOSITS AND REMITTANCE

Rao Saheb D. P. Desai—

(1) Reduce by Re. 1—Famine Insurance Fund—Total Votable Demand (B. page 28).

Rao Saheb D. P. Desai and Rao Bahadur B. R. Naik—

(2) Reduce by Re. 1—Votable item under head Famine Insurance Fund—Rs. 18,62,000 (C. E. page 282).

(3) Reduce by Rs. 100—Total Votable Demand under Famine Insurance Fund—Rs. 39,85,000 (B. page 23).

60, CAPITAL OUTLAY FOR CIVIL WORKS

Mr. B. G. Pahalajani—

(4) Reduce by Rs. 1,96,000—Item No. 6 (P. W. D. E. page 6).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(5) Reduce by ten lacs—Total Demand (C. E. page 279).

Mr. H. B. Shivdasani—

(6) Reduce by Re. 1—Total Demand—Rs. 54,45,000 (C. E. page 279).

59, BOMBAY DEVELOPMENT SCHEME

Mr. K. F. Nariman—

(7) Reduce to Rs. 40—Total Rs. 41,79 (B. page 228).

(8) Reduce to Rs. 90—Total Rs. 98,30 (B. page 217).

(9) Reduce to Rs. 45,00,000—Total Voted—Rs. 47,84,000 (C. E. page 278).

(10) Reduce by Re. 1—Total—Rs. 98,30 (B. page 217).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(11) Reduce by Re. 1—Total Demand (C. E. page 278).

Mr. H. B. Shivdasani—

(12) Reduce by Re. 1—Total Grant—Rs. 47,84,000 (C. E. page 278).

56-A, CAPITAL OUTLAY ON IMPROVEMENT ON PUBLIC HEALTH

Mr. H. B. Shivdasani—

(13) Reduce by Re. 1—Total Grant—Rs. 7,71,000 (C. E. page 277).

55, CONSTRUCTION OF IRRIGATION WORKS

Mr. M. S. Khuhro—

(14) Omit item 69—Remodelling Gharkadhan Ex-Fuleli Canal—Rs. 35,000 (B. page 282).

(15) Omit item 70—Providing regulating gates to Karias Ex-Begari Canal—Rs. 60,000 (B. page 282).

Mr. B. G. Pahalajani—

(16) Omit item No. 70 (B. page 282).

Mr. K. F. Nariman—

(17) Reduce by Re. 1—Lloyd Barrage and Canals Construction—Total Expenditure—Rs. 2,49,23 (B. page 134).

Rao Bahadur R. R. Kale—

(18) Reduce by Rs. 10,00,000—Total Demand—Rs. 2,61,43,000.

Rao Bahadur S. T. Kambli—

(19) Reduce by Rs. 7,21,000—Total Demand—Rs. 2,71,54,000 (P. W. D. B. page 5).

Mr. S. A. Sardesai—

(20) Reduce by Rs. 6,21,000—Rs. 2,71,54,000 (P. W. D. E. page 5).

Mr. L. M. Deshpande—

(21) Reduce by Rs. 5,21,000—Rs. 2,71,54,000 (P. W. D. E page 5).

Rao Saheb D. P. Desai and Rao Bahadur B. R. Naik—

(22) Reduce by Re. 1—Total Votable Demand (B. page 23)

Mr. H. B. Shivdasani—

(23) Reduce by Re. 1—Total Grant—Rs. 2,61,43,000 (C. E. page 276).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(24) Reduce by Re. 1—Total Demand (C. E. page 276).

47, MISCELLANEOUS—TRANSFERRED

Mr. K. F. Nariman—

(25) Reduce to Rs. 4,00—Miscellaneous and Unforeseen Charges—Rs. 5,00 (B. page 115).

(26) Reduce by Re. 1—Miscellaneous and Unforeseen Charges (B. page 115).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(27) Reduce by one lac—Total Demand (C. E. page 272).

47, MISCELLANEOUS—RESERVED

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(28) Reduce by two lacs—Total Demand (C. E. page 267).

46, Stationery and Printing

Mr. J. C. Swaminarayan and Mr. W. S. Mukadum—
(29) Reduce by two lacs—Total Demand (C. E. page 259).

Rao Saheb D. P. Desai and Rao Bahadur B. R. Naik—
(30) Reduce by Re. 1—Total Votable Demand—Rs. 17,26,000 (C. E. page 259).

45, Superannuation Allowances and Pensions

Mr. P. R. Chikodi—
(31) Reduce by Rs. 1,000—Total Votable Demand—Rs. 50,48,000 (C. E. page 258).

43, Famine Relief and Insurance

Rao Saheb D. P. Desai—
(32) Reduce by Re. 1—Total Votable Demand (B. page 28).

Rao Saheb D. P. Desai and Rao Bahadur B. R. Naik—
(33) Reduce by Re. 1—Votable Demand under 43-A—Famine Relief—Rs. 6,27,000 (C. E. page 257)

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(34) Reduce by Re. 1—Total Demand (C. E. page 257).

42, Bombay Development Scheme

Mr. K. F. Nariman—
(35) Omit Total Establishment—Rs. 1,19 (B. page 104).
(36) Reduce by Re. 1—Total Expenditure—Rs. 26,23 (B. page 104).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(37) Reduce by Re. 1—Total Demand (C. E. page 256).

41, Civil Works—Partly Reserved and Partly Transferred

Mr. B. G. Pahalajani—
(38) Omit item No. 11—Rs. 1,16,500 (P. W. D. E. page 6).

Mr. L. M. Deshpande—
(39) Omit Rs. 1,20,82,000 (C. E. page 255).

Mr. S. A. Sardesai—
(40) Omit Rs. 1,20,82,000 (C. E. page 255).

Mr. B. G. Pahalajani—
(41) Omit item No. 6—Rs. 15,600 (P. W. D. E. page 6).
(42) Omit item No. 18—Rs. 40,000 (P. W. D. E. page 8).
(43) Omit item No. 19—Rs. 25,000 (P. W. D. E. page 8).
(44) Omit item No. 37—Rs. 20,000 (P. W. D. E. page 10).
(45) Reduce by Rs. 5,55,000—Item No. 14—Grant at (P. W. D. E. page 14).

(46) Reduce by Rs. 1,00,000—S. E., Central Circle—Rs. 16,00,000 (P. W. D. E. page 15).
(47) Reduce by Rs. 1,70,000—E. E.—Rs. 2,70,000 (P. W. D. E. page 15).
(48) Reduce by Rs. 22,000—Electric Engineer (P. W. D. E. page 37).
(49) Reduce by Rs. 12,000—Consulting Architect (P. W. D. E. page 37).
(50) Reduce by Rs. 50,000—S. E., Irrigation Development (P. W. D. E. page 37).
(51) Reduce by Rs. 30,000—C. E. in Sind, etc.—(P. W. D. E. page 37).
(52) Reduce by Rs. 35,000—S. E., Right Bank (P. W. D. E. page 37).
(53) Reduce by Rs. 55,000—S. E., Left Bank (P. W. D. E. page 37).
(54) Reduce by Rs. 2 lacs—Total (P. W. D. E. page 37) (40 ?).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(55) Reduce by 10 lacs—Total Demand (C. E. page 255).

Mr. K. F. Nariman—
(56) Reduce to Rs. 1,00,00,000—Total Voted—Rs. 1,09,78,000 (C. E. page 255).

Mr. M. D. Karki—
(57) Reduce by Rs. 1,00,000—Rs. 1,09,78,000 (C. E. page 255).
(58) Reduce by Rs. 1,00,000—Rs. 1,20,82,000 (C. E. page 255).

Rao Saheb D. P. Desai and Rao Bahadur B. R. Naik—
(59) Reduce by Rs. 10,000—Votable Demand (B. page 22).

Mr. K. F. Nariman—
(60) Reduce by Re. 1—Provincial Transferred—Total Rs. 1,20,82 (B. page 99).

Mr. H. B. Shivdasani—
(61) Reduce by Re. 1—Total Grant—Rs. 1,20,82,000 (C. E. page 255).

41, Civil Works—Reserved

Mr. B. G. Pahalajani—
(62) Omit item No. 1—Rs. 50,000 (P. W. D. E. page 6).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(63) Reduce by Rs. 1 lac—Total Demand (C. E. page 255).

37, Miscellaneous Departments—Transferred

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(64) Reduce by Rs. 1,000—Total Demand (C. E. page 253)

37, Miscellaneous Departments—Reserved

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(65) Reduce by Rs. 50,000—Total Demand (C. E. page 248).

Mr. S. C. Joshi—
(66) Reduce by Rs. 50—Rs. 4,21,000 (C. E. page 248).

Mr. H. B. Shivdasani—
(67) Reduce by Re. 1—Total Grant—Rs. 4,57,000 (C. E. page 248).

35, INDUSTRIES

Mr. B. G. Pahalajani—
(68) Omit item No. 62 (B. page 276).

Mr. S. C. Joshi—
(69) Reduce by Rs. 10—Industrial Education—Rs. 39,854 (C. E. page 246).

Mr. K. F. Nariman—
(70) Reduce by Re. 1—Total Voted—Rs. 1,01,000 (C. E. page 245).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(71) Reduce by Rs. 20,000—Total Demand (C. E. page 245).

Mr. P. R. Chikodi—
(72) Reduce by Rs. 1,000—Total Demand—Rs. 1,02,000 (C. E. page 245).

Mr. S. C. Joshi—
(73) Reduce by Rs. 100—Rs. 1,02,000 (C. E. page 245).

Mr. K. F. Nariman—
(74) Reduce by Re. 1—Total Rs. 1,02 (B. page 95).

Mr. H. B. Shivdasani—
(75) Reduce by Re. 1—Total Grant—Rs. 1,02,000 (C. E. page 245).

34, AGRICULTURE

Rao Bahadur S. T. Kambli—
(76) Omit Statement G, item No. 60 (B. page 273).

Mr. M. S. Khuhro—
(77) Omit item 60—Appointment of Deputy Registrar—Rs. 14,382 (B. page 273).

Mr. M. D. Karki—
(78) Omit Statement G, item No. 60 (B. page 273).
(79) Omit Statement H, item No. 32 (B. page 306).
(80) Omit Statement H, item No. 33 (B. page 306).

Mr. S. A. Sardesai—
(81) Omit Rs. 1,25,000 (C. E. page 228).

Mr. L. M. Deshpande—
(82) Omit A. 4—Rs. 1,25,000 (C. E. page 228).

Rao Bahadur R. R. Kale—
(83) Reduce by Rs. 7,700—Co-operative Credit—Provision for Pay of Officers—Rs. 69,048 (C. E. page 243).

Mr. M. D. Karki—
(84) Reduce by Rs. 1,00,000—Total Co-operative Credit Voted—Rs. 5,87,000 (C. E. page 244).
(85) Reduce by Rs. 1,00,000—Total Co-operative Credit—Rs. 6,17,000 (C. E. page 244).

Mr. P. R. Chikodi—
(86) Reduce by Rs. 1,00,000—Total Votable Demand—Rs. 26,37,000 (C. E. page 228).

Rao Saheb D. P. Desai and Rao Bahadur B. R. Naik—
(87) Reduce by Rs. 10,000—Total Votable Demand—Rs. 26,37,000 (C. E. page 228).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(88) Reduce by Re. 1—Total Demand (C. E. page 228).

Mr. H. B. Shivdasani—
(89) Reduce by Re. 1—Total Grant—Rs. 28,63,000 (C. E. page 228).

33, Public Health

Mr. S. A. Sardesai—
(90) Omit item No. 57—Rs. 12,000 (B. page 271).

Mr. L. M. Deshpande—
(91) Omit item No. 57—Rs. 12,000 (B. page 271).

Mr. M. D. Karki—
(92) Omit Statement G, item No. 59 (B. page 271).

Mr. P. R. Chikodi—
(93) Reduce by Rs. 1,00,000—Total Votable Demand—Rs. 27,67,000 (C. E. page 213).

Mr. M. D. Karki—
(94) Reduce by Rs. 10,000—Malaria—Rs. 1,18,400 (C. E. page 224).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(95) Reduce by Re. 1—Total Demand (C. E. page 213).

Mr. B. T. Desai—
(96) Reduce by Re. 1—Total Demand—Rs. 27,70,000 (B. page 27).

Mr. H. B. Shivdasani—
(97) Reduce by Re. 1—Total Grant—Rs. 30,41,000 (C. E. page 213).

32, Medical

Rao Bahadur S. T. Kambli—
(98) Omit Statement G, item No. 42 (B. page 266).
(99) Omit Statement G, item No. 43 (B. page 266).

Dr. M. D. Gilder—
(100) Omit Statement G, item No. 45 (B. page 267).

Mr. B. G. Pahalajani—
(101) Reduce by Rs. 8,500—Item No. 45 (B. page 267).

Dr. M. D. Gilder—
(102) Omit Statement G, item No. 48 (B. page 268).
(103) Omit Statement G, item No. 51 (B. page 268).
(104) Omit Statement G, item No. 56 (B. page 269).

Mr. H. B. Shivdasani—
(105) Omit Statement G, item No. 56 (B. page 269).

Mr. B. G. Pahalajani—
(106) Omit item No. 56 (B. page 269).

Dr. M. D. Gilder—
(107) Reduce by Rs. 10,800—J. J. Hospital—Pay of Officers—Rs. 35,520 (C. E. page 194) (195?).
(108) Omit Bai Motlibai and Sir D. Petit Hospitals—Pay of Officers—Rs. 6,720 (C. E. page 197).
(109) Reduce by Rs. 6,432—Ophthalmic Hospital—Pay of Establishment—Rs. 18,892 (C. E. page 197).
(110) Omit St. George's Hospital—Pay of Officers—Votable Demand—Rs. 29,160 (C. E. page 198).
(111) Reduce by Rs. 13,200—G. T. Hospital—Pay of Officers—Rs. 22,800 (C. E. page 199).
(112) Reduce by Rs. 7,284—G. T. Hospital—Pay of Establishment—Rs. 75,088 (C. E. page 199).
(113) Reduce by Rs. 1,000—Grants to Nursing Associations in the Presidency Hospitals—Rs. 2,51,150 (C. E. page 206).

Mr. P. J. Marzban—
(114) Reduce by Rs. 10,800—Grant Medical College—Pay of Officers—13 Professors—Rs. 88,200 (C. E. page 207).

Dr. M. D. Gilder—
(115) Reduce by Rs. 20,640—Mental Hospital—Pay of Establishment—Rs. 2,00,252 (C. E. page 210).
(116) Reduce by Rs. 12,000—G-Expenditure in England (Stores)—Rs. 35,000 (C. E. page 192).

Mr. S. A. Sardesai—
(117) Reduce by Rs. 18,00,000—Rs. 48,97,000 (C. E. page 192).

Rao Bahadur S. T. Kambli—
(118) Reduce by Rs. 18,00,000—Total Votable Demand—Rs. 48,97,000 (C. E. page 192).
(119) Reduce by Rs. 10,00,000—Total Votable Demand—Rs. 42,96,000 (C. E. page 13).

Mr. P. R. Chikodi—
(120) Reduce by Rs. 1,00,000—Total Votable Demand—Rs. 48,97,000 (C. E. page 192).

Mr. B. G. Pahalajani—
(121) Reduce by Rs. 1,00,000—Total (C. E. page 192).

Dr. M. D. Gilder—
(122) Reduce by Rs. 10,000—Total Demand—Rs. 53,92,000 (C. E. page 192).

Mr. S. C. Joshi—
(123) Reduce by Rs. 100—Rs. 48,97,000 (C. E. page 192).

Mr. K. F. Nariman—
(124) Reduce by Re. 1—Total Voted—Rs. 48,97,000 (C. E. page 192).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(125) Reduce by Re. 1—Total Demand (C. E. page 192).

Mr. B. T. Desai—
(126) Reduce by Re. 1—Total Demand—Rs. 49,05,000 (B. page 27).

Mr. K. F. Nariman—
(127) Reduce by Re. 1—Total Rs. 5,592 (B. page 87).

31, EDUCATION—TRANSFERRED

Mr. S. A. Sardesai—
(128) Omit Statement G, item No. 36—Rs. 5,510 (B. page 263).

Mr. L. M. Deshpande—
(129) Omit item No. 36—Rs. 5,510 (B. page 263).

Mr. S. A. Sardesai—
(130) Omit Statement G, item No. 37—Rs. 5,510 (B. page 226) (263?).

Mr. L. M. Deshpande—
(131) Omit item No. 37—Rs. 5,510 (B. page 263).

Mr. M. S. Khuhro—
(132) Omit item 38, New boiler for workshop of Engineering College, Poona—Rs. 19,300 (B. page 264).

Rao Bahadur S. T. Kambli—
(133) Omit Statement G, item No. 38 (B. page 264).

Mr. N. B. Chandrachud—
(134) Reduce by Re. 1—B-2 (1)-Provision for Pay of Officers (C. E. page 173)

Mr. B. G. Pahalajani—
(135) Reduce by Rs. 15,170—Contingencies—Rs. 34,800 (C. E. page 123) (173?).
(136) Reduce by Rs. 5,000—Establishment—Teacher (C. E. page 175).

Rao Bahadur S. T. Kambli—
(137) Reduce by Rs. 2,00,000—University—Total Votable Demand—Rs. 13,00,000 (C. E. page 171).

Mr. S. C. Joshi—
(138) Reduce by Rs. 100—University—Rs. 13,00,000 (C. E. page 171).

Mr. S. A. Sardesai—
(139) Omit B-Secondary Education—Rs. 24,32,000 (C. E. page 171).

Mr. L. M. Deshpande—
(140) Omit B-Secondary Education—Rs. 24,32,000 (C. E. page 171).

Mr. B. G. Pahalajani—
(141) Reduce by Rs. 6,000—Contingencies (C. E. page 179).
(142) Reduce by Rs. 5,000—Total of Secondary Schools (C. E. page 178).

Rao Bahadur S. T. Kambli—
(143) Reduce by Rs. 3,00,000—Secondary—Total Demand—Rs. 24,32,000 (C. E. page 171).

Mr. S. A. Sardesai—
(144) Omit C-Primary—Total Grant—Rs. 1,32,63,000 (C. E. page 171).

Mr. S. C. Joshi—
(145) Reduce by Rs. 100—Primary—Rs. 1,32,63,000 (C. E. page 171).

Mr. B. G. Pahalajani—
(146) Reduce by Rs. 5,000—Contingencies (C. E. page 184).
(147) Reduce by Rs. 8,000—Contingencies—Item of Rs. 14,000 (C. E. page 185).

Mr. S. C. Joshi—
(148) Reduce by Rs. 100—Special—Rs. 10,01,000 (C. E. page 171).

Mr. S. A. Sardesai—
(149) Omit E-General—Provision for Scholarships—Rs. 5,58,500 (C. E. page 171).

Mr. S. C. Joshi—
(150) Reduce by Rs. 100—General—Rs. 21,30,000 (C. E. page 171).

Rao Saheb D. P. Desai and Rao Bahadur B. R. Naik—
(151) Reduce by Rs. 1,00,000—Votable Demand—Rs. 1,95,79 (C. E. page 171).

Mr. P. R. Chikodi—
(152) Reduce by Rs. 1,00,000—Total Votable Demand—Rs. 1,95,79,000 (C. E. page 171).

Mr. B. G. Pahalajani—
(153) Reduce by Rs. 1,00,000—Total (C. E. page 171).

Mr. M. S. Khuhro—
(154) Reduce by Rs. one lac—Total Demand—Rs. 2,02,26,000 (B. page 16).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(155) Reduce by Re. 1—Total Demand (C. E. page 171).

Mr. H. B. Shivdasani—
(156) Reduce by Re. 1—Total Grant—Rs. 1,95,79,000 (C. E. page 171).

Mr. B. T. Desai—
(157) Reduce by Re. 1—Total Demand—Rs. 1,95,82,000 (B. page 27).

Mr. K. F. Nariman—
(158) Reduce by Re. 1—Net Total—Rs. 2,02,26 (B. page 82).

31, EDUCATION—RESERVED

Mr. B. G. Pahalajani—
(159) Reduce by Rs. 8,000—Building Grant (C. E. page 167).

Mr. K. F. Nariman—
(160) Reduce by Re. 1—Total Voted—Rs. 6,79,000 (C. E. page 167).

Mr. B. T. Desai—
(161) Reduce by Re. 1—Total Demand—Rs. 6,79,000 (B. page 27).

Mr. H. B. Shivdasani—
(162) Reduce by Re. 1—Total Grant—Rs. 6,79,000 (C. E. page 167).

MOTIONS TO REDUCE OR OMIT BUDGET GRANTS

(*Note.*—C. E. stands for Civil Estimates, B. for Budget and P. W. D. E. for P. W. D. Estimates.)

Part II

26, POLICE

Mr. M. S. Khuhro—

(163) Omit item 33—Additional Police in Bombay—Rs. 72,565—and without annual recurring—Rs. 84,830 (B. page 261).

Mr. S. A. Sardesai—

(164) Reduce by Rs. 2,500—Statement G, item No. 33—Rs. 72,565 (B. page 261).

Mr. L. M. Deshpande—

(165) Omit item No. 33—Rs. 72,565 (B. page 261).

Mr. B. G. Pahalajani—

(166) Omit item No. 33 (B. page 261).

Mr. S. A. Sardesai—

(167) Omit Statement G, item No. 34—Rs. 5,280 (B. page 262).

Mr. L. M. Deshpande—

(168) Omit item No. 34—Rs. 5,280 (B. page 262).

Mr. S. A. Sardesai—

(169) Omit Statement G, item No. 35—Rs. 16,155 (B. page 262).

Mr. L. M. Deshpande—

(170) Omit item No. 35—Rs. 16,155 (B. page 262).

Mr. K. F. Nariman—

(171) Reduce by Re. 1—Presidency Police—Total Voted—Rs. 32,05,000 (C. E. page 128).

Mr. S. A. Sardesai—

(172) Omit B—Superintendence—Rs. 1,21,000 (C. E. page 127).

(173) Reduce by Rs. 21,000—B—Superintendence—Rs. 1,21,000 (C. E. page 127).

Messrs. Noor Mahomed, M. S. Khuhro, S. K. Bole, G. A. D. Wasif, Syed Munawar, H. I. Jitekar, Shaikh Abdul Aziz, H. V. Pataskar, H. B. Shivdasani, J. C. Swaminarayan, Lalji Naranji, B. V. Jadhav, D. A. Janvekar, R. S. Asavale, Allahbuksh, L. M. Deshpande, P. R. Chikodi, K. M. Munshi, Khan Bahadur S. N. Bhutto, Sardar G. N. Mujumdar, Dr. M. D. Gilder, Rao Bahadurs S. T. Kambli, S. N. Angadi, R. R. Kale, Rao Sahebs R. V. Vandekar, D. P. Desai, Khan Sahebs A. M. Mansuri, Abdul Latif Haji Hajrat Khan, and Rao Bahadur B. R. Naik—

(174) Omit Additional Police Establishment—C-2 (*b*)—Rs. 1,40,000 (C. E. page 143).

Mr. S. A. Sardesai—

(175) Omit G—Railway Police—Presidency Proper—Rs. 8,70,000 (C. E. page 127).

(176) Reduce by Rs. 70,000—G—Railway Police—Presidency Proper—Rs. 8,70,000 (C. E. page 127).

Rao Saheb D. P. Desai—

(177) Reduce by Rs. 10 lacs—Total Votable Demand (B. page 27).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(178) Reduce by Rs. 5 lacs—Total Demand (C. E. page 127).

Mr. B. G. Pahalajani—

(179) Reduce by Rs. 1,00,000—Total (C. E. page 127).

Mr. P. R. Chikodi and Mr. V. N. Jog—

(180) Reduce by Rs. 1,00,000—Total Votable Demand—Rs. 1,61,72,000 (C. E. page 127).

Mr. B. T. Desai—

(181) Reduce by Re. 1—Total Demand—Rs. 1,61,74,000 (B. page 27).

25, Jails and Convict Settlements

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(182) Reduce by Rs. 1 lac—Total Demand (C. E. page 118).

Mr. S. C. Joshi—

(183) Reduce by Rs. 100—Rs. 24,13,000 (C. E. page 117).

Mr. H. B. Shivdasani—

(184) Reduce by Re. 1—Total Grant—Rs. 24,13,000 (C. E. page 117).

24, Administration of Justice

Mr. K. F. Nariman—

(185) Reduce by Re. 1—A—High Court—Total Voted—Rs. 6,46,000 (C. E. page 103).

(186) Reduce by Re. 1—B (1)—Presidency Law Officers—Voted—Total—Rs. 77,000 (C. E. page 107).

(187) Reduce by Re. 1—Deputy Coroner's Court—Total Voted—Rs. 14,000 (C. E. page 109).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(188) Reduce by Rs. 4 lacs—Total Demand (C. E. page 103).

Mr. B. T. Desai—

(189) Reduce by Rs. 3 lacs—Total Demand—Rs. 64,12,000 (B. page 27).

Mr. P. R. Chikodi—

(190) Reduce by Rs. 1,00,000—Total Votable Demand—R. 63,30,000 (C. E. page 103).

22, General Administration—Transferred

Mr. S. A. Sardesai—

(191) Omit A—Heads of Provinces—Ministers—Rs. 1,58,000 (C. E. page 102).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(192) Reduce by Rs. 36,000—Rs. 1,44,000—Pay for Ministers (C. E. page 102).

Mr. K. F. Nariman—
(193) Reduce to Rs. 3,000 each—3 Ministers—(Rs. 4,000) (C. E. page 102).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(194) Omit Rs. 500—Hill Journey Allowances (C. E. page 102).

Mr. K. F. Nariman—
(195) Reduce by Re. 1—Ministers—Total—Rs. 1,58,000 (C. E. page 102).

22, General Administration—Reserved

Mr. S. A. Sardesai—
(196) Omit Statement G, item No. 28 (B. page 258).

Mr. L. M. Deshpande—
(197) Omit item No. 28 (B. page 258).

Mr. S. A. Sardesai—
(198) Omit Statement G, item No. 29—Rs. 6,900 (B. page 258).

Mr. L. M. Deshpande—
(199) Omit item No. 29—Rs. 6,900 (B. page 258).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(200) Omit Rs. 8,400—Provision for one Confidential Clerk (C. E. page 81).
(201) Reduce by Rs. 2,500—Rs. 11,500—Provision for Travelling, House Rent and Hill Allowances (C. E. page 81).
(202) Omit Rs. 1,000—Provision for Temporary Establishment (C. E. page 82).
(203) Omit Rs. 70,180—Body Guard Establishment (C. E. page 82).

Mr. H. B. Shivdasani—
(204) Reduce to Rs. 50,000—Provision for Body Guard Establishment under Staff and Household of the Governor—Rs. 70,828 (C. E. page 82).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(205) Omit Rs. 52,332—Band Establishment (C. E. page 82).

Mr. H. B. Shivdasani—
(206) Reduce to Rs. 30,000—Provision for Band Establishment under Staff and Household of the Governor—Rs. 52,332 (C. E. page 82).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(207) Omit Rs. 3,025—Compensatory Allowances (C. E. page 82).
(208) Omit Rs. 33,050—Provision for Travelling Allowances (C. E. page 82).

(209) Omit Rs. 8,100—Allowance to Bandmen and Musicians (C. E. page 82).

(210) Omit Rs. 14,332—Provision for Hill Journey Allowances (C. E. page 82).

(211) Omit Rs. 6,000—Provision for Supplies to Body Guards (C. E. page 82).

(212) Omit Rs. 6,525—Provision for Band Contingencies (C. E. page 82).

(213) Omit Rs. 30,000—Maintenance of Government House Gardens (C. E. page 83).

(214) Omit Rs. 1,000—Railway Charges to Body Guard Establishment (C. E. page 83).

Mr. K. F. Nariman—

(215) Reduce to Rs. 3,00,000—Staff and Household of the Governor—Total Voted—Rs. 4,01,000 (C. E. page 81).

(216) Reduce to Rs. 2,00,000—Staff and Household of the Governor—Total Voted—Rs. 4,57,000 (C. E. page 81).

(217) Reduce by Re. 1—Staff and Household of the Governor—Total Voted—Rs. 4,57,000 (C. E. page 81).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(218) Omit Rs. 13,100—Hill Journey Allowances (C. E. page 84).

(219) Omit Rs. 13,345—Hill Journey Allowances (C. E. page 85).

(220) Omit Rs. 2,040—Compensatory Allowance (C. E. page 85).

Mr. K. F. Nariman—

(221) Reduce by Re. 1—Home Department—Total Voted—Rs. 2,43,000 (C. E. page 85).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(222) Omit Rs. 3,750—Hill Journey Allowance (C. E. page 86).

(223) Omit Rs. 20,400—Provision for two Assistant Secretaries (C. E. page 87).

(224) Omit Rs. 10,000—Provision for Temporary Establishment (C. E. page 87).

(225) Omit Rs. 5,500—Hill Journey Allowance (C. E. page 87).

Mr. K. F. Nariman—

(226) Reduce by Re. 1—(3) Finance Department—Total Voted—Rs. 2,01,000 (C. E. page 87).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(227) Omit Rs. 21,350—Provision for two Assistant Secretaries (C. E. page 88).

(228) Omit Rs. 5,150—Hill Journey Allowance (C. E. page 88).

Mr. K. F. Nariman—

(229) Reduce by Re. 1—(4) Revenue Department—Total Voted—Rs. 2,21,000 (C. E. page 88).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(230) Omit Rs. 981—Provision for Temporary Establishment (C. E. page 89).

(231) Omit Rs. 8,200—Hill Journey Allowance (C. E. page 89).

(232) Omit Rs. 2,100—Compensatory Allowance (C. E. page 89).

(233) Omit Rs. 7,104—Provision for Temporary Establishmer (C. E. page 90).

(234) Omit Rs. 6,000—Hill Journey Allowance (C. E. page 90).

(235) Omit Rs. 1,080—Compensatory Allowance (C. E. page 90).

Mr. K. F. Nariman—

(236) Reduce by Re. 1—Legal Department—Total Voted—Rs. 1,02,000 (C. E. page 90).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(237) Omit Rs. 3,700—Hill Journey Allowance (C. E. page 91).

(238) Omit Rs. 3,000—Hill Journey Allowance (C. E. page 91).

(239) Omit Rs. 1,300—Compensatory Allowance (C. E. page 91).

Mr. H. B. Shivdasani—

(240) Reduce by Rupees one lac—Provision under 22-C-General Administration—Secretariat and Head Quarters Establishment—Rs. 12,57,000 (C. E. page 84).

Mr. S. A. Sardesai—

(241) Omit J-Provision for Commissioner of Settlements and Inspector General of Registration—Rs. 25,000 (C. E. page 80).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(242) Omit Rs. 540—Compensatory Allowance (C. E. page 93).

(243) Omit Rs. 1,97,000—Voted portion of the Demand for the Commissioner in Sind (C. E. page 95).

Mr. H. B. Shivdasani—

(244) Omit entire grant under 22-D-L, General Administration—Commissioner in Sind—Rs. (C. E. page 94) (95?).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(245) Omit Rs. 1,380—Compensatory Allowance (C. E. page 94).

Mr. H. B. Shivdasani—

(246) Omit entire grant under 22-D-M., General Administration—Commissioners—Rs. 3,08,000 (C. E. page 96).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(247) Omit Rs. 1,74,000—Voted Portion of the Demand for three Commissioners (C. E. page 96).

Mr. K. F. Nariman—

(248) Reduce to Rs. 1,00,000—M.-Commissioners—Total Voted—Rs. 1,74,000 (C. E. page 96).

(249) Reduce by Rs. 74,000—M-Commissioners—Total Voted—Rs. 1,74,000 (C. E. page 96).

Mr. B. G. Pahalajani—
(250) Reduce by Rs. 50,000—Collector (C. E. page 97).
(251) Reduce by Rs. 4,000—Dt. Magistrates (C. E. page 97).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(252) Omit Rs. 27,900—Provision for two selection Deputy Collectors (C. E. page 97).
(253) Omit Rs. 1,36,350—Provision for 14 First Grade Deputy Collectors (C. E. page 97).
(254) Omit Rs. 3,68,200—Provision for 50 Second Grade Deputy Collectors (C. E. page 97).

Mr. B. G. Pahalajani—
(255) Reduce by Rs. 30,000—Deputy Collectors (C. E. page 97).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(256) Omit Rs. 9,570—Provision for Temporary Establishment (C. E. page 97).
(257) Omit Rs. 30,408—Compensatory Allowance (C. E. page 97).

Mr. H. B. Shivdasani—
(258) Reduce by Rs. 10,00,000—Provision under 22-E.N.-General Administration—Charges for District Administration—Rs. 31,30,000 (C. E. page 97).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(259) Omit Rs. 8,928—Compensatory Allowance (C. E. page 98).

Mr. K. F. Nariman—
(260) Reduce by Re. 1—Total Voted—Rs. 8,93,000 (C. E. page 98).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(261) Omit Rs. 31,311—Provision for Temporary Establishment (C. E. page 99).
(262) Omit Rs. 7,562—Compensatory Allowance (C. E. page 99).

Mr. S. A. Sardesai—
(263) Omit P-1 (i)—Pay of Establishment—Rs. 16,80,200 (C. E. page 100).

Mr. L. M. Deshpande—
(264) Omit P-1 (i)—Pay of Establishment—Rs. 16,80,200 (C. E. page 100).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(265) Omit Rs. 16,80,200—Provision for 4,069 Talaties (C. E. page 100).
(266) Omit Rs. 1,394—Compensatory Allowance (C. E. page 100).

Mr. B. T. Desai—
(267) Omit Miscellaneous—Temporary Establishment for the Reforms Secretary—Rs. 14,700 (C. E. page 101).

Messrs. V. N. Jog and M. D. Karki—
(268) Omit Pay of Establishment—Rs. 14,700 (C. E. page 101).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(269) Omit Rs. 14,700—Provision for Temporary Establishment for Reforms Secretary (C. E. page 101).

Mr. B. G. Pahalajani—
(270) Reduce by Rs. 1,000—Temporary Establishment (C. E. page 101).

Messrs. V. N. Jog and M. D. Karki—
(271) Reduce by Rs. 14,700—Total amount—Rs. 51,000 (C. E. page 101).

Mr. B. T. Desai—
(272) Reduce by 10 lacs—Total Demand—Rs. 1,01,71,000 (B. page 27).

Rao Saheb D. P. Desai—
(273) Reduce by Rs. 10 lacs—Total Votable Demand (B. page 27).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(274) Reduce by Rs. 10 lacs—Total Demand (C. E. page 80).

Mr. P. R. Chikodi and Mr. V. N. Jog—
(275) Reduce by 1,00,000—Total Votable Demand—Rs. 1,01,71,000 (C. E. page 80).

Mr. B. G. Pahalajani—
(276) Reduce by Rs. 1,00,000—Total (C. E. page 80).

Rao Saheb D. P. Desai and Rao Bahadur B. R. Naik—
(277) Reduce by Re. 1—Total Votable Demand—Rs. 1,01,71,000 (C. E. page 80).

19, Interest on Ordinary Debt

Rao Saheb D. P. Desai—
(278) Reduce by Rs. 1,000—Total Demand (B. page 27).

16, Construction of Irrigation Works

Mr. S. A. Sardesai—
(279) Omit Rs. 10,00,000 (C. E. page 76).

Mr. L. M. Deshpande—
(280) Omit Rs. 10,00,000 (C. E. page 76).

XIII, 14, 15, Irrigation

Mr. S. A. Sardesai—
(281) Reduce by Rs. 1,75,000—XIII—Total Grant—Rs. 39,34,000 (Sind) (P. W. D. C. E. page 6).

Rao Banadur S. T. Kambli—
(282) Reduce by Rs. 1,75,000—XIII—Total Demand—Rs. 39,34,000 (Sind) (P. W. D. E. page 6).

Mr. L. M. Deshpande—
(283) Reduce by Rs. 1,50,000—XIII—Rs. 39,34,000 (Sind) (P. W. D. E. page 6).

Mr. S. A. Sardesai—
(284) Reduce by Rs. 1,25,000—XIII—Deccan and Gujarat—Total Grant—Rs. 12,86,000 (P. W. D. C. E. page 6).

Rao Bahadur S. T. Kambli—
(285) Reduce by Rs. 1,25,000—XIII—Deccan and Gujarat—Total Demand—Rs. 12,86,000 (P. W. D. C. E page 6).

Mr. L. M. Deshpande—
(286) Reduce by Rs. 1,00,000—XIII—Deccan and Gujarat—Rs. 12,86,000 (P. W. D. E. page 6).

Mr. S. A. Sardesai—
(287) Omit 15-A, Provision for Civil Irrigation—Pay of Officers, Engineers and Assistant Engineers—Rs. 19,575 (C. E. page 75).
(288) Omit 15-A. Provision under Public Works—Irrigation Works—Rs. 35,40,000 (C. E. page 75).
(289) Reduce by Rs. 75,000—15, Bombay Presidency (Sind)—Total Grant—Rs. 22,03,000 (P. W. D. C. E. page 4).

Mr. L. M. Deshpande—
(290) Reduce by Rs. 52,000—Sind—Rs. 22,03,000 (P. W. D. E. page 4).

Rao Bahadur S. T. Kambli—
(291) Reduce by Rs. 75,000—Deccan and Gujarat—Total Demand—Rs. 13,90,000.

Mr. S. A. Sardesai—
(292) Reduce by Rs. 50,000—Deccan and Gujarat—Total Grant—Rs. 13,90,000 (P. W. D. C. E. page 5).

Mr. L. M. Deshpande—
(293) Reduce by Rs. 30,000—Deccan and Gujarat—Rs. 13,90,000 (P. W. D. E. page 5).

Rao Bahadur S. T. Kambli—
(294) Reduce by Rs. 50,000—15, Irrigation Works—Total Votable Demand—Rs. 35,40,000 (C. E. page 75).
(295) Reduce by Rs. 1,00,000—Total Votable Demand—Rs. 29,91,893 (C. E. page 11) (Actuals?).

Mr. N. B. Chandrachud—
(296) Reduce by Rs. 5,000—15-A—Irrigation Works (C. E. page 75).

Mr. H. B. Shivdasani—
(297) Reduce by Re. 1—Total Grant (C. E. page 75).

9-A, Scheduled Taxes

Mr. B. T. Desai—
(298) Omit Total Demand—Rs. 27,000 (B. page 27).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(299) Reduce by Rs. 1,000—Total Demand (C. E. page 74).

9, REGISTRATION

Mr. S. A. Sardesai—
(300) Omit Total Grant—Rs. 6,93,000 (C. E. page 72).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(301) Omit Rs. 31,000—Provision for Temporary Establishment (C. E. page 73).

Mr. S. C. Joshi—
(302) Reduce by Rs. 50—B-2 Pay of Establishment—Rs. 5,12,239 (C. E. page 73).

Mr. S. A. Sardesai—
(303) Omit Provision for Expenditure in England—Rs. 12,000 (C. E. page 72).

Mr. L. M. Deshpande—
(304) Omit C-Expenditure in England—Rs. 12,000 (C. E. page 72).

Rao Bahadur S. T. Kambli—
(305) Reduce by Rs. 2,00,000—Total Demand—Rs. 6,93,000 (C. E. page 72).

Mr. S. C. Joshi—
(306) Reduce by Rs. 100—Rs. 6,98,000 (C. E. page 72).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(307) Reduce by Re. 1—Total Demand (C. E. page 72).

8, FOREST

Mr. M. D. Karki—
(308) Omit Statement H—Item No. 4 (B. page 292).

Mr. H. B. Shivdasani—
(309) Omit Total Grant under 8-A—General Direction—Rs. 92,000 (C. E. page 68).

Mr. M. D. Karki—
(310) Omit 8-A—General Direction—Item A-2—Rs. 13,630 (C. E. page 68).

Mr. B. G. Pahalajani—
(311) Omit Rs. 12,900—General Direction—Establishment (C. E. page 68).
(312) Omit Rs. 550—General Direction—Establishment (C. E. page 68).
(313) Omit Rs. 180—General Direction—Establishment (C. E. page 68).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(314) Omit Rs. 540—Provision for Compensatory Allowance (C. E. page 68).

Mr. S. A. Sardesai—
(315) Reduce by Rs. 15,000—Provision for General Direction—Rs. 53,000 (C. E. page 68).

Rao Bahadur S. T. Kambli—
(316) Reduce by Rs. 15,000—General Direction—Total Votable Demand—Rs. 53,000 (C. E. page 68).

Mr. B. G. Pahalajani—
(317) Reduce by Rs. 8,000—Timber Removal—B-1—Firewood, etc. (C. E. page 69).
(318) Reduce by Rs. 6,000—Timber Removal—B-1—Sandalwood (C. E. page 69).
(319) Reduce by Rs. 10,000—Conservancy—B-4—Fire Protection (C. E. page 69).

Mr. M. D. Karki—
(320) Reduce by Rs. 50,000—4—Conservancy—Rs. 1,55,170 (C. E. page 69).

Mr. B. G. Pahalajani—
(321) Reduce by Rs. 10,000—C-1—Superior Officers (C. E. page 70).
(322) Reduce by Rs. 4,000—C-2—Office Establishment (C. E. page 70).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(323) Omit Rs. 34,238—Provision for Temporary Establishment (C. E. page 70).

Mr. M. D. Karki—
(324) Reduce by Rs. 1,50,000—C-2—Rs. 14,49,000 (C. E. page 70).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(325) Omit Rs. 6,332—Provision for Compensatory Allowance (C. E. page 70).

Mr. B. G. Pahalajani—
(326) Reduce by Rs. 20,000—C-3—Travelling Allowance (C. E. page 70).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(327) Reduce by Rs. 9,325—Rs. 2,59,325—Provision for Travelling Allowance (C. E. page 70).

Mr. M. D. Karki—
(328) Reduce by Rs. 12,00,000—Total—Rs. 22,96,000 (C. E. page 70).
(329) Reduce by Re. 1—Total (C. E. page 70).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(330) Reduce by Rs. 2 lakhs—Total Demand (C. E. page 68).

Mr. S. C. Joshi—
(331) Reduce by Rs. 100—Rs. 37,80,000 (C. E. page 68).

7, STAMPS

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(332) Reduce by Rs. 50,000—Total Demand (C. E. page 66).

6, EXCISE

Mr. S. A. Sardesai—
(333) Omit Total Grant—Rs. 51,89,000 (C. E. page 60).
(334) Omit Statement G—Item No. 2—Rs. 5,500 (B. page 249).

Rao Bahadur S. T. Kambli—
(335) Omit Statement G—Item No. 2—Rs. 5,500 (B. page 249).

Mr. L. M. Deshpande—
(336) Omit Item No. 2—Rs. 5,500 (B. page 249).

Mr. K. F. Nariman—
(337) Omit A-(1)—Pay of Officers—(1) (i)—Personal Assistant to the Commissioner—Rs. 19,950 (C. E. page 60).

Mr. S. A. Sardesai—
(338) Omit A-(1)—Pay of Personal Assistant to the Commissioner—Rs. 19,950 (C. E. page 60).

Rao Bahadur S. T. Kambli—
(339) Omit Personal Assistant to the Commissioner—Rs. 19,950 (C. E. page 60).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(340) Omit Rs. 19,950—Provision for one Personal Assistant to the Commissioner (C. E. page 60).

Mr. S. A. Sardesai—
(341) Omit B-2 (2)—Provision for pay of Establishments—Rs. 1,80,476 (C E. page 62).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(342) Reduce by Rs. 28,320—Rs. 58,320—Provision for 19 Inspectors (C. E. page 62).

Mr. B. G. Pahalajani—
(343) Reduce by Rs. 6,000—Establishment—Inspectors (C. E. page 62).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(344) Reduce by Rs. 17,640—Rs. 35,640—Provision for 29 Assistant Inspectors and Sub-Inspectors (C. E. page 62).

Mr. B. G. Pahalajani—
(345) Reduce by Rs. 4,000—Establishment—Assistant Inspectors (C. E. page 62).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(346) Omit Rs. 16,750—Provision for Temporary Establishment (C. E. page 62).

Mr. B. G. Pahalajani—
(347) Reduce by Rs. 4,000—Temporary Establishment (C. E. page 62).

Rao Bahadur S. T. Kambli—
(348) Reduce by Rs. 10,000—Presidency Establishment—Pay of Establishment—Rs. 1,80,476 (C. E. page 62).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(349) Omit Rs. 1,800—Provision for Compensatory Allowance (C. E. page 62).
(350) Reduce by Rs. 200—Rs. 1,600—Provision for Clothing Charges (C. E. page 62).
(351) Reduce by Rs. 44,883—Rs. 84,883—Provision for 10 Superintendents (C. E. page 63).

Mr. S. A. Sardesai—
(352) Omit C-1—Probationary Superintendent—Rs. 2,400 (C. E. page 63).

Rao Bahadur S. T. Kambli—
(353) Omit—Probationary Superintendent—Rs. 2,400 (C. E. page 63).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(354) Reduce by Rs. 85,800—Rs. 2,35,800—Provision for 86 Inspectors (C. E. page 63).

Rao Bahadur S. T. Kambli—
(355) Reduce by Rs. 40,000—Pay of Sub-Inspectors and Inspectors—Rs. 2,35,800 (C. E. page 63).

Mr. S. A. Sardesai—
(356) Reduce by Rs. 35,000—C.-1—Pay of Inspectors—Rs. 2,35,800 (C. E. page 63).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(357) Reduce by Rs. 1,07,600—Rs. 2,07,600—Provision for 185 Inspectors (C. E. page 63).
(358) Omit Rs. 1,995—Provision for Temporary Establishment (C. E. page 63).
(359) Omit Rs. 3,168—Temporary and Provisional Allowance (C. E. page 63).
(360) Omit Rs. 2,170—Provision for Compensatory Allowance (C. E. page 63).
(361) Reduce by Rs. 2,325—Rs. 23,325—Provision for Contract Contingencies (C. E. page 63).

Mr. P. R. Chikodi and Mr. V. N. Jog—
(362) Reduce by Rs. 1,00,000—District Executive Establishment—Rs. 15,40,000 (C. E. page 63).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(363) Reduce by Rs. 5,615—Rs. 15,615—Provision for 3 Deputy Superintendents (C. E. page 64).

(364) Reduce by Rs. 32,840—Rs. 72,840—Provision for 40 Inspectors and Assistant Inspectors (C. E. page 64).

(365) Omit Rs. 248—Provision for Temporary Establishment (C. E. page 64).

(366) Omit Rs. 5,748—Provision for Compensatory Allowance (C. E. page 64).

(367) Reduce by Rs. five lacs—Total Demand (C. E. page 60).

Rao Bahadur S. T. Kambli—

(368) Reduce by Rs. 5,00,000—Total Demand—Rs. 51,89,000 (C. E. page 60).

Mr. B. T. Desai—

(369) Reduce by Rs. 4 lacs—Total Demand—Rs. 56,28,000 (B. page 27).

Mr. K. F. Nariman—

(370) Reduce to Rs. 49—Total—Rs. 51,89 (B. page 37).

Rao Saheb D. P. Desai and Rao Bahadur B. R. Naik—

(371) Reduce by Rs. 1,00,000—(Transferred)—Total Votable Demand—Rs. 49,98,000 (C. E. page 60).

Mr. B. G. Pahalajani—

(372) Reduce by Rs. 1 lac—Total (C E. page 60).

Mr. S. C. Joshi—

(373) Reduce by Rs. 100—Rs. 49,98,000 (C. E. page 60).

(374) Reduce by Rs. 50—Rs 49,98,000 (C. E. page 60).

Mr. K. F. Nariman—

(375) Reduce by Re. 1—Total—Rs. 51,89 (B. page 37).

Mr. H. B. Shivdasani—

(376) Reduce by Re. 1—Total Grant—Rs. 5,18,900 (C. E. page 60).

Mr. B. T. Desai—

(377) Reduce by Re. 1—Total Demand—Rs. 56,28,000 (B. page 27).

5, Land Revenue.

Mr. M. D. Karki—

(378) Omit Statement II—Item No. 2 (B. page 290).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(379) Omit Rs. 10,408 for Temporary Establishment (C. E. page 51).

Mr. B. G. Pahalajani—

(380) Reduce by Rs. 4,000—Temporary Establishment (C. E. page 51).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(381) Omit Rs. 31,180—Provision for temporary tagai establishment (C. E. page 51).

Mr. B. G. Pahalajani—

(382) Reduce by Rs. 1,000—Travelling Allowance (C. E. page 51).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(383) Omit Rs. 2,220—Provision for Compensatory Allowance (C. E. page 51).

(384) Reduce by Rs. 2,104—Rs. 12,104—Charges for conducting law suits (C. E. page 52).

(385) Reduce by Rs. 1,396—Rs. 10,396—Provision for Office expenses and Miscellaneous (C. E. page 52).

(386) Omit Rs. 3,000—Brokerage on Sales of Land in Bombay City (C. E. page 52).

Mr. N. B. Chandrachud—

(387) Reduce by Re. 1—Item No. 1—Provision for Charges of District Administration—Rs. 23,28,000 (B. page 35).

Mr. S. A. Sardesai—

(388) Omit B—Provision for Survey and Settlement—Rs. 1,31,000 (C. E. page 50).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(389) Omit Rs. 10,190—Provision for one Assistant Manager (C. E. page 53).

(390) Omit Rs. 8,640—Provision for Temporary Establishment (C. E. page 53).

Mr. S. A. Sardesai—

(391) Reduce by Rs. 20,000—B-1-(5) Cost of Cadastral maps—Establishment charges—Rs. 28,600 (C. E. page 53).

Mr. L. M. Deshpande—

(392) Reduce by Rs. 17,600—B-1-(5) Cost of Cadastral maps—Establishment charges—Rs. 28,600 (C. E. page 53).

Mr. S. A. Sardesai—

(393) Reduce by Rs. 50,000—B—Provision for Survey and Settlement—Rs. 1,31,000 (C. E. page 50).

(394) Reduce by Rs. 30,000—B—Provision for Survey and Settlement—Rs. 1,31,000 (C. E. page 50).

(395) Omit C—Provision for Land Records—Rs. 24,69,000 (C. E. page 50).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(396) Reduce by Rs. 10,000—Rs. 31,950—Provision for three Superintendents (C. E. page 54).

Mr. B. G. Pahalajani—

(397) Reduce by Rs. 8,000—C—Establishment—Clerks, etc. (C. E. page 54).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(398) Omit Rs. 1,530—Provision for Temporary Establishment (C. E. page 54).
(399) Reduce by Rs. 8,000—Rs. 35,000—Provision for Field Establishment (C. E. page 54).
(400) Omit Rs. 682—Provision for Compensatory Allowances (C. E. page 54).
(401) Reduce by Rs. 409—Rs. 3,909—Contract Contingencies (C. E. page 54).

Mr. P. R. Chikodi and Mr. V. N. Jog—
(402) Reduce by Rs. 1,00,000—Land Records—Superintendence—Total Votable Demand—Rs. 1,91,000 (C. E. page 54).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(403) Reduce by Rs. 80,000—Rs. 1,05,822—Provision for 105 Surveyors, Clerks, etc. (C. E. page 55).
(404) Omit Rs. 5,860—Provision for Temporary Establishment (C. E. page 55).
(405) Omit Rs. 1,413—Compensatory Allowances (C. E. page 55).

Mr. B. G. Pahalajani—
(406) Reduce by Rs. 7,000—Establishment—District Inspectors, etc. (C. E. page 56).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(407) Reduce by Rs. 1,06,860—Rs. 12,06,860—Provision for 1,823 Assistant Inspectors, Clerks, Tapedars, etc. (C. E. page 56).
(408) Omit Rs. 5,074—Compensatory Allowances (C. E. page 56).
(409) Reduce by Rs. 3,912—Rs. 50,912—Provision for Office Expenses and Miscellaneous (C. E. page 56).

Mr. S. A. Sardesai—
(410) Reduce by Rs. 69,000—C—Provision for Land Records—Rs. 24,69,000 (C. E. page 50).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—
(411) Omit Rs. 4,313—Provision for one Assistant Manager (C. E. page 57).
(412) Omit Rs. 14,040—Provision for Temporary Establishment (C. E. page 57).
(413) Reduce by Rs. 500—Rs. 4,600—Provision for Contract Contingencies (C. E. page 57).

Mr. M. D. Karki—
(414) Reduce by Rs. 10,000—E-4—Devastans—Rs. 3,27,000 (C. E. page 59).

Mr. N. B. Chandrachud—
(415) Reduce by Rs. 8,000—Item No. 5—Provision for High Commissioner—Rs. 33,000 (B. page 35).

Mr. M. D. Karki—

(416) Reduce by Rs. 10,00,000—Total Amount under Land Revenue—Rs. 64,76,000 (C. E. page 50).

Rao Bahadur B. R. Naik—

(417) Reduce by Rs. 5,00,000—Total Votable Demand—Rs. 49,35,000 (C. E. page 50).

Mr. B. T. Desai—

(418) Reduce by Rs. 5 lacs—Total Demand—Rs. 53,27,000 (B. page 27).

Rao Saheb D. P. Desai—

(419) Reduce by Rs. 4 lacs—Total Votable Demand (B. page 27).

Mr. J. C. Swaminarayan and Mr. W. S. Mukadam—

(420) Reduce by Rs. 2 lacs—Total Demand (C. E. page 50).

Rao Saheb D. P. Desai—

(421) Reduce by Rs. 2 lacs—Total Votable Demand (B. page 27).

Rao Bahadur S. T. Kambli—

(422) Reduce by Rs. 1,00,000—Total Votable Demand—Rs. 50,45,655 (C. E. page 11).

Mr. M. S. Khuhro—

(423) Reduce by Rs. 1 lac—Total Demand—Rs. 64,76,000.

Rao Bahadur B. R. Naik—

(424) Reduce by Rs. 50,000—Total Votable Demand—Rs. 49,35,000 (C. E. page 50).

(425) Reduce by Re. 1—Total Votable Demand—Rs. 49,35,000 (C. E. page 50).

Mr. B. T. Desai—

(426) Reduce by Re. 1—Total Demand—Rs. 53,27,000 (B. page 27).

Rao Bahadur B. R. Naik—

(427) Reduce by Re. 1—Total Votable Demand—Rs. 49,35,000 (C. E. page 50).

Mr. H. B. Shivdasani—

(428) Reduce by Re. 1—Total Grant—Rs. 64,76,000 (C. E. page 50).

APPENDIX No. 29.

AGENDA

Supplementary Agenda for the First Session of the Bombay Legislative Council which commenced on Monday, the 18th February 1928 (Vide Standing Order X, (1)(d)

GOVERNMENT RESOLUTION:

Resolution by the Honourable Mr. J. L. Rieu, C.S.I., I.C.S.

" That this House proceed to elect a representative to serve on each of the Local Advisory Committees for the various Railways from 17th March 1928 on which date the appointment of the members at present sitting on the respective committees expires, for the following periods:—

G. I. P. Railway.—For one year; that is to say up to May 1928 on the present Advisory Committee, and from May 1928 to March 16, 1929, on the new Advisory Committee.

B. B. & C. I. Railway.—For one year; that is to say up to 14th February 1929 on the present Advisory Committee and from 15th February 1929 to 16th March 1929 on the new Advisory Committee.

M. & S. M. Railway.—For one year; that is to say up to 31st March 1928 on the present Advisory Committee and from 1st April 1928 up to 16th March 1929 on the new Advisory Committee."

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST:

Resolutions by Mr. B. T. Desai, M.L.C.

1. " This Council recommends to the Governor in Council that he be pleased to convey to His Excellency the Viceroy and to His Majesty's Government this Council's sense of acute and profound dissatisfaction at the appointment of the Statutory Commission excluding Indians and this Council's indignation at the calculated affront offered to India by the exclusion of Indians from the Statutory Commission."

2. " This Council recommends to His Excellency the Governor in Council to give total or partial remission of land assessment in respect of the lands affected and washed away by floods and wherein there is a total or partial failure of crops and to return the land assessment collected in such cases to the owners of such fields."

3. " This Council recommends to His Excellency the Governor in Council that the official members of this Council should not be allowed to vote on any motion to elect a Legislative Committee to assist the Statutory Commission."

Resolution by Rao Saheb D. P. Desai, M.L.C.

1. " This Council recommends to Government that the revised land revenue assessment in the Chorasi and Bardoli talukas of the Surat District, sanctioned by Government, shall not be collected."

Resolutions by Mr. Shankarrao Jayaramrao Zunzarrao, M.L.C.

1. " This Council recommends to Government to give to the local boards of every district in the Presidency one-eighth of the net income accruing from the Forest and Excise revenues of such districts."

2. " This Council recommends to Government to construct a direct road from Kalyan to Ahmednagar *via* Junnar by opening up the Nane Ghaut and to treat as Provincial roads all the local board roads merging into the new trunk road."

3. " This Council recommends to Government that the local authorities (both Municipal and Local Board) in the Presidency be directed to submit to Government within one year a complete scheme for the introduction of compulsory primary education in their respective areas."

Resolutions by Mr. H. B. Shivdasani, M.L.C.

1. " This Council recommends to Government that the work of Revision Settlement of the Olpad Taluka, Surat District, be suspended till the principles of Revision Settlement are put on a statutory basis."

2. " This Council recommends to Government that the Revision Settlement which they propose to introduce in the Chikhli Taluka of the Surat District be not given effect to until the principles of Revision Settlements are put on a statutory basis by the amendment of the Bombay Land Revenue Code to be brought before the Legislative Council shortly."

3. " This Council recommends to Government that the recovery of Land Revenue at the rates of assessment fixed at the new Revision Settlement of the Bardoli and Chorasi Talukas be postponed until the principles of Revision Settlements are put on a statutory basis by the amendment of the Bombay Land Revenue Code to be brought before the Legislative Council shortly and that till then Land Revenue be recovered at the old rates."

4. " This Council recommends to Government that the work of Land Revenue Revision Settlements should be entirely suspended till the principles of Revision Settlements are put on a statutory basis by an amendment of the Bombay Land Revenue Code and that till this is done no fresh Revision Settlements should be introduced anywhere in the Bombay Presidency."

5. " This Council recommends to Government that an amount of Rs. 8,66,400 which represents the difference between the receipts from Himayat assessment on tanks in the Surat District for the years 1913-14 to 1922-23, *viz.*, Rs. 4,37,166 and the amount spent on the repair of those tanks in the same period, *viz.*, Rs. 70,766 be spent in the next three years on the special repair of tanks in the Surat District."

6. " This Council recommends to Government that in future the amount spent in any year on the repair of tanks in a district should not be less than the amount realised as Himayat (Water-rate) assessment from the tanks of that district."

7. " This Council recommends to Government that for the better conduct of the Criminal and Revenue administration of the Bombay Presidency the following changes should be made :—

(*a*) Revenue officers should exercise no powers under the laws relating to Crimes;

(*b*) The Prant officers, that is Sub-Divisional Officers, should be abolished, the Collector being given a personal assistant where necessary."

8. " This Council recommends to Government that Revenue Commissionerships should be abolished."

9. " This Council recommends to Government that a committee with a three-fourths non-official majority be appointed to consider and report on the following matters :—

(*a*) what cottage industries are best suited to the conditions prevailing in this Presidency (including Sind);

(*b*) what are the best means of introducing such cottage industries and of encouraging their growth and expansion so as to bring them within the easy reach of every villager."

10. " This Council recommends to Government that in view of the agricultural, commercial and industrial importance of Gujarat and Ahmedabad and in view of their contribution to the Provincial and Central exchequer a Provincial road be constructed from Bombay to Ahmedabad by completing all the gaps in this road and by constructing bridges and causeways over all the unbridged rivers and channels within the next five years."

11. " This Council recommends to Government that the portion of the Provincial road from Sisodra to Matwad (Chikhli Taluka) which is entirely Katcha should be metalled immediately."

12. " This Council recommends to Government that a bridge be constructed over the river Auranga near Bulsar, district Surat, in the near future, as there is very heavy traffic across it and it is held up for several hours at every tide."

Resolutions by Mr. G. A. D. Wasif, M.L.C.

1. "This Council recommends to Government to introduce legislation for the registration and licensing of moneylenders with a view to restricting the exorbitant rates of interest prevailing in the Presidency and to free the poor and labouring classes from their heavy and life-long indebtedness."

2. "This Council recommends to Government to appoint at an early date a committee consisting of officials and non-officials to enquire into the condition of cottage industries in the Presidency and to suggest measures for their development."

Resolution by Rao Saheb R. V. Vandekar, M.L.C.

1. "This Council recommends Government to appoint a small committee, consisting of two non-official members of this Council and one official, to enquire into the causes that lead to the rapid decline of population in the Kanara District as has been shown at the last three censuses, and to suggest suitable measures to arrest it."

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 1st March 1928.

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